



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

5/26/2010

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Springfield Plan Amendment
DLCD File Number 002-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, June 09, 2010

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Mark Metzger, City of Springfield
Gloria Gardiner, DLCD Urban Planning Specialist
Ed Moore, DLCD Regional Representative

<paa> YA

FORM **2**

DLCD

Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdictions: **City of Springfield** Local file number: **ZON2010-00004**

Date of Adoption: **5/18/2010**

Date Mailed: **5/20/2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **6/24/2009**

- | | |
|--|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input checked="" type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

A map amendment changing the zoning on the subject property from Low Density Residential to Medium Density Residential to conform to the existing Metro Plan designation, Medium Density Residential.

Does the Adoption differ from proposal? **No.**

Plan Map Changed from: **N/A**

to:

Zone Map Changed from: **LDR**

to: **MDR**

Location: **6444 Main Street, Springfield**

Acres Involved: **.54**

Specify Density: Previous: **1-10 units per acre**

New: **11-20 units per acre**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD File No. 002-10 (18170) [16139]

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

City of Springfield, ODOT

Local Contact: **Mark Metzger**

Phone: **(541) 726-3775** Extension:

Address: **225 Fifth Street**

Fax Number: **541-726-3689**

City: **Springfield**

Zip: **97477**

E-mail Address: **mrmetzger@ci.springfield.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:
ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, or by emailing **larry.french@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **twenty-one (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **larry.french@state.or.us** - **Attention: Plan Amendment Specialist**.

Updated March 17, 2009



Zoning Map Amendment- Type III
Bruno Gartner 6444 Main Street

Project Name: Zone Map Amendment—City sponsored Metro Plan Diagram/Zoning conflict resolution.

Project Proposal: Bruno Gartner has applied for a city sponsored zone change to resolve a conflict between the Metro Plan Diagram designation and the zoning for his property. The subject property is about .54 acres in size and is currently zoned Low Density Residential (LDR). The Metro Plan designation for the property is Medium Density Residential (MDR). The single tax lot includes a single-family home and a duplex. These structures were built in 1947 and 1941 respectively, before the development and implementation of the Metro Plan. The applicant is requesting zone change from LDR to MDR to be in compliance with Metro Plan Diagram.

Case Number: ZON2010-00004

Project Location: The subject property is located at 6444 Main Street; Assessor's Map 17-02-34-42 TL 4301

Zoning: Low Density Residential

Metro Plan Designation: Medium Density Residential

Overlay Districts: Not Applicable

Refinement Plan and Designation: Not Applicable

Application Submitted Date: February 27, 2010

Development Review Committee Meeting Date: March 16, 2010

Recommendation to the Planning Commission: Approval of the Zone Change

Associated Applications: None

CITY OF SPRINGFIELD DEVELOPMENT REVIEW TEAM			
POSITION	REVIEW OF	NAME	PHONE
Planner III	Land Use Planning	Mark Metzger	726-3775
Transportation Planning Engineer	Transportation	Jon Driscoll	726-3679
Public Works Engineering	Sanitary & Storm Sewer, Utilities & Easements	Clayton McEachern	736-1036
Deputy Fire Marshall	Fire and Life Safety	Gilbert Gordon	726-2293
Community Services Manager	Building	Dave Puent	726-3668
OWNER/APPLICANT		APPLICANT'S REPRESENTATIVE	
Bruno Gartner 2883 Elysium Ave. Eugene, OR 97401			

I. Executive Summary

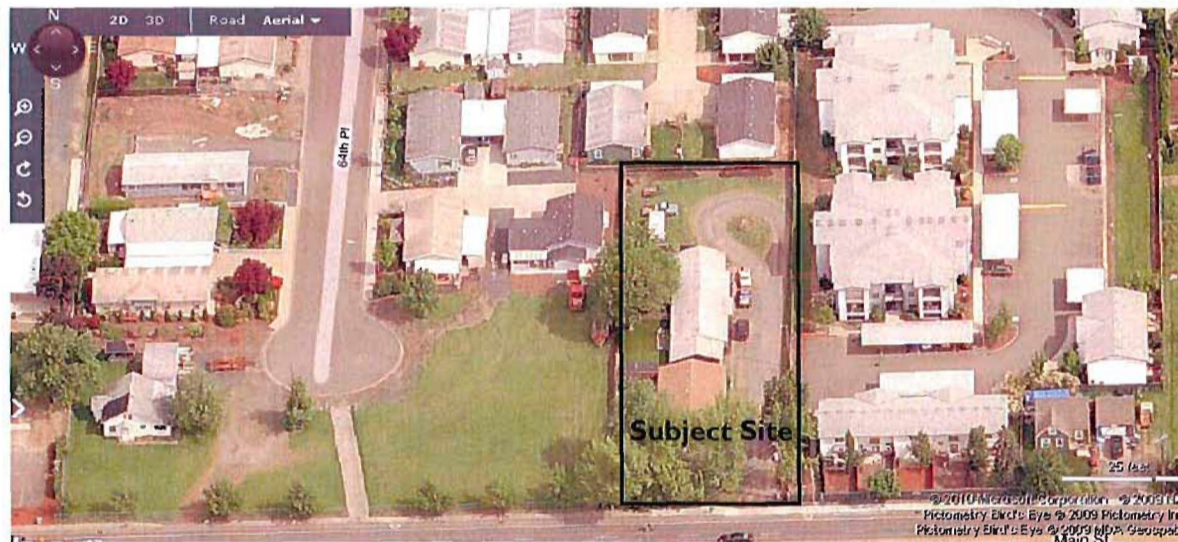
The maps below show the current and proposed zoning for subject site. Exhibits 1, 2 and 3 to this report show the same maps at a larger scale. The current zoning for the subject property is Low Density Residential (LDR). The proposed zoning, Medium Density Residential, is consistent with the existing Medium Density residential designation shown for the property on the Eugene-Springfield Metropolitan Area General Plan Diagram (Metro Plan).

Current and Proposed Zoning and Metro Plan Designations



Existing development surrounding the property includes a manufactured home subdivision to the north and west. An apartment complex is located to the east. Across Main Street to the south, are a mix of single family homes and duplexes. Access to the property is currently from Main Street. ODOT has jurisdiction over Main Street and must approve expanded access to Main Street that might result from increased development density.

Aerial Photos of the Vicinity



The staff report below addresses the criteria for approval for Zoning Map amendments found in Section 5.22-115 of the Springfield Development Code (SDC) and presents findings and suggests conclusions that address those criteria. Staff believes that the proposal satisfies the conditions of approval for zoning map amendments found in Section 5.22-115 and recommends that the Planning Commission approve the proposed zone change.

II. Procedural Requirements

The City of Springfield is initiating this Zoning Map amendment. SDC Section 5.22-110 describes the process to be followed when amending the Zoning Map. Since this proposal affects a specific site, it shall be processed as a Type III quasi-judicial action, consistent with the requirements of SDC Section 5.22-110 B.

The Planning Commission may approve, approve with conditions, or deny zone change applications. The Planning Commission's decision shall include findings that address all of the applicable approval criteria and/or development standards and any written or oral testimony.

The Planning Commission's decision is the City's final decision, unless appealed. The decision is effective the day notice is mailed to the applicant, property owner and those persons who submitted written or oral testimony. The notice of decision shall include an explanation of the rights of each party to appeal the decision.

A Type III review process is described in SDC Section 5.1-135. Type III review processes require both newspaper notice and mailed notice to property owners and occupants within 300 feet of the property being reviewed and to the appropriate neighborhood association, where applicable (SDC Section 5.1-140 B). This section also requires that a sign be posted on the subject sites. The content and timing of these notices are regulated by SDC Section 5.2-115. Under state regulations following Ballot Measure 56, mailed notice is required at least 30 days prior to the first public hearing by the elected officials.

The Director shall distribute the application to the Development Review Committee or the Historical Commission for comments, where applicable.

Mailed notice of the proposed Zoning map amendment must be sent to the Department of Land Conservation and Development as specified in ORS 197.610 and OAR 660-18-0020. This notice must be filed no less than 45 days before the first evidentiary hearing.

Findings

Finding # 1. The applicant initiated this zoning map for the subject site from LDR to MDR on February 26, 2010.

Finding # 2. A public hearing on the proposed zone change was scheduled before the Planning Commission for May 18, 2010.

Finding # 3. A "DLCD Notice Proposed Amendment" was mailed to the Department of Land Conservation and Development on March 5, 2010, alerting the agency to the City's intent to amend the Zoning Map. The notice was mailed more than 45 days in advance of the first evidentiary hearing as required by ORS 197.610.

Finding # 4. The proposed Zoning Map amendment is property specific. It is being processed as a quasi-judicial action. As such, mailed property owner and resident notifications have been made as required for quasi-judicial land use actions.

Finding # 5. Mailed notice of public hearings concerning the proposed Metro Plan Diagram amendment was sent out on April 12, 2010 to property owners and residents within 300 feet of the subject site. The mailing allowed more than 20 days notice before the first public hearing as required by SDC Section 5.2-115 A.

Finding # 6. Notice of the proposed zone change was distributed to the departments and agencies who participate on the Development Review Committee on March 2, 2010. A meeting of the Development Review Committee was held on March 16, 2010 to consider the matter. Comments submitted by members of the Committee have been integrated into the findings of this report.

Finding # 7. Notice of the public hearing before the Planning Commission concerning this matter was published on April 28, 2010 in the Register Guard. The content of the notice followed the direction given in Section 5.2-115 B of the SDC for quasi-judicial actions.

Finding # 8. No citizen comments were received in response to the mailed and publish notices of the proposed rezoning.

Conclusion:

Procedural requirements described in Sections 5.2-115 and 5.22-110 of the SDC have been followed. The notice to DLCD, as required by ORS 197.610 and OAR 660-18-0020 for amending the Development Code has also been followed.

III. Decision Criteria and Findings

Section 5.22-115 of the SDC describes the criteria to be used in approving a Zoning Map amendment. It states that in reaching a decision, the Planning Commission and the City Council must adopt findings which demonstrate that the proposed amendment show:

"1) Consistency with applicable Metro Plan policies and the Metro Plan Diagram;

2) Consistency with applicable Refinement Plans, Plan District maps, Conceptual Development Plans and functional plans; and

3) The property is presently provided with adequate public facilities, services and transportation networks to support the use, or these facilities, services and transportation networks are planned to be provided concurrently with the development of the property.

4) Legislative Zoning Map amendments that involve a Metro Plan Diagram amendment shall:

- a. Meet the approval criteria specified in Section 5.14-100; and*
- b. Comply with Oregon Administrative Rule (OAR) 660-012-0060, where applicable."*

Criterion #1: "Consistency with applicable Metro Plan policies and the Metro Plan diagram;"

Findings

Finding # 9. The Metro Plan contains a Diagram designating land uses for all parcels within Springfield's planning jurisdiction. The subject site is currently designated Medium Density Residential (MDR) on the Metro Plan Diagram.

Metro Plan Designation for the Subject Property



Finding # 10. The Metro Plan description for Medium Density Residential (MDR) allows up to 20 dwelling units per gross acre as well as some non-residential uses such as neighborhood parks (Metro Plan pg. II-G-3).

Finding # 11. The proposed new zoning for the subject site is Medium Density Residential. Section 3.2-205 of the Springfield Development Code states: "The MDR District establishes sites for residential development where single-family or multiple family dwellings are permitted with a minimum density of more than 10 units per developable acre and a maximum density of 20 units per developable acre, consistent with the provisions of this Code."

Conclusion

The proposed zone change is consistent with the Metro Plan and Metro Plan policies.

Criterion # 2: "Consistency with applicable Refinement Plans, Plan District maps, Conceptual Development Plans and Functional Plans; and"

Findings:

Finding # 12. The subject site is outside the boundaries of any adopted Refinement Plan, Conceptual Development Plan or Functional Plan.

Finding # 13. The subject site is outside the zone of contribution for any wellfield mapped on the Springfield Drinking Water Protection Area Map. The site is therefore not subject to the Drinking Water Protection Overlay District.

Conclusion

The subject property is not subject to any of the planning districts mentioned in this criterion.

Criterion #3: "The property is presently provided with adequate public facilities, services and transportation networks to support the use, or these facilities, services and transportation networks are planned to be provided concurrently with the development of the property."

Findings:

Finding # 14. The subject site is about .54 acres. With the maximum building height standards (SDC 3.2-115), minimum required parking (SDC 4.6-125) and the required landscaping requirements found in the Multi-Unit Design Standards (SDC 3.2-340); the site is likely to be limited to 5 units or less.

Finding # 15. The subject site is currently served by existing urban services (water, sewer, electricity, stormwater, etc.) with the capacity to add the additional development density that site could accommodate.

Finding # 16. There is an existing sewer main that crosses the subject property from east to west about 13 feet south of the northerly property line. Structures may not be built over the top of the line, but parking and landscape may be located within the sewer easement.

Finding # 17. Access to the subject site is currently taken from Main Street, and ODOT highway facility.

Finding # 18. A change in zoning from LDR to MDR would allow for an increase in the number dwelling units per acre. The site currently has three dwelling units on site. If the site was redeveloped to include as many as 9 units, it would only add 90 trips per day according to the ITE Land Use Code 210 (Single-Family Detached Housing). Compared to the existing traffic on Main Street, which was last measured by the City of Springfield in this area as around 20,000 trips per day, this would be a meager increase of one half of one percent. Consequently, the City of Springfield Transportation Section does not feel this will worsen or reduce the performance of Main Street below acceptable standards.

Finding # 19. Main Street is an ODOT facility and current policy requires developers to obtain an encroachment permit when a new development is proposed that might affect a state facility. The City is not empowered to grant the encroachment permit.

Finding # 20. Multi-family developments must be submitted for site plan review, a process not required for single family homes within an LDR zone. The site plan review process may reveal development complications that cannot be anticipated in the zone change review process.

Conclusion

The subject site is adequately served by existing urban service facilities. Future development of the site will require ODOT permitting and site plan review if that development includes multi-family development.

Criterion #4: "Legislative Zoning Map amendments that involve a Metro Plan Diagram amendment shall:

- a. Meet the approval criteria specified in Section 5.14-100; and**
- b. Comply with Oregon Administrative Rule (OAR) 660-012-0060, where applicable."**

Findings:

Finding # 21. The proposed Zoning Map amendment affects one tax lot.

Finding # 22. SDC Section 5.22-110 B defines quasi judicial Zoning Map amendments to be those "...generally affecting a single or limited group of properties and may or may not include a Metro Plan diagram amendment." By this definition, the proposed Zoning Map amendment is a quasi-judicial zoning map amendment.

Conclusion

Criterion #4 specifically addresses itself to "Legislative Zoning Map amendments." The proposed Zoning Map amendment is "quasi-judicial" and not "legislative" and therefore does not apply to this proposal.

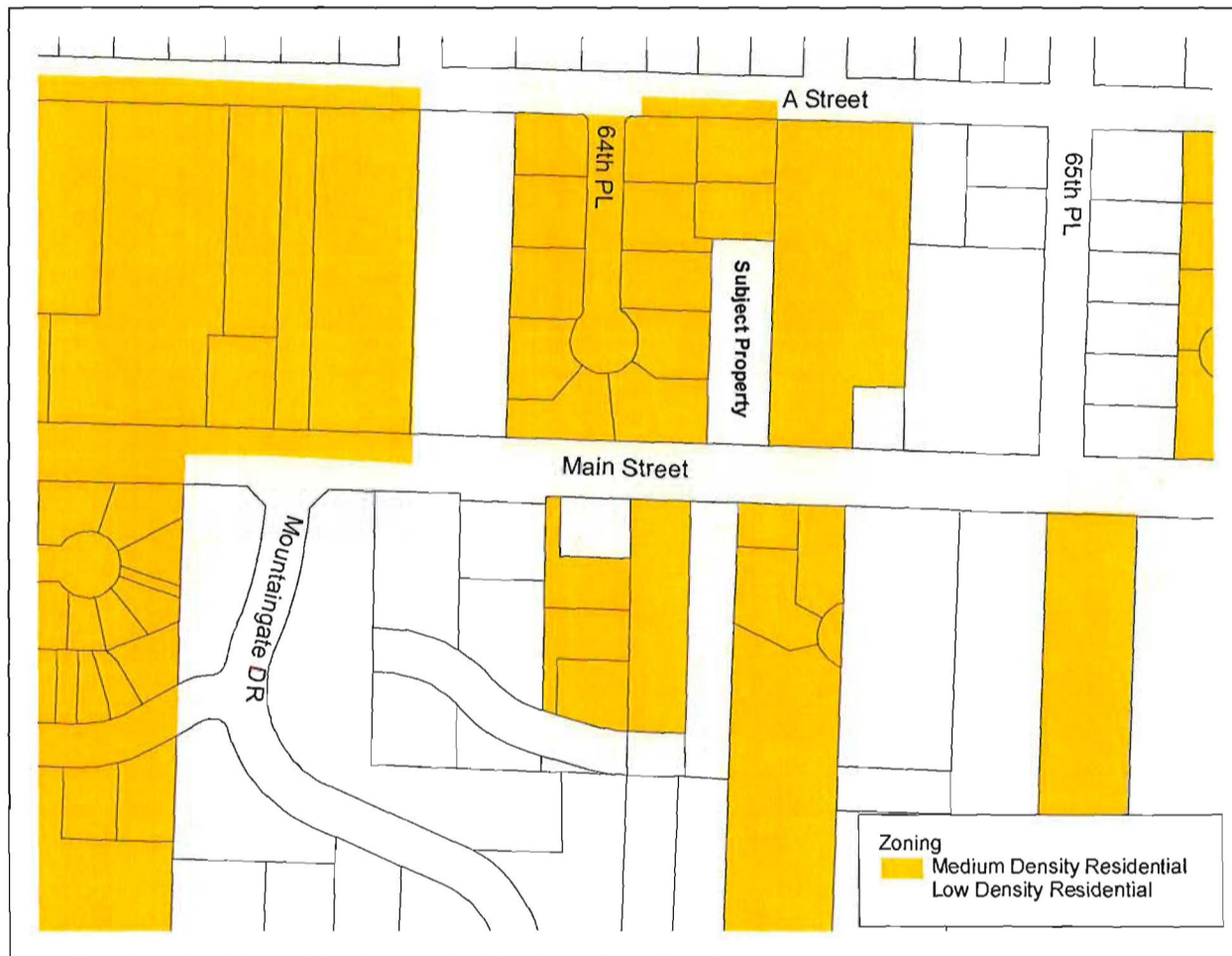
IV. Conclusion and Recommendation of Staff

Based on the findings of staff with respect to the criteria defined in Section 5.22-115 of the Springfield Development Code for approving a Zoning Map amendment, staff find that the proposed amendments that would change the LDR zoning for the subject site to Medium Density Residential, to be consistent with these criteria and recommend approval of the amendment.

V. Attachments

- Exhibit 1: Current Zoning Map showing the subject property.
- Exhibit 2: Proposed Zoning Map showing the subject property.
- Exhibit 3: Metro Plan Designation showing the subject property.

Current Zoning for the Subject Property



Proposed Zoning for the Subject Property



Metro Plan Designation for the Subject Property



**BEFORE THE PLANNING COMMISSION
OF THE
CITY OF SPRINGFIELD**

**ZONING MAP AMENDMENT
CASE NUMBER: ZON2010-00004**

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FINDINGS, CONCLUSION AND ORDER

NATURE OF THE APPLICATION

The applicant requests a zoning map amendment from the classification Low Density Residential (LDR) to the classification Medium Density Residential (MDR) for property located at 6444 Main Street. The proposed zoning map amendment would bring the property into conformance with the Metro Plan designation of Medium Density Residential. The applicant is taking advantage of a city sponsored program that encourages rezoning to resolve conflicts between Metro Plan Diagram designations and local zoning. The property is identified as Assessor's Map No. 17-02-34-42 Tax Lot 4301.

CONCLUSION

The application was presented for approval under Section 5.22-115 of the Springfield Development Code (SDC) which describes the criteria to be used in approving a zoning map amendment.

On the basis of this record, the requested zoning map amendment proposal is found by staff to be consistent with the criteria of approval found in SDC Section 5.22-115 and is recommended to the Planning Commission for approval. This general finding is supported by the specific findings of fact and conclusion in the Staff Report that is attached hereto.

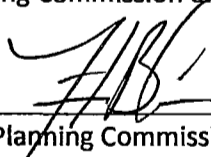
DECISION OF THE PLANNING COMMISSION

On May 18, 2010, the Springfield Planning Commission conducted a public hearing to accept testimony and to hear comments on this proposal. The Planning Commission is now ready to take action on this proposal based upon the above recommendation and the evidence and testimony already in the record as well as the evidence and testimony presented at this public hearing held in the matter of the zoning map amendment from LDR to MDR for the subject property at 6444 Main Street.

It is the **DECISION** of the Planning Commission of Springfield that Case Number ZON2010-00004 (be approved) (be approved with conditions) (be denied) (no action be taken at this time).

This **DECISION** was presented to and approved by the Planning Commission on May 18, 2010.

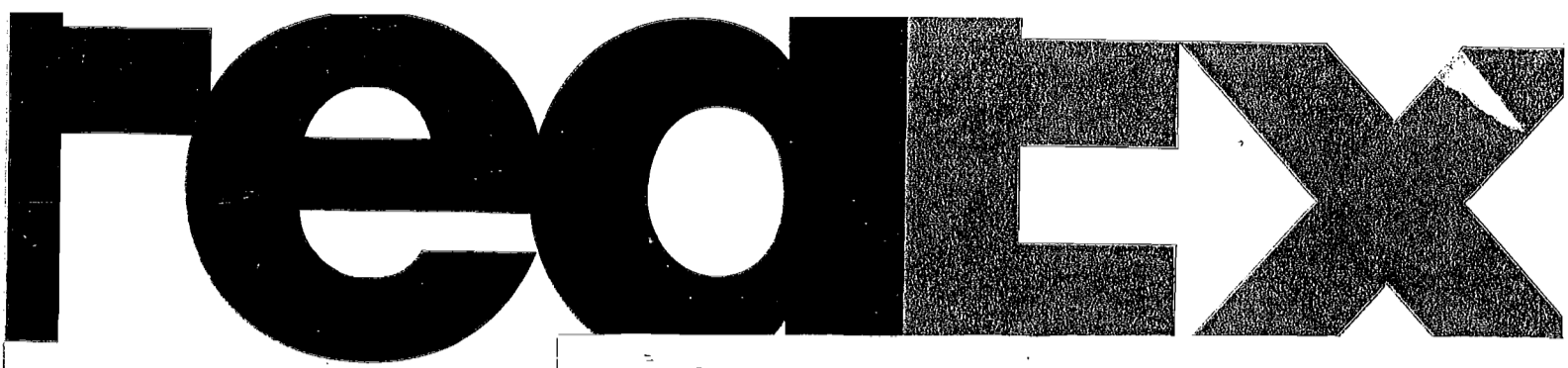
ATTEST:



Planning Commission Chairperson

AYES:
NOES:
ABSENT:
ABSTAIN:

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Company **CITY OF SPRINGFIELD, MO**

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City **SPRINGFIELD** State **MO** ZIP **65701-6871**

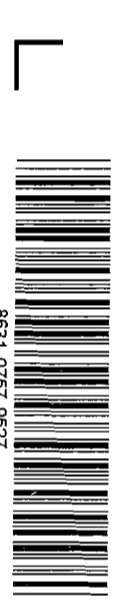
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3 To Recipient's Name **City of Springfield** Phone **503 373-0050**

Company **CITY OF SPRINGFIELD**

Address **35 Central Street NE Springfield MO 65801**

City **Springfield** State **MO** ZIP **65801-2540**



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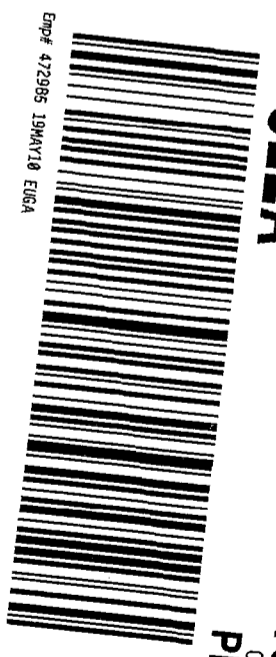
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