



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

July 25, 2006

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Springfield Plan Amendment
DLCD File Number 012-06



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: August 10, 2006

This amendment was submitted to DLCD for review 45 days 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 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.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Marguerite Nabeta, DLCD Regional Representative
Matthew Crall, DLCD Transportation Planner
Gary Karp, City of Springfield

<paa> ya/



FORM 2 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

DEPT OF

JUL 21 2006

LAND CONSERVATION
AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: City of Springfield

Local file number: LRP2006-000013;
LRP2006-00014; ZON2006-00012

Date of Adoption: 07-17-2006

Date Mailed: 07/20/2006

Date original Notice of Proposed Amendment was mailed to DLCD: 05/04/06

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: Mid-Springfield Refinement Plan map/text Amendment

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

1. Metro Plan Map Amendment from Heavy Industrial to Community Commercial / Nodal Overlay. 2. Refinement Plan Map and Text Amendment from Light Medium Industrial to Community Commercial with text allowing nodal overlay. 3. Zone Change from Light Medium Industrial to Community Commercial / Nodal Overlay District.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

SAME

Plan Map Changed from: Heavy Industrial to: Community Commercial / Nodal Overlay

Zone Map Changed from: Light Medium Industrial to: Community Commercial / Nodal Overlay

Location: 30th Street North of Main Street Acres Involved: 5.32

Specify Density: Previous: N/A New: _____

Applicable Statewide Planning Goals: 1, 2, 6, 8, 9, 10, 11, 12, and 13

Was an Exception Adopted? YES NO

DLCD File No.: 012-06(15214)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

- Forty-five (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

Affected State or Federal Agencies, Local Governments or Special Districts:

ODOT

Local Contact: **Gary Karp** Phone: **(541) 726-3777** Extension: _____

Address: **225 Fifth Street** City: **Springfield**

Zip Code + 4: **97477-** Email Address: **gkarp@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 (2) Copies 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. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
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 copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 6177 (General)

AN ORDINANCE AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN GENERAL PLAN DIAGRAM BY REDESIGNATING 5.32 ACRES OF LAND FROM HEAVY INDUSTRIAL TO COMMUNITY COMMERCIAL /NODAL DEVELOPMENT AREA; ADOPTING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

THE COMMON COUNCIL OF THE CITY OF SPRINGFIELD FINDS THAT:

WHEREAS, Article 7 of the Springfield Development Code sets forth procedures for Metro Plan diagram amendments; and

WHEREAS, on April 19, 2006 the applicant/owner of the subject tax lot initiated the following Metro Plan diagram amendment:

Redesignate 5.32 acres from Heavy Industrial to Community Commercial /Nodal Development Area, Case Number LRP 2006-00013, Tax Lot 05200, Assessor's Map 17-02-31-00; and

WHEREAS, on June 20, 2006, the Springfield Planning Commission held a work session and a public hearing to receive testimony and hear comments on this proposal. The Planning Commission voted 4 in favor, 1 opposed, and 2 absent, to forward a recommendation of approval, with conditions to the City Council; and

WHEREAS, on July 17, 2006, the Springfield Common Council held a work session and a public hearing to receive testimony, hear comments on, and consider this proposal. The Council 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 adopting this Ordinance amending the Metro Plan diagram.

NOW THEREFORE, THE CITY OF SPRINGFIELD ORDAINS AS FOLLOWS:

Section 1: The above findings, and the findings set forth in Exhibit A attached hereto and incorporated herein by reference are hereby adopted.

Section 2: The Metro Plan designation of the subject property, more particularly described in Exhibit A attached hereto and incorporated herein by reference, is hereby amended from Heavy Industrial to Community Commercial /Nodal Development Area.

Section 3: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision and that holding shall not affect the validity of the remaining portion of this Ordinance.

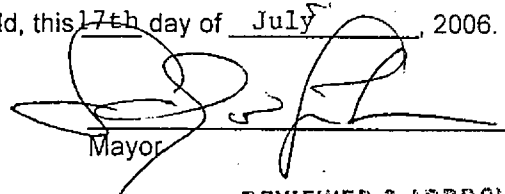
Section 4: It is hereby found and declared that matters pertaining to the Metro Plan diagram amendment affect the public health, safety and welfare of the City of Springfield and an Emergency is therefore declared and this Ordinance shall take effect immediately upon its passage by the Council and approval by the Mayor.

ADOPTED by the Common Council of the City of Springfield by a vote of 5 for and 0 against, this 17th day of July, 2006.

APPROVED by the Mayor of the City of Springfield, this 17th day of July, 2006.

ATTEST:

Amy Sowa
City Recorder


Mayor

REVIEWED & APPROVED
AS TO FORM
Jessica J. Leary
DATE: 7/10/06
OFFICE OF CITY ATTORNEY

MEMORANDUM**CITY OF SPRINGFIELD**

DATE OF HEARING: June 20, 2006**TO:** Springfield Planning Commission**PLANNING COMMISSION
TRANSMITTAL
MEMORANDUM****FROM:** Gary M. Karp, Planner III**SUBJECT:** Metro Plan Diagram Amendment - Case Number LRP 2006-00013
Mid-Springfield Refinement Plan Diagram/Text Amendment - Case Number LRP 2006-00014
Springfield Zoning Map Amendment - Case Number ZON 2006-00020
Karl Mueller, Metro Planning, Applicant Representing Goodwill Industries

ISSUE

Conduct a public hearing on the proposed Metro Plan diagram, Mid-Springfield Refinement Plan diagram/text, and Springfield Zoning Map amendments and decide whether to advise the City Council to approve, approve with conditions or deny the request.

DISCUSSION

The subject property is located on the west side of 30th Street, north of the Goodwill Industries Retail Center. The subject property is 5.32 acres in size and is zoned Light-Medium Industrial with a Metro Plan designation of Heavy Industrial and a Mid-Springfield Refinement Plan designation of Light-Medium Industrial. The applicant is proposing to amend the Metro Plan and Mid-Springfield Refinement Plan diagrams to Community Commercial/Nodal Development Area; amend the Mid-Springfield Refinement Plan text to allow the /Nodal Development Area designation; and to amend the Springfield Zoning Map to Community Commercial/Nodal Development Overlay. The intent of these applications is to convert a day care facility and the remaining portion of the subject property to commercial use. The review processes for the three applications use similar criteria of approval. They have been combined one staff report for ease of review. The three applications are interrelated: the proposed amendments to the Metro and Refinement Plan diagrams and the Refinement Plan text must be approved in order for the Zoning Map amendment to be approved.

RECOMMENDATION

Staff recommends approval of these applications, as conditioned, based on the attached findings.

ACTION REQUESTED

Advise the City Council, by motion and signature of the attached order and recommendation by the Planning Commission Chairperson, to approve these applications, as conditioned, at their public hearing on July 17, 2006.

ATTACHMENTS

- Attachment 1: Vicinity Map
- Attachment 2: Staff Report, Findings and Order
- Attachment 3: Exhibits Submitted by the Applicant
- Attachment 4: Legal Description for the Zoning Map Amendment
- Attachment 5: Trip Monitoring Plan

ATTACHMENT

4-1

ATTACHMENT 2
 STAFF REPORT, FINDINGS AND ORDER
 CITY OF SPRINGFIELD, DEVELOPMENT SERVICES DEPARTMENT

<p>Applicant: Karl Mueller, Metro Planning, Applicant, representing Goodwill Industries</p>	<p>Case Numbers: LRP 2006-00013 LRP 2006-00014 ZON 2006-00020</p>
<p>Requests: This is a consolidated application for amendments to the Metro Plan diagram, the Mid-Springfield Refinement Plan diagram and text and the Springfield Zoning Map involving one property consisting of 5.32 acres of land</p> <ol style="list-style-type: none"> 1. Metro Plan Diagram Amendment Case Number LRP 2006-00013 proposes to change the current land use designation from Heavy Industrial to Community Commercial/Nodal Development Area. 2. Mid-Springfield Refinement Plan Diagram and Text Amendment Case Number LRP 2006-00014 proposes to change the current land use designation from Light-Medium Industrial to Community Commercial/Nodal Development Area and amend the plan text to implement TransPlan Nodal Development Area 9C and allow application of the /Nodal Development Area designation and zoning overlay. 3. Springfield Zoning Map Amendment Case Number ZON 2006-00020 proposes to change the current zoning from Light-Medium Industrial to Community Commercial/Nodal Development Overlay. 	<p>ProcedureType:</p> <p>Type IV – Metro Plan diagram amendment</p> <p>Type IV – Refinement Plan diagram/text amendment</p> <p>Quasi-judicial zone change raised to a Type IV procedure</p>

ATTACHMENT 1

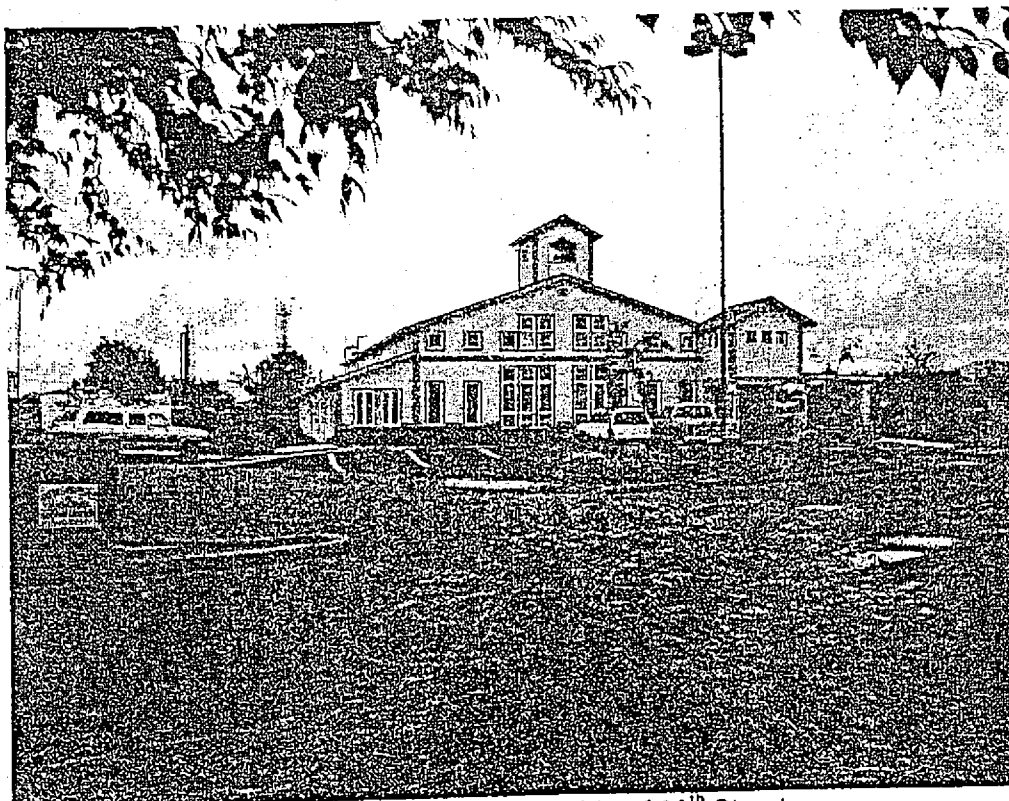


SUBJECT SITE

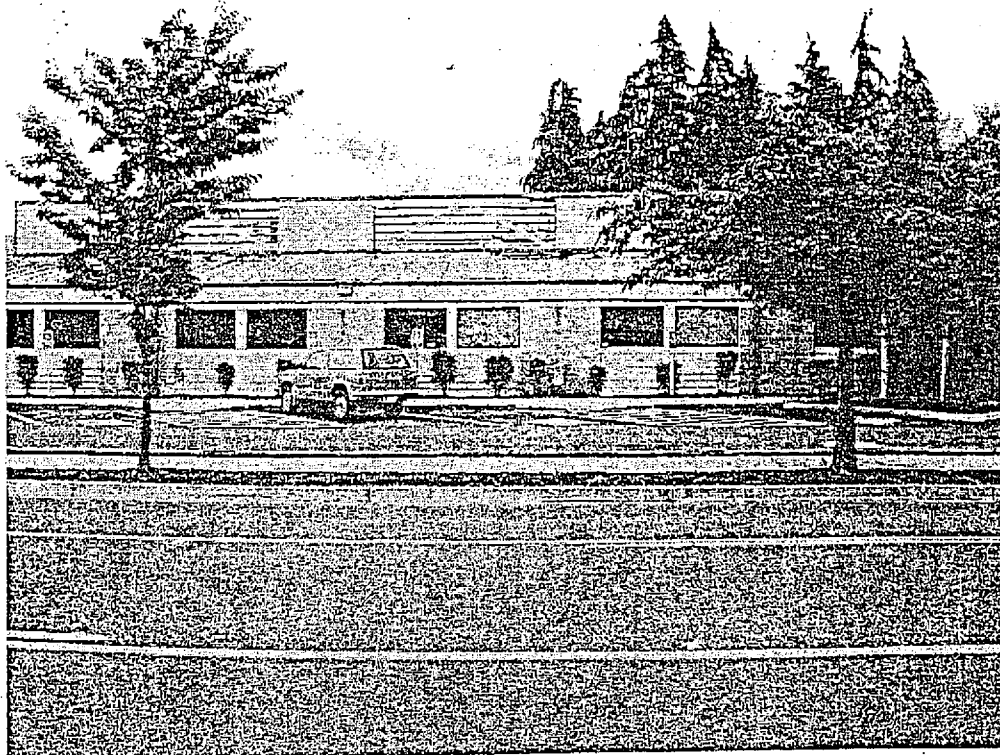
Springfield, OR



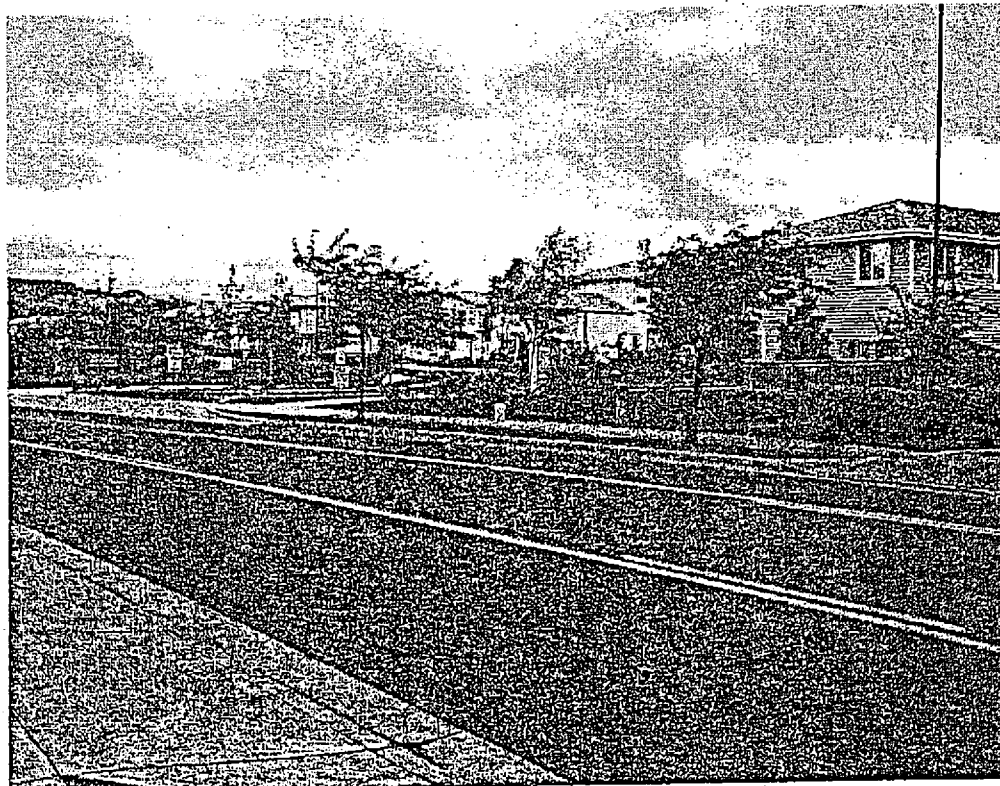
Goodwill Thrift Store West Side of 30th Street



Goodwill Day Care West Side of 30th Street



State Offices East Side of 30th Street



Apartments East Side of 30th Street

I. EXECUTIVE SUMMARY

The applicant is proposing to amend the Metro Plan and Mid-Springfield Refinement Plan diagrams to Community Commercial/Nodal Development Area; amend the Mid-Springfield Refinement Plan text to allow the /Nodal Development Area designation; and to amend the Springfield Zoning Map to Community Commercial/Nodal Development Overlay. The intent of these applications is to convert the subject property from an industrial designation and zoning to a commercial designation and zoning.

Normally, when there is a concurrent Metro Plan and refinement plan diagram amendment only a Metro Plan amendment application is required because amending the Metro Plan diagram automatically amends the refinement plan diagram. However, in this case, there is a discrepancy (discussed under Property Description/Land Use History, below) between the Metro Plan (Heavy Industrial) and Mid-Springfield Refinement Plan (Light-Medium Industrial) designations and since the Mid-Springfield Refinement Plan is silent on Nodal Development Areas, a refinement plan text amendment is also required to allow utilization of both the /Nodal Development Area designation and Community Commercial/Nodal Overlay zoning.

There are two key criteria of approval that must be met before staff can ask the Planning Commission and City Council to consider the approval of a Metro Plan amendment and subsequently refinement plan and zoning map amendments:

- 1) Compliance with Statewide Planning Goal 9, "Economic Development". The applicant submitted information stating the Springfield Commercial Lands Study confirms there is a shortage of available vacant commercial land and the Metropolitan Industrial Land Inventory confirms the supply of industrial land exceeds an adequate supply. Staff supports this finding. However, staff sees an on-going trend involving the piece-meal conversion of "development ready" industrial land to commercial use because there appears to be more demand for commercial than industrial development in Springfield today. Both the Planning Commission and City Council should consider the impact of piece-meal conversions on the future availability of developable industrial land, regardless of current trends. The Commercial Industrial Buildable Lands Study which is currently underway is a methodology that may assist both review bodies, but has not been completed as of the date of this staff report. This "trend" should be a discussion item only and should not affect staff's recommendation to approve these applications, as conditioned.
- 2) Compliance with Statewide Planning Goal 12, "Transportation". The applicant voluntarily submitted a "trip cap" to demonstrate compliance with this criterion and argues in favor of mixed use development within a potential nodal development area.
 - a) The trip cap is an acceptable traffic capacity limitation tool allowed in the Transportation Planning Rule. The trip cap establishes a "worst case" scenario for trips generated by the current zoning, in this case industrial. Trips generated by future commercial uses cannot exceed the established trip cap. The proposed trip cap was reviewed and accepted, as conditioned, by Gary McKenney, Springfield Transportation Planning Engineer and Thomas Boyatt from the Oregon Department of Transportation's Springfield office.
 - b) The Oregon Transportation Planning Rule requires metropolitan areas with populations under one million to plan for a 5 percent per capita reduction in vehicle miles traveled (VMT) over the 20 year planning horizon. The revised TransPlan adopted by Springfield, Eugene and metro Lane County in 2001 allows for Nodal Development Areas as an alternative strategy to meet the VMT standard. The City Council selected and adopted the Nodal Development Area concept after reviewing a preliminary assessment of several potential Nodal Development Area sites in 2003 (7B in Riverbend; 8A in Glenwood; 8B in Downtown Springfield; 9A in Mohawk; and 9H and 9J in Natron). The TransPlan Potential Nodal Development Areas map shows that the Goodwill site is within the boundary of Proposed Nodal Development Area 9C. Area 9C has not been "officially" approved by the City Council. The 5.32 acre Goodwill site represents a small portion of the potential Nodal Development Area 9C which contains approximately 70 acres of land. The

existing Medium Density Residential and Community Commercial zoned and designated properties within Nodal Development Area 9C have been developed or are currently under construction. The industrial zoned and designated portions of the property are still not developed. Since the applicant is proposing to amend the applicable plans and zoning from industrial to commercial, the /Nodal Development Area designation and zoning overlay applications will apply only to the subject property. However, the proposed Mid-Springfield Refinement Plan text amendment submitted by the applicant has been rewritten by staff to apply to all of "Potential" Nodal Development Area 9C, not just the subject property. This is being done now so that the Mid-Springfield Refinement Plan text will not have to be amended again in the future when other property owners within the boundaries of Nodal Development Area 9C want to implement the /Nodal Development Overlay District or if the City Council directs staff to implement the remainder of the node as a work plan item. The use of the /Nodal Overlay District specified in Springfield Development Code (SDC) Article 41 allows the implementation of the Community Commercial zoning district, subject to the Mixed Use Commercial use and design standards contained in SDC Sections 40.020, 40.090, 40.100 and 40.110.

II. PROPERTY DESCRIPTION/LAND USE HISTORY

Property Description. The subject property is located on the west side of 30th Street, north of the Goodwill Industries Retail Center, and contains a day care center at the south end (Assessor's Map #17-02-31-00, Tax Lot 05200). The remainder of the property is vacant. The subject property is 5.32 acres in size and is flat. The applicant states: *"There are no jurisdictional wetlands present on the subject property as all wetland issues were resolved during the Jeff Parker Subdivision process. The site is development ready and is fully served with urban services."* Staff concurs with the applicant's statements.

Land Use History. The subject property is within the Mid-Springfield Refinement Plan, adopted in July 1986. At that time, the subject property was part of a larger 19.83 acre tract of land that had a Metro/Mid-Springfield Refinement Plan designation of Heavy Industrial and Heavy Industrial zoning. In 1991, there was a Metro Plan diagram amendment (Jo. No. 90-12-201) from Heavy Industrial to Light-Medium Industrial involving the subject property. In 1992, there was a Mid-Springfield Refinement Plan designation and concurrent zone change amendment from Heavy Industrial to Light-Medium Industrial (Jo. No. 92-01-006) involving the same property. Note: The most recent Metro Plan diagram dated 04/08/04 still shows the subject property designated Heavy Industrial, even though there are City Ordinances amending the Metro Plan from Heavy Industrial to Light-Medium Industrial (5585) and the Mid-Springfield Refinement Plan and zone change from Heavy Industrial to Light Medium Industrial (5615 and 5616). In 2002 there was a Partition (SUB2002-11376) that reconfigured the Goodwill and Dynea properties on the west side of 30th Street. Parcel 2 of that Partition application is the subject property. The Partition Plat Number is 2005-P1922.

III. PROPOSED DEVELOPMENT

The applicant states that : *"...the immediate result of the approval of these applications will be the siting and location of a Department of Motor Vehicles facility in the structure that currently houses the day care facility auxiliary to the retail Goodwill store located on the adjacent property.... This would allow the State Department of Motor vehicles to locate a licensing facility in the structure currently providing day care services for the employees of the Goodwill on the adjacent tax lot. Springfield requires a DMV facility of this type and this site preferred by the State Department of Motor Vehicles. The site is a logical location for the DMV office as other State offices are located across from the proposed DMV location. Eventually, approval of the Plan Diagram Amendment and concurrent Legislative Zoning Map Amendment and Refinement Plan Text amendment will allow the remainder of the subject parcel to develop commercial and office uses that would serve the nearby medium density residential housing, future industrial development in the area and the greater Springfield area."*

The applicant continues:

"The subject property is particularly appropriate for a Plan Diagram Amendment and concurrent Legislative Zoning Map Amendment because the area in which the subject property is located presents the City of Springfield with a nodal development opportunity.... Approval of the Plan Diagram Amendment would result in an area characterized by a mix of uses ... including: Community Commercial (29.4%); Heavy Industrial (10%); Light Medium Industrial (37.75%); and, Medium Density Residential Development (22.8%).... The proposed 'potential nodal development area' will also be conveniently near the planned Ex. extension."

IV. TYPE OF METRO PLAN AMENDMENT

This Metro Plan application involves the site-specific amendment of the Metro Plan diagram from Heavy Industrial to Community Commercial/Nodal Development Area. This Metro Plan amendment is a Type II amendment as defined in SDC Section 7.030 because it does not have "regional impact" by:

- "(a) Changing the urban growth or the jurisdictional boundary of the Metro Plan because the subject property is within the city limits;*
- (b) Requiring an exception to a State-wide goal; and*
- (c) Requiring a non-site specific amendment of the Metro Plan text."*

This Metro Plan amendment is a Type II amendment as defined in SDC Section 7.030 because it is a site specific:

- "(a) Amendment of the Metro Plan diagram; and*
- (b) Is a site specific text amendment (Mid-Springfield Refinement Plan)."*

Type of Metro Plan Amendment Conclusion and Finding:

Springfield is the "home city" for this proposal because the subject property is located within the city limits and the application does not have regional impacts. Therefore, the consideration of the Metro Plan amendment request is the exclusive responsibility of the Springfield City Council.

V. MID-SPRINGFIELD REFINEMENT PLAN TEXT AMENDMENT – PROPOSED TEXT

Commentary: *The applicant submitted the following for the proposed Mid-Springfield Refinement Plan text amendment but did not state where in the Mid-Springfield Refinement Plan the proposed text should go.*

"The City shall recognize that the area designated as TransPlan Node 9C shall be appropriate for Nodal Development and a Nodal Development Overlay District (Article 41) to the area...."

Commentary: *The proposal offers staff an opportunity to amend Mid-Springfield Refinement Plan text to implement the Nodal Development Overlay District within the boundaries of Nodal Development Area 9C. Therefore, staff recommends amending the following Mid-Springfield Refinement Plan Sections: History, Industrial Development Policies; Commercial Development Policies; and Residential Development Policies. Amended text is underlined.*

Commentary: *The "History" Section of the Plan is amended to explain the reasons for the following text amendments. All proposed amending text is underlined.*

History

Since the adoption of the Mid-Springfield Refinement Plan in July, 1986, several significant planning activities have occurred which have a direct impact on the implementation policies in this Plan. These

activities include the update of the Metro Plan, adopted in April 1987; adoption of TransPlan in July, 2001; and adoption of Article 40 Mixed-Use Zoning Districts and Article 41 /Nodal Development Overlay District in 2002.

Commentary: The Mixed Use designation cited in the current text below applied to the Adams Flat area north of the subject property. This was a predominantly residential area that was being encroached upon by industrial spot zoning. One intent of the Mid-Springfield Refinement Plan was to remedy that situation. Mixed Use development has a different connotation today than in 1986. Proposed mixed use development must comply with adopted design standards that provide for mixing residential, industrial and commercial developments to allow workers to live near their place of employment. The proposed text amendment does not change the original intent of Industrial Policy 7, it does allow for the implementation of TransPlan Nodal Development Area 9C and applicable SDC development standards.

Industrial Development Policies

Policy 7. Eliminate mixed-use plan designations involving industrial and residential uses, so as to avoid the perpetuation of land use conflicts, except in Nodal Development Area 9C as shown on the Potential Nodal Development Areas Map in TransPlan. In this case, the /Nodal Development Overlay District specified in Article 41 of the Springfield Development Code shall be applied to the Light-Medium Industrial, Special Light Industrial, Heavy Industrial and/or Mixed Use Employment base zones.

Criteria for Designating Industrial Land

5. Minimize areas where Industrial and Residential designations abut, except in Nodal Development Area 9C as shown on the Potential Nodal Development Areas Map in TransPlan.

Commentary: TransPlan was amended in 2001 showing Nodal Development Area 9c that includes the subject property. The 200 foot limitation for Community Commercial zoning on the north side of Main Street was established in the 1960's when this area was annexed to Springfield. The Mid-Springfield Refinement Plan made provision for the possible expansion of commercial zoning along 42nd Street, however, with the implementation of Nodal Development Area 9C, provision must be made to allow for the possible expansion of commercial uses along 30th Street which is classified as a collector.

Commercial Development Policies

Goal: Encourage attractive and functional commercial development on commercially designated land along Main and North 42nd Streets and 30th Street in Nodal Development Area 9C as shown on the Potential Nodal Development Areas Map in TransPlan.

Policy 2. Encourage the development of nodal commercial shopping centers at the intersection of minor arterials (example 32nd and 42nd Streets) and Main Street and 30th Street in Nodal Development Area 9C as shown on the Potential Nodal Development Areas Map in TransPlan. In the latter case, the /Nodal Development Overlay District specified in Article 41 of the Springfield Development Code shall be applied to the Neighborhood Commercial, Community Commercial, Major Retail Commercial, General Office, Medical Support and/or Mixed Use Commercial base zones.

Criteria for Designating Commercial Land

3. The 200 foot boundary for the Community Commercial plan designation may be extended at the intersections of minor arterial streets and Main Street and the collector street in Nodal Development Area 9C as shown on the Potential Nodal Development Areas Map in TransPlan, provided that safe and efficient transportation facilities can be provided.

Residential Development Policies

Commentary: *The Mixed Use designation applied to the Adams Plat area north of the subject property. This was a predominantly residential area that was being encroached upon by industrial spot zoning. One intent of the Mid-Springfield Refinement Plan was to remedy this situation. Mixed Use development has a different connotation today than in 1966. Proposed mixed use development must comply with adopted design standards that provide for mixing residential and industrial developments to allow workers to live near their place of employment. The proposed text amendment does not change the original intent of Residential Policies 1 and 2. It does allow for the implementation of TransPlan Nodal Development Area 9C and applicable SDC development standards.*

- Policy 1. Recognize the integrity of residentially-designated areas by removing the "Mixed Use" plan designation, except in Nodal Development Area 9C as shown on the Potential Nodal Development Areas Map in TransPlan. In this case, the /Nodal Development Overlay District specified in Article 41 of the Springfield Development Code shall be applied to the Medium Density Residential, High Density Residential and/or Mixed Use Residential base zones.
- Policy 2. Eliminate the incursion of industrial and commercial development into residentially-designated neighborhoods by specifically designating land for these uses, except in Nodal Development Area 9C as shown on the Potential Nodal Development Areas Map in TransPlan. In this case, the /Nodal Development Overlay District specified in Article 41 of the Springfield Development Code shall be applied to the Medium Density Residential, High Density Residential and/or Mixed Use Residential base zones.

Criteria for Designating Residential Land

3. Generally the Medium Density Residential plan designation shall be applied under the following circumstances:
- c. where designated exclusively Medium Density Residential (as opposed to "Mixed Use") on the Metro Plan Diagram including Nodal Development Area 9C as shown on the Potential Nodal Development Areas Map in TransPlan;

VI. PROCEDURAL REQUIREMENTS

Procedural requirements for: Metro Plan diagram amendments are described in SDC Article 7; Refinement Plan diagram and text amendments are described in SDC Article 8; Springfield Zoning Map amendments are described SDC Article 12; and notice requirements are described in SDC Article 14.

SDC Article 7 indicates that the City Council or a citizen can initiate Metro Plan diagram amendments. These amendments are reviewed under a "Type IV" procedure and require public hearings before the Planning Commission and the City Council. Type IV procedures are detailed in SDC Section 3.100.

SDC Article 8 indicates that the Planning Director, Planning Commission, City Council or a citizen can initiate refinement plan diagram and text amendments. These amendments are reviewed under a "Type IV" procedure and require public hearings before the Planning Commission and the City Council. Type IV procedures are detailed in SDC Section 3.100.

SDC Article 12 indicates that the Planning Director, Planning Commission, City Council or a citizen can initiate Zoning Map amendments. These amendments are reviewed under a "Type IV" procedure when combined with a Metro Plan diagram amendment and require public hearings before the Planning Commission and the City Council. Type IV procedures are detailed in SDC Section 3.100.

SDC Section 14.030(2) requires that legislative land use decisions be advertised in a newspaper of general circulation, providing information about the legislative action and the time, place and location of

the hearing. In addition, notice is required to be mailed to all property owners and occupants within 300 feet of the subject property.

Procedural Requirement Conclusion and Findings:

Metro Planning, representing Goodwill Industries has initiated these applications. The Metro Plan diagram and Mid-Springfield Refinement Plan/text amendments are a Type IV review procedure and the quasi-judicial Zoning Map amendment has been raised from a Type III review procedure to a Type IV review procedure.

"Notice of Proposed Amendment" was mailed to the Department of Land Conservation and Development (DLCD) on May 4, 2006, alerting the agency of the City's intent to amend the Metro Plan diagram and Springfield Zoning Map. The notice was mailed more than 45 days in advance of the first evidentiary hearing as required by ORS 197.610.

Referral of the proposed Metro Plan amendment was sent to Eugene and Lane County on May 25, 2006 as specified in SDC Section 7.050.

Notice of the public hearings concerning these applications was published on June 9, 2006 in the Springfield News, advertising both the hearing before the Springfield Planning Commission on June 20, 2006 and the City Council on July 17, 2006. The content of the notice followed the direction given in Section 14.030 (2) of the SDC for legislative actions.

Notice of the public hearings concerning these applications was mailed to property owners and residents within 300 feet of the subject property on June 9, 2006 advertising both the hearing before the Springfield Planning Commission on June 20, 2006 and the City Council on July 17, 2006. The content of the notice followed the direction given in Section 14.030 (2) of the SDC for legislative actions and the direction given in ORS 227.186.

Procedural requirements described in SDC Articles 7, 8, 12 and 14 have been followed. Notice requirements established by DLCD for legislative applications been followed.

VII. DECISION CRITERIA AND FINDINGS

Note: The Metro Plan diagram, Mid-Springfield Refinement Plan diagram/text and Zoning Map amendments have been combined into one staff report for ease of review. All three applications have criteria requiring consistency with State-wide Planning Goals and two have criteria requiring consistency with Metro Plan policies. Rather than repeat these criteria for each application, they will be addressed only once and then referenced where appropriate. Criteria that are different will be addressed separately; the end result will be that all applicable criteria will have been addressed.

VIII. METRO PLAN AMENDMENT CRITERIA AND FINDINGS

Article 7 describes the criteria to be used in approving a Type II Metro Plan amendment. SDC Section 7.070(3) states that *"The following criteria shall be applied by the City Council in approving or denying a Metro Plan amendment application: (a) The amendment must be consistent with the relevant statewide planning goals adopted by the Land Conservation and Development Commission; and (b) Adoption of the amendment must not make the Metro Plan internally inconsistent."*

SDC Section 7.070(3) "(a) The amendment must be consistent with the relevant statewide planning goals adopted by the Land Conservation and Development Commission; and"

GOAL 1: CITIZEN INVOLVEMENT

"To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."

Applicant's Submittal:

"Springfield Development Code 7.080 provides that Plan Diagram Amendments are subject to public hearings before the Planning Commission and City Council. This ordinance establishing the procedure under which these types of land use decisions are reached ensures citizen involvement consistent with this statewide planning goal."

Staff's Response:

Goal 1 requires a citizen involvement program. The City has an acknowledged citizen involvement program as well as an acknowledged Development Code, both of which identify and require citizen involvement for all land use and limited land use decisions. Metro Plan amendments require initial public hearings before the Planning Commission and City Council. Notice of these hearing was provided to the Land Conservation and Development Commission 45 days prior to the initial evidentiary hearing. Notice was printed in the newspaper and mailed to all property owners within 300 feet of the subject property 10 days before the first evidentiary hearing. The staff report and application were available for viewing or purchase 7 days prior to the initial evidentiary hearing. All interested parties were welcome to attend these meetings and provide oral or written testimony. In addition, Metro Plan amendment was referred to the City of Eugene and Lane County to allow those governments the opportunity to comment.

Staff Finding:

These applications comply with Goal 1 because they are being reviewed under an acknowledged citizen involvement program.

GOAL 2: LAND USE PLANNING

"To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions."

Applicant's Submittal:

"The purpose of this Statewide Planning Goal is to establish a land use policy framework as a basis for all decisions and to ensure that all land use decisions have an adequate basis in fact. The approval process for this type of application is set forth in Springfield Development Code 7.080 and 7.070(3) and other applicable code sections ensure compliance with the statewide planning goal."

Staff's Response:

Goal 2 requires comprehensive plans to be consistent with statewide goals and that implementation of plans, including regulation, amendment and land use decisions are internally consistent with acknowledged comprehensive plans. This Goal requires comprehensive plan amendments to have an adequate factual basis. The Metro Plan and the SDC contain guidelines and regulations for amendments, including making a distinction between the "type" of Metro Plan amendment (either a I or II), who may or must participate as decision-makers (Home City, Regional Impact), and how each level of amendment is processed.

Additionally, various adopted refinement plans, including the Mid-Springfield Refinement Plan, and specific area plans, including TransPlan, provide more detailed direction for planning under the umbrella of the Metro Plan. TransPlan guides regional transportation system planning and development in the

Eugene-Springfield area. TransPlan was last amended in December 2001 with the goal of reducing vehicle miles traveled. Consistent with this goal, the applicant is proposing to apply the Metro Plan *"Nodal Development Area" land use designation to the subject. This land use designation emphasizes "... a mix of diverse and compatible land uses and public and private improvements designed to be pedestrian and transit oriented"*. This proposal also includes a Mid-Springfield Refinement Plan diagram from Light-Medium Industrial to Community Commercial/Nodal Development Area and a Springfield Zoning Map amendment from Light-Medium Industrial to Community Commercial/Nodal Development Overlay District. Finally, there is a Mid-Springfield Refinement Plan text amendment to implement TransPlan Nodal Development Area 9C.

As the hearing process evolves from the Planning Commission to the City Council, the record of the hearings includes all testimony and factual evidence intended to support the decision. The SDC requires affirmative findings in support of the applicable criteria in order to approve these applications.

Staff Finding:

These applications comply with Goal 2 because the SDC requires consistency between the State-wide Planning Goals, the acknowledged Metro Plan, adopted refinement plans and special area plans and the zoning.

GOAL 3: AGRICULTURAL LAND

"To preserve and maintain agricultural lands."

Goal 3 defines *"agricultural lands"* by stating, in part, that they: *"...do not include land within acknowledged urban growth boundaries or land within acknowledged exceptions to Goals 3 or 4."*

Applicant's Submittal:

"No agricultural lands as defined by state statute are involved in this request; thus this Goal is not directly applicable to the proposal. To the extent that this goal is relevant, Statewide Planning Goal 3 intends to protect agricultural lands from urban encroachment and the conversion of agricultural lands to urban uses. This proposal furthers the intent of this Goal. The proposal is for infill development and intensifies the use of vacant and underutilized land within the urban growth boundary of Springfield. This type of development relieves pressure on the agricultural land base. The proposal is consistent with this goal."

Staff's Response:

The subject property is located within the city limits on land planned and zoned for urban use. The City does not have any agricultural zoning districts, either within its city limits or within the urban growth boundary.

Staff Finding:

Goal 3 does not apply to these applications because the subject property is within Springfield's city limits.

GOAL 4: FOREST LANDS

"To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture."

Applicant's Submittal:

"No forest lands as defined by state statute are involved in this request; thus this Goal is not directly applicable to the proposal. To the extent that this goal is relevant, Statewide Planning Goal 4 intends to protect forest lands from urban encroachment and the conversion of forest lands to urban uses. This proposal furthers the intent of this Goal. The proposal is for infill development and intensifies the use of vacant and underutilized land within the urban growth boundary of Springfield. This type of development relieves pressure on the agricultural land base. The proposal is consistent with this goal."

Staff's Response:

The subject property is located within an acknowledged urban growth boundary. Goal 4 does not apply within urban growth boundaries.

Staff Finding:

Goal 4 does not apply to these applications because the subject property is within Springfield's city limits.

GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES

"To protect natural resources and conserve scenic and historic areas and open spaces."

Applicant's Submittal:

"No inventoried Goal 5 resources are present on the subject property. The wetlands indicated on the City's wetlands inventory were adequately mitigated during the Jeff Parker Subdivision process."

Staff's Response:

Goal 5 protection begins with an acknowledged inventory of Goal 5 resources and then proceeds through an economic, social, environmental and energy analysis to determine whether the resource should be protected from conflicting uses; limit conflicting uses; or allow conflicting uses fully (OAR 660-016-0010). The City has an acknowledged historic structures inventory, a local wetland inventory and recently adopted a natural resources inventory that considered uplands, wildlife habitat and riparian corridors. The subject property has been planned and zoned for intensive urban development and use since the Metro Plan was acknowledged in 1982 and the Mid-Springfield was adopted (July 1986) and amended (1992). There are no historic structures, uplands, wildlife habitat or riparian corridors on the subject property. The wetland issue raised by the applicant was addressed during the review of the Jeff Parker Subdivision. Goal 5 now has no direct or indirect applicability to the subject property.

Staff Finding:

Goal 5 does not apply to these applications because there are no inventoried resources on the subject property

GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY OAR 660-015-0000(6)

"To maintain and improve the quality of the air, water and land resources of the state."

Applicant's Submittal:

"The purpose of this goal is to improve and maintain the quality of the air, water and land resources of the state. The Plan Diagram Amendment and concurrent Legislative Zoning Map Amendment further this statewide planning goal. The area in which the subject property is located will have many of the characteristics of a node and will result in a nodal type development pattern. The proposal will encourage infill and compact development facilitating the location of commercial services near existing medium

density residential development and future industrial uses that can reduce automobile trip frequency and duration; the proposal will provide opportunities for bicycle or pedestrian trips. Development of the type proposed here will maintain the air resources of the state by reducing trip frequency and duration and by promoting infill development...."

Staff's Response:

The proposed Metro Plan diagram, Mid-Springfield Refinement Plan diagram and text and Springfield Zoning Map amendments affect primarily commercial uses/development that will require compliance with mixed use design standards specified in SDC Article 40 and use standards specified in SDC Section 41.020(2) that include the prohibition of certain auto related uses such as service stations. Any new use, re-use or expansion of use on the subject property is subject to the development permitting and approval process of the SDC; various building safety codes and the Public Works Design Manual for on-site storm water management; and other applicable state and federal regulations.

In addition, the subject property is across the street from a portion of the Q Street Floodway as shown on the Water Quality Limited Waterway Map. This watercourse is part of the City's stormwater management system. However, site drainage issues will be addressed during the Site Plan Review or Site Plan Modification application process. No specific condition will be required for this issue.

Finally, the City has an adopted drinking water protection plan and overlay zone requiring observance of certain development standards and prohibitions of specific chemicals and chemical storage. Portions of the subject property are within 10-20 year time of travel zone and are therefore, subject to the Drinking Water Protection Overlay District standards, regardless of plan designation or zoning. Site specific drinking water protection issues are addressed during the application review process (SDC Articles 17 Drinking Water Protection Overlay District and Article 31 Site Plan Review).

Staff Finding:

These applications comply with Goal 6 because of the limitation of certain auto related uses by implementing the/Nodal Overlay District and the requirements currently in place concerning stormwater management and to protect the City's drinking water supply, 95 percent of which is from groundwater.

GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS

"To protect people and property from natural hazards."

Applicant's Submittal:

"This statewide planning goal is intended to minimize the risk of hazards to human health and the risk of loss of human life. The goal also intends to minimize costs associated with redeveloping after a natural disaster by restricting development in areas that are prone to natural disasters and hazards. The subject property is not at ant risk from natural disaster that does not apply area wide."

Staff's Response:

Goal 7 requires development subject to damage or that could result in loss of life shall not be planned nor located in known areas of natural disasters and hazards without appropriate safeguards. These safeguards are based on inventories of these known natural disasters and hazards. Sites with these qualities are generally limited to the City's flood plain and steep slopes. The subject property is flat and is not located within a floodway. Goal 7 has no direct or indirect applicability to the subject property.

Staff Finding:

Goal 7 does not apply to these applications because the subject property is not located within an inventoried hazard area.

GOAL 8: RECREATIONAL NEEDS

"To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts."

Applicant's Submittal:

"The proposed Metro Plan Amendment would not affect recreation or recreation facilities in the area of the proposal. To the extent this goal is applicable, there are open spaces within easy walking and bicycling distance from almost anywhere in the node."

Staff's Response:

Willamalane Parks and Recreation District is the local agency responsible for park planning within Springfield's city limits and Urban Growth Boundary. Willamalane's Comprehensive Plan (WCP) was adopted by the City as the acknowledged Goal 8 comprehensive planning element on November 14, 2004. There are no existing or proposed parks within the boundary of Nodal Development Area 9C. Tyson Park, a neighborhood park, is nearby to the east and the subject property is within the parks service area as shown on WCP Map 5. On the south side of Main Street is the sports center that contains an indoor sports facility and outdoor playing fields. Additionally, all of the currently zoned and designated MDR land within proposed Nodal Development Area 9C is developed in accordance with the public/private open space standards found in SDC Article 16.

The Metro Plan diagram amendment application proposes to change the subject property from Heavy Industrial to Community Commercial/Nodal Development Area and the Mid-Springfield Refinement Plan and Springfield Zoning Map amendment from Light-Medium Industrial to Community Commercial/Nodal Development Area. The use table in SDC Section 41.020 states that property zoned Community Commercial within the /NDO district must comply with those uses permitted in the Mixed-Use Commercial (MUC) District as specified in SDC Section 40.020. Residential uses are allowed in the MUC District. If residential development occurs, that development uses will be served by park/recreation facilities.

Staff Finding:

These applications comply with Goal 8 because there are nearby park facilities that serve current and may serve future residential development.

GOAL 9: ECONOMIC DEVELOPMENT

"To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens."

Applicant's Submittal:

"The site has the potential to provide needed commercial services, office uses and employment for the medium density residential housing area directly east of the subject property. There is a shortage of suitable commercial sites within the Springfield UGB to meet the long-term demand for commercial land, as indicated by the Springfield Commercial Lands Study (February 2000) (hereinafter SCLS). The projected deficit of commercial land varies depending on the absorption rate estimate used to calculate demand, however, a very conservative estimate at the time of publication of the SCLS was 158 acres. It is likely that the shortage has grown larger since the time of publication. At the time of publication of the SCLS the supply of vacant commercial land was at best a five year supply and was conceivably as little as a two year supply. Using either estimate, it is clear that by today, the supply of vacant commercial land in Springfield has been largely exhausted. This shortfall can result in greater competition, and can impede the potential for healthy economic development, as businesses and retail are forced to locate outside Springfield due to a lack of suitable sites. The deficit of commercial lands does not conform to Statewide Planning Goal 9 which requires jurisdictions to maintain an adequate supply of commercially zoned lands to meet projected demand for commercial land through the planning period."

"...Comprehensive plans and the jurisdictions implementing them are required to '[p]rovide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses' throughout the planning period. The proposal furthers the intent of this Statewide Planning Goal by helping ensure that an adequate amount of land is available to meet future demand for commercial and industrial development.

A. The Supply of Commercial Land is not Adequate to Meet Demand Through the Planning Period

Even assuming a best case scenario, the current supply of commercial land within Springfield's UGB is not sufficient to meet projected demand through the planning period. The detailed supply/demand analysis undertaken as part of the SCLS revealed a need for a minimum (emphasis added) of 255 acres of commercial land to the year 2015 based on a conservative absorption rate of 17 acres per year (SCLS pp. ii). The SCLS noted that as of the date of publication there were 85 acres of vacant and 12 acres of redevelopable land within the City's UGB, a total of 97 acres. (SCLS, pp. ii) Assuming (incorrectly) that these sites were all constraint free and could adequately meet the demand for a variety of site size, type and location and that the absorption rate will only be 17 acres/year, the 97 acre inventory was slightly more than a five year supply from the date of publication (2000); it is now Spring 2006 and if these projections were correct the supply has been exhausted. Even assuming the best possible conditions, (a slow absorption rate, constraint free sites, and that the existing inventory contained sufficiently diverse sites to meet diverse demand) the land base was not even close to meeting projected demand through 2015.

Even at the time of publication of the SCLS, the actual deficit was likely much more acute than the discussion supra indicates. The vacant land inventory indicated that there were 85 acres of vacant readily developable commercial land within the Springfield UGB. However, the SCLS noted that '[s]ize, location and service limitations further limit this inventory. Roughly 30 acres are contained in the former Springfield airport site, [sic] and over 18 are in unserviced areas of Jasper/Natron and Mckenzie/Gateway.' (SCLS, pp. ii) After removing parcels of the approximate size of the subject parcel from the inventory that are located in unserviced areas and removing the Springfield Airport site (which has been developed), '[t]he remaining vacant land inventory of 34 acres is in smaller, desegregated sites.' (SCLS, pp.ii) Based on an absorption rate of 17 acres/year, the City of Springfield had a two year supply of vacant readily buildable commercial land that has long since been exhausted. Furthermore, '[d]uring the period of August 1995 to early 1999, commercial land in Springfield was developed at a rate of 36 acres per year. This high rate of absorption reflects the rapid growth of the State and Metro Area during this same period.' Growth at a rate consistent with the growth experienced during the period of 1995-1999 would have exhausted the supply of vacant commercial land within one year (by 2001). In either event, there is by now an acute shortage of vacant, buildable commercial land in Springfield's UGB.

As the SCLS notes, size and location further limit the supply of buildable land. Goal 9 requires not only enough net buildable acres but also sites of varied 'sizes, types, locations and service levels.' In order to foster economic growth and commercial development is it essential that the City maintain a diverse supply of buildable commercial land in various sizes and locations. The CAC found in the SCLS that there is a need for a supply of both larger and smaller sites to provide choice, diversity and economy in the marketplace. Given the current shortage of larger sites, rezoning or annexation may be necessary for this to occur. The proposal would improve the supply of vacant commercial land through rezoning consistent with the CAC's recommendation. The property that is subject to this application is a 5.32 acre site that would be a development ready commercial site; it would be one of two development ready parcels of this size in Springfield and would be the only such parcel in a desirable location.

The discussion supra has relied on information provided in the SCLS. [The applicant is aware that a new commercial/industrial land inventory is being prepared; however, that report is not available at this time.] SCLS Table 2.3 (Exhibit 3) lists vacant commercial land in Springfield as of February 1999. There are only seven sites of the approximate size of the subject parcel in that inventory. The inventory has been reduced by development that has taken place since publication of the SCLS. Because the 'sites' are

listed by site number and not tax lot numbers it is somewhat difficult to establish which sites have been developed; however, there is no question that site 1042 [3.42 acres near Olympic and 18th Streets] has been developed. Site 1004 [5 acres near in the Gateway area, at Hutton and Kruse] appears to be vacant but largely diminished in size; this site has limited potential due to its location. The site is tucked away in an area characterized by hotel use.

The limited utility of site 1004 and the development of 1042 and the lack of urban services to the other sites effectively means that the number of fully served, development ready commercial sites is zero. Approval of the Plan Diagram Amendment will help implement the requirement that an adequate supply of suitable sites and service levels be maintained. Finally, the proposed Diagram Amendment will help Springfield comply with the requirements of Goal 9 by centrally locating a commercial parcel of this size and development potential. Table 2.3 (Exhibit 4) used in conjunction with TransPlan Appendix A (Exhibit 1) show that nearly all of the parcels of this size and designation are located on the outskirts of the UGB and are not fully served.

This statewide planning goal requires the Metro Plan and the SDC be interpreted in a manner that will ensure enough developable commercial land to facilitate Springfield's economic development. Underestimating the amount of commercial land needed to support future growth will hinder Springfield's ability to provide commercial services to future residents of the community. Approval of this plan diagram amendment will support future growth and comply with Goal 9.

B. The Supply of Industrial Land Exceeds an Adequate Supply

Statewide Planning Goal 9 requires jurisdictions to maintain an adequate (emphasis added) supply of industrially and commercial zoned lands to meet projected demand. The MILIR found that there were 4,039 acres of land on 189 sites that were designated or zoned industrial within the Metro-UGB. Approximately 3,604 acres on 180 sites were considered buildable; 709 buildable acres were contained in Springfield's UGB. The most likely projected 20 year demand for industrial land through the planning period is estimated at 650 gross acres (MILPR). The best estimate from 1993 provided that there was a surplus of 2,432 and 2,954 acres of industrially zoned land in the Metro area.

The actual demand for industrial land is impossible to project. According to the MILPR, demand for industrial land could be as great as 1172 acres. If that projection is accurate, the supply exceeds the 20 year demand by 2,432 acres. Given either demand projection, the supply of industrial land exceeds what is needed to accommodate the economic growth in that sector of the economy. Given these statistics and the requirement that the jurisdiction maintain an adequate supply of commercial land as well as industrial land, there is no reason for the City to deny this Plan Diagram amendment based a perceived need to retain what amounts to a surplus of industrially zoned land.

The surplus of industrially zoned land impedes Springfield's economic growth. According to the SCLS, the MILS found that there were 4039 acres of land on 189 sites that were designated or zoned industrial within the Metro-UGB. Of this total inventory, 3604 acres were considered buildable and 709 buildable industrial acres were located in Springfield. The SCLS states that the 2,432 to 2,954 acre surplus provides a degree of market choice . . . (SCLS, pp. 23). This surplus provides more than a degree of market choice; there is a glut of industrially zoned land. The surplus of industrially zoned land drives down the market value of industrial land. The reduction in FMV of industrially designated sites decreases the incentive for owners of industrial land to make these properties available for development. The surplus impedes economic growth by increasing the 'market factor' which is the amount of land zoned for a type of use that is not available for development because owners of the property do not want to develop the parcel until a later date. At the same time, the shortage of commercial zoned lands in Springfield makes it extremely difficult and prohibitively expensive for commercial enterprises to locate in the Springfield area.

Approval of this plan amendment request will retain and enhance the value and utility of the remainder of the area for industrial users. MILIR notes that new industrial users seek sites that are: three to twenty acres in size; have good site and highway access; well serviced; free of constraints; and well served by

urban amenities and near urban services. The Plan Diagram Amendment will not substantially reduce the amount of land available for new industrial users nor will it reduce the quality of the remainder of the area. Based on an analysis of these factors, approval of the Plan Diagram Amendment will leave a potential industrial development site that is desirable for new industry while also allowing for a mix of uses that will further the economic development of Springfield. As the Metro plan notes, careful mixing (of the type proposed here) can actually lead to an increase in value for industrial users.

Exhibit 2 shows the configuration of the area as proposed by the applicant. As the exhibit clearly shows, a 18 acre LMI site with good road and rail access will remain. The approximately 18 acre LMI site is the size which is most desirable for new industrial users as noted in the MILIR. The subject parcel will remain constraint free and well served by urban services. Approval of the Plan Diagram Amendment and concurrent Legislative Zoning Map Amendment will not reduce the inventory of vacant industrial sites between 10-19 acres. The Metropolitan Lands Site Evaluation lists 5 sites between 10-19 acres designated for LMI use. The area in which the subject parcel is located was designated as site 7-17, a 52.9 acre site with one owner zoned LM/Hi. The character of the area has since changed significantly. The proposal would add a highly desirable site to the City's 10-19 acres LMI inventory and would improve the inventory by locating commercial uses near industrial uses and by buffering residential uses from future industrial development.

The foregoing discussion indicates that the proposal would promote healthy economic growth; the current deficit of commercial land and surplus of industrial land impedes healthy economic growth and this proposal will help remedy and address this situation. The proposal is consistent with this Statewide Planning Goal."

Staff's Response:

Explanation language under State-wide Planning Goal 9 states: "Comprehensive plans and policies shall contribute to a stable and healthy economy in all regions of the state. Such plans shall be based on inventories of areas suitable for increased economic growth and activity after taking into consideration the health of the current economic base; materials and energy availability and cost; labor market factors; educational and technical training programs; availability of key public facilities; necessary support facilities; current market forces; location relative to markets; availability of renewable and non-renewable resources; availability of land; and pollution control requirements."

The Eugene-Springfield Metropolitan Plan (Metro Plan) is Springfield's comprehensive plan. DLCD acknowledged the Metro Plan in 1982. The Metro Plan has been amended several times since 1982. The Metro Plan contains policies applicable to industrial and commercial development in Chapter III, "Specific Elements". Applicable Metro Plan policies are addressed elsewhere in this report.

There are two inventories that are applicable to these applications: 1) The Springfield Commercial Lands Study (February 2000) which indicated that there is a general shortage of commercial land for the planning period; and 2) The Metropolitan Industrial Lands Inventory Report (1992) which indicated a surplus of industrial land for the planning period.

Chapter Four of the SCLS contains Findings, Policies and Implementation Strategies. Beginning on Page 35 under the topic Rezoning and Redesignation states: "Discussion: Rezoning and redesignations were identified as methods to increase the supply of commercial land. However, rezoning essentially reduces the other land use inventories. The CAC expressed a concern that the Industrial Lands Study and the Residential Land Study were both completed on a Metro-Wide level, and that these inventories would need to be updated for Springfield alone before any rezoning or redesignations could occur. It is important for the City to develop a land use monitoring system to track the sale and absorption of commercial land and to evaluate the success of City policies and strategies in providing land supplies.

In addition, designating zoning sites to commercial may create traffic problems and negatively effect residential neighborhoods. Following the evidence of a surplus of land in one land use category, rezoning or redesignations could occur within the guidelines of existing Metro Plan policies, based upon evaluation of existing inventories, an analysis of traffic and other infrastructure limitations, and within the parameters of adopted City guiding documents.

Finding 3: Based on the findings of the 1992 Industrial Land Study (ILS), the future demand for industrial land will be met adequately by the existing inventory of sites. The ILS found that a surplus of industrial sites exists in the Metro Area, and that there would be no demand for Heavy Industrial into the future. The ILS indicated a need for 650 gross acres of industrial land to the year 2010 for the Metro Area. At the time the ILS was completed, there were 708 vacant acres of industrial land within the Springfield UGB alone....

Policy 3-A: Redesignate and rezone portions of industrial land or residential land within identified Employment Center, Neighborhood Center, or Commercial Center nodes to Mixed Use Commercial to achieve the objectives of TransPlan, Transportation Planning Rule 12, and to incorporate higher intensity development in conjunction with residential and employment opportunities.

Implementation Strategy 3-A (1): Evaluate inventories based on need for the planning period. Initiate rezoning or redesignations of surplus land uses where more appropriate for commercial, consistent with the Metro Plan."

SCLS Implementation Strategy 1-C (1) states: "Develop a monitoring system to track absorption of commercial land by acreage as commercial land is developed and ensure that reliable data on the supply of serviced land is available on an ongoing basis." This strategy is not in place at this time. The Commercial Industrial Buildable Lands (CIBL) Study is currently underway. However, it is unknown at this time how this study may affect these applications.

Therefore, staff must rely upon the inventories discussed above.

NOTE: OAR Division 9, and specifically 660-009-0010(4) states: "Notwithstanding paragraph (2) above, a jurisdiction which changes its plan designations of lands in excess of two acres to or from commercial or industrial use, pursuant to OAR 660, division 18 (a post acknowledgment plan amendment), must address all applicable planning requirements; and:"

The subject property contains 5.32 acres, so this OAR applies. One measure of "adequate opportunities" is an inventory of commercial land suitable and available for development, expansion and redevelopment of projected employment growth for the planning area. The current Springfield Commercial Lands Study was adopted in February 2000. The study indicated that there is a general shortage of commercial land for future development.

In order to implement the Metro Plan Nodal Development Area land use designation, the applicant also proposes to amend the Mid-Springfield Refinement Plan diagram and the Springfield Zoning Map to Community Commercial /Nodal Development Overlay District.

The Metro Plan diagram amendment is not a substantial amendment because the change is between two current land use designations and the rezoning is to a currently existing zoning district, Community Commercial/Nodal Overlay District.

"(a) Demonstrate that the proposed amendment is consistent with the parts of its acknowledged comprehensive plan which address the requirements of this division; or"

Language demonstrating consistency with Metro Plan policies is addressed in the response to the Mid-Springfield Refinement Plan criteria of approval in criterion 1, ref. SDC Section 8.030, below.

"(b) Amend its comprehensive plan to explain the proposed amendment, pursuant to OAR 660-009-0015 through 660-009-0025; or"

The Metro Plan was amended in 2001 when TransPlan and the Nodal Development Area land use designation were adopted.

"(c) Adopt a combination of the above, consistent with the requirements of this division."

The responses to (b) and (c) above demonstrate that (c) is not necessary.

Staff Finding:

These applications comply with Goal 9 because there is a demonstrated shortage of developable commercial land and a surplus of industrial land and are consistent with applicable Metro Plan policies, SCLS Policy 3-A and SCLS Implementation Strategy 3-A (1).

GOAL 10: HOUSING

"To provide for the housing needs of citizens of the state."

Applicant's Submittal:

"This proposal will not impact the housing inventory; however, to the extent that this planning goal is relevant to the proposal, the goal supports this proposal. The goal begins with the need to provide shelter for citizens of the State of Oregon. However, beyond this very basic need, the housing goal extends to the realm of creating livable communities. This proposal will help create a viable community by providing convenient access to commercial services for residents of the medium density residential housing in the area and by screening these residents from the visually unappealing heavy industrial uses at the Dynea facility. The applicant's proposal will result in an area characterized by a mix of uses and will realize the area's nodal type development potential."

Staff's Response:

The Metro Plan diagram amendment application proposes to change the subject property from Heavy Industrial to Community Commercial/Nodal Development Area and the Mid-Springfield Refinement Plan and Springfield Zoning Map amendment from Light-Medium Industrial to Community Commercial/Nodal Development Area. The Eugene-Springfield Metropolitan Residential Lands and Housing Study, Policy Recommendations Report (1999) found "there is sufficient buildable residential land within the existing urban growth boundary to meet the future need of the projected population." The study pointed out, however, a shortage of land zoned for medium and high density residential development in Springfield. While the SDC does allow the option of residential development with a minimum density of 12 dwelling units per acre, the applicant has stated that the intent is to develop the subject property with commercial uses. The applicant's statement about the Dynea property above may also preclude residential development on the subject property. The applicant has also stated "that the immediate result of the approval of these applications "will be the siting and location of a Department of Motor Vehicles facility in the structure that currently houses the day care facility auxiliary to the retail Goodwill store located on the adjacent property." This facility will serve Springfield residents City-wide. If this proposed use needs one acre of land, then there would be just over 4 acres left to develop "a viable community by providing convenient access to commercial services for residents of the medium density residential housing in the area...." The applicant's response to State-wide Planning Goal 12, below, supports this concept. Utilizing the /Nodal Development Overlay District with the proposed Community Commercial zoning limits certain commercial uses that are large trip generators.

Staff Finding:

Goal 10 does not apply to these applications based upon the applicant's submittal. However, this Goal will apply and can be met if a residential development option is chosen. In that case, there must be compliance with the multiple-family minimum density of 12 dwelling units per acre and Goal 12, Transportation.

Condition of Approval #1:

Any future residential development on the Goodwill property shall be required to maintain a minimum density of 12 dwelling units per acre.

GOAL 11: PUBLIC FACILITIES AND SERVICES OAR 660-015-0000(11)

"To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."

Applicant's Submittal:

"This proposal will encourage development where urban facilities and services are available capitalizing on public expenditures made for this purpose."

Staff's Response:

Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection.

The Eugene-Springfield Metropolitan Public Services and Facilities Plan (PFSP) is a refinement plan of the Metro Plan that guides the provision of public infrastructure, including water, sewer, storm water management, and electricity. The PFSP specifically evaluated the impact of nodal development and increased development densities on the potential node sites being considered in the Springfield area.

The PFSP is supportive of mixed-use and nodal development. Findings in the PFSP conclude that most potential nodal development sites can be provided with key urban service using existing infrastructure capacity (Finding #10, PFSP, page 11). Based on this conclusion, Policy #G7 in the PFSP states, *"Service providers shall coordinate the provision of facilities and services to areas targeted by the cities for higher densities, infill, mixed uses, and nodal development"* (PFSP, pg. 12). The proposed Metro Plan and Mid-Springfield Refinement Plan designation amendments to Community Commercial/Nodal Development Area and the proposed Springfield Zoning Map amendment to Community Commercial/Nodal Development Overlay District do not preclude the coordination of services in nodal areas.

More than half of "Potential" Nodal Development Area 9C contains commercial and multi-family development. All urban services needed for existing uses and new development are available to the subject property and other vacant properties in this area, including fire and police protection, parks, sanitary and storm sewer, public transportation, schools, street systems and utilities. The property is served by Springfield Utility Board for water and electricity; by Willamalane Park and Recreation District; by School District 19; and by the City of Springfield for maintenance of sewers, streets, alleys, library and development and permit services.

Staff Finding:

These applications comply with Goal 11 because there are urban level public services available to the subject property.

GOAL 12: TRANSPORTATION

"To provide and encourage a safe, convenient and economic transportation system."

Applicant's Submittal:

"The Goal of Statewide Planning Goal 12 is to provide and encourage a safe and convenient and economic transportation system. The applicant respectfully submits that the proposal would result in a nodal development area thus accruing many of the benefits of this development pattern. Approval of this Plan Diagram Amendment and concurrent Legislative Zone Map Amendment would eventually result in the location of commercial services and or office uses with related employment opportunities within convenient walking and bicycling distance of existing medium density residential development to the east. Commercial services and office uses on the subject parcel would also serve employees of future industrial development in the area. The applicant has provided a Traffic Study that demonstrates compliance with this Goal."

The applicant hired Michael Weishar, P.E. of Access Engineering LLC to prepare the following Transportation Analysis that was addressed to the applicant:

"...You are proposing a rezone of tax lot 5200 on Tax Map 17-02-31 located on 30th Street north of East Main Street in Springfield, from light-medium industrial (LMI to community commercial (CC). This property is immediately north of the Goodwill parcel and contains an existing Day Care center building on the south end of the property that shares parking with Goodwill. Since many land uses allowed in the CC zone generate more trips per area than most land uses allowed in a LMI zone, you have decided to have a trip count conditioned to the parcel based upon a reasonable worst-case development allowed in the existing LMI zone. By electing a trip cap condition of development, you will ensure that there will be no finding of significant affect according to the Transportation Planning Rule (TPR) definition as a result of the zone change, since the trip generation for facilities in the CC zone will limited to what could be expected to be generated by the LMI zone. This letter will document the determination of the trip cap."

The parcel is 5.32 acres in size with an existing 6,000 square foot building occupying the southern 0.52 acres of the parcel. Trips generated by the entire parcel under LMI zoning will include trips generated by the day care and reasonable worst-case development on the remaining 4.8 acres of the parcel. The undeveloped portion of the parcel has approximately 1,000 feet of frontage on 30th Street and is only 200 feet in depth. Due to the shape of the parcel, two land uses would more reasonable fit on the parcel rather than one "big box" development. In discussions with Springfield Planning staff, it has been agreed that a reasonable worst-case development for this parcel would be a health/fitness center and a floor covering/hardware/paint store. The health/fitness center is allowed in a LMI zone under Springfield Code section 20.020(10)(a) which allows recreational uses listed under section 18.020(6) of the Code. The floor covering store is allowed in a LMI zone under section 20.020(9)(d) which allows warehouse commercial uses allowed under 18.020(13) except (m).

The first step in determining the trips generated by these land uses is to estimate the size of each building. The maximum developable area was estimated by subtracting the required setback and off street loading areas from the total square footage of undeveloped land.

4.8 acres = 209,100 SF

Setbacks: (10 feet on 3-sides of each building and 5 feet around the parking areas) estimated to be 14,600SF

Loading: 500 SF per building or 1,000 SF total.

Developable area = 193,500 square feet.

Assuming each land use takes ½ of the parcel, that leaves an area of 96,750 SF for each land use.

The parking space requirements for a health/fitness club are 1 space per 200 SF.

The parking space requirements for the floor covering store are 1 space per 300 SF.

Assuming 400 SF per parking space allows for landscaping and circulation aisles.

The formula for computing the building size is:

$$\text{Bldg. SF} = \text{Total SF} / (1 + [\text{parking space per SF}] \times [\text{SF per space}])$$

$$\text{For the Health/Fitness Center} \quad \text{Bldg. SF} = 96,750 / (1 + [1/200] \times 400) = 32,250 \text{ SF}$$

$$\text{For the Floor/Paint Store} \quad \text{Bldg. SF} = 96,750 / (1 + [1/300] \times 400) = 41,465 \text{ SF}$$

Therefore, the reasonable worst-case development scenario for the parcel in the existing LMI zone contains 6,000 SF Day Care, a 32,250 SF Fitness Center and a 41,465 SF Floor Covering/Paint Store.

The trips generated by these uses are then determined from the 7th Edition of the ITE Trip Generation manual. The following table shows the trips generated by each land use.

Land Use (ITE Code)	Size (SF)	Unit	Average Weekday		PM Peak Hour	
			Rate	Trips	Rate	Trips
Day Care Center (565)	6.00	1K SF GFA	79.26	476	13.18	79
Health/Fitness Center (492)	32.25	1K SF GFA	32.93	1062	4.05	131
Hardware/Paint Store (816)	41.47	1K SF GFA	51.29	2127	4.84	201
Total for Parcel				3664		410

Based on the above analysis, the reasonable worst-case development of the parcel could generate 3,664 trips per day or 410 trips in the PM peak hour. These are the recommended trip caps for the parcel rezoned from LMI to CC."

Staff's Response:

Goal 12 encourages development that avoids principal reliance on one mode of transportation. Mixed use development is intended to bring people closer to where they shop and work and create, and to support pedestrian-friendly neighborhoods where walking, bicycling and transit use are attractive transportation choices. The subject property is located in proposed TransPlan Node 9C.

The Transportation Planning Rule (TPR) (OAR 660-12-0000 – 660-12-0070), adopted in 1991, and last amended in March 2005 implements Goal 12. The intent of the Transportation Rule is to "...promote the development of safe, convenient and economic transportation systems that are designed to reduce reliance on the automobile..." The Metro Plan is Springfield's comprehensive plan acknowledged LCDC in 1982. TransPlan (the Eugene-Springfield Metro Area's adopted TSP (Transportation System Plan) is the transportation element of the Metro Plan. DLCD acknowledged the current TransPlan in 2001. The Metro Plan was also amended at that time to include the Nodal Development Area land use designation. Both documents implement Goal 12 and the Transportation Rule in the Eugene-Springfield metropolitan area. These applications are constant with the intent of the Transportation Rule.

OAR 660-012-0060(1) (a-c) requires a specific analysis whenever an amendment to a functional plan, acknowledged comprehensive plan or land use regulation is proposed. This analysis must determine whether or not the proposal "would significantly affect a transportation facility" and if so, "assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. An amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);"

Subsection (a) does not apply because these applications only amend the Metro Plan and Mid-Springfield diagram land use diagrams, add text to the Mid-Springfield Refinement Plan to implement the Metro Plan's and TransPlan's Nodal Development Areas and amends the Springfield Zoning Map by only changes related classes of uses that may be allowed on the subject property. These applications do not change standards implementing a functional classification system for transportation facilities, which would be the case with an amendment to a state or local street plan.

"(b) Change standards implementing a functional classification system; or"

Subsection (b) does not apply because these applications only amend the Metro Plan and Mid-Springfield diagram land use diagrams, add text to the Mid-Springfield Refinement Plan to implement the Metro Plan's and TransPlan's Nodal Development Areas and amends the Springfield Zoning Map by only changes related classes of uses that may be allowed on the subject property. These applications do not change standards implementing a functional classification system for transportation facilities, which would be the case if the City were, for example, changing its threshold for an acceptable level of service for collectors from D to E.

"(c) As measured at the end of the planning period identified in the adopted transportation system plan:

(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan."

The classification of the following streets serving Proposed Nodal Development Area 9C is shown on the TransPlan Federally Designated Roadway Functional Classification Map (Appendix A) as follows:

North-South Streets:
30th Street – Proposed Collector

East-West Streets:
Main Street – Principal Arterial
Commercial Avenue – Minor Arterial

30th Street has been constructed and is fully improved with curb, gutter and sidewalk and connects to Main Street and Commercial Avenue. Main Street is fully improved with curb, gutter and sidewalk, is part of the State Highway system and is currently the primary entry/exit to the subject property. Commercial Avenue is fully improved with curb, gutter and sidewalk at the connection of 30th Street. The subject property is not near any Eugene-Springfield Highway interchange.

Subsection (c) is applicable with respect to state and local transportation facilities. TransPlan's TSI Roadway Policy #2: Motor Vehicle Level of Service, adopts LOS standards for the local facilities and recognizes Oregon Highway Standards for state facilities as follows:

- "1. Use motor vehicle level of service standards to maintain acceptable and reliable performance on the roadway system. These standards shall be used for:*
 - a. Identifying capacity deficiencies on the roadway system.*
 - b. Evaluating the impacts on roadways of amendments to transportation plans, acknowledged comprehensive plans and local land use regulations, pursuant to TPR (OAR 660-12-0060).*

c. *Evaluating development applications for consistency with the land-use regulations of the applicable local government jurisdiction.*

2. *Acceptable and reliable service is defined by the following levels of service under peak hour traffic conditions: Level of service E within Eugene's Central Area Transportation Area, and Level of Service D elsewhere.*

3. *Performance standards for the Oregon Highway plan shall be applied on state facilities in the Eugene-Springfield metropolitan area.*

In some cases, the level of service on a facility may be substandard. The local government jurisdiction may find that transportation system improvements to bring performance up to standard within the planning horizon may not be feasible, and safety will not be compromised, and broader community goals would be better served by allowing a substandard of service. The limitation on the feasibility of a transportation system improvement may arise from sever constraints including but not limited to environmental conditions, lack of public agency financial resources, or land use constrain factors. It is not the intent of TransPlan's TSI Roadway Policy #2: Motor Vehicle Level of Service to require deferral of development in such cases. The intent is to defer motor vehicle capacity increasing transportation improvements until existing constraints can be overcome or develop an alternative mix of strategies (such as land use measures, TDM, short-term safety improvements) to address the problem." TransPlan Ch. 2, Page 25

The submitted analysis estimates the number of Average Weekday and PM Peak Hour vehicle trips that would be generated by a "reasonable worst case" development scenario under existing zoning. These estimates are:

- Average Weekday = 3,664 Trips
- PM Peak Hour = 410 Trips

The applicant proposes that a condition of approval be imposed that would limit vehicle-trip generation from re-zoned acres to the above values. This is an acceptable approach to demonstrate compliance with OAR 660-012-0060, the "Transportation Planning Rule (TPR)". It is based on the assumption that existing land-use and transportation system plans are in harmony, and thus, development under changed zoning that would generate the same number (or fewer) trips as development under existing zoning would not "significantly affect an existing or planned transportation facility" as that term is defined in OAR 660-012-0060 (1). Placing a limit on trip generation from specified parcels is generally referred to as a "trip cap," and can be implemented via a "Trip Monitoring Plan".

Staff Finding:

These applications comply with Goal 12 because the applicant's analysis demonstrates that, as conditioned, there will not an increase future traffic volumes at the 30th and Main Street intersection above volumes expected to occur with development under existing zoning.

Condition of Approval # 2

Submittal of a Trip Monitoring Plan (See Attachment 4). The signed plan shall be recorded at Lane County at the property owner's expense.

GOAL 13: ENERGY CONSERVATION

"To conserve energy." land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

Applicant's Submittal:

"The area in which the subject property is located is identified in the TransPlan as having potential for nodal development.... Development of the subject property with commercial uses has the potential to reduce automobile trips both in duration and frequency by providing commercial services in close proximity to the residential areas to the east of the subject property and near future industrial development. By reducing the frequency, number and duration of automobile trips the proposal will conserve energy. Nodal development of the type proposed here will also conserve energy by promoting infill development and intensification of land use within the UGB. Locating commercial uses in nodal areas rather than in a linear fashion along Main Street will help conserve energy.

The development of the subject property will be subject to building codes intended to maximize energy efficiency."

Staff's Response:

The Energy Goal is a general planning goal and provides little guidance for site specific comprehensive plan diagram changes. The Metro Plan diagram amendment application proposes to change the subject property from Heavy Industrial to Community Commercial/Nodal Development Area and the Mid-Springfield Refinement Plan and Springfield Zoning Map amendment from Light-Medium Industrial to Community Commercial/Nodal Development Area will generally promote higher density development that is transit supportive. This form of development allows persons to live closer to where they live and work, thus encouraging more energy efficient modes of transportation such as transit, bicycling, or walking.

However, staff has the same concern that was raised under the Goal 10 discussion. The applicant stated "that the immediate result of the approval of these applications "will be the siting and location of a Department of Motor Vehicles facility in the structure that currently houses the day care facility auxiliary to the retail Goodwill store located on the adjacent property." This facility will serve Springfield residents City-wide. However, this use will require only one acre. There would be just over 4 acres left to develop "a viable community by providing convenient access to commercial services for residents of the medium density residential housing in the area...." This issue is addressed by the trip cap that is a condition of approval under the Goal 12 discussion and the Nodal Overlay District zoning that limits high volume commercial uses.

Staff Finding:

These applications comply with Goal 13 because staff's concerns have been addressed by the applicant's response to Goal 12 and the commercial use limitations under the /Nodal Development Overlay District as specified in SDC Article 41.

Goal 14: URBANIZATION

"To provide for an orderly and efficient transition from rural to urban land use."

Applicant's Submittal:

"The subject property is urban land and as such this goal is not applicable to this request. To the extent that the intent of this goal reflects on this proposal, the applicant notes the proposal is infill type development and increases and intensifies land use within the Urban Growth Boundary. This alleviates pressure to urbanize rural lands in order to meet Springfield's needs for additional commercial lands. The subject property is also fully served by urban services and will capitalize on public expenditures made for this purpose."

Staff's Response:

Goal 14 requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. There are three studies that address this issue:

1. The Eugene-Springfield Metropolitan Residential Lands and Housing Study, Policy Recommendations Report (1999);
2. The Springfield Commercial Lands Study (February 2000) indicated that there is a general shortage of commercial land for future development; and
3. The Metropolitan Industrial Lands Inventory Report (1992).

Goal 14 also encourages compact forms of development within Urban Growth Boundaries.

The Metro Plan diagram amendment application proposes to change the subject property from Heavy Industrial to Community Commercial/Nodal Development Area and the Mid-Springfield Refinement Plan and Springfield Zoning Map amendment from Light-Medium Industrial to Community Commercial/Nodal Development Overlay District will occur within the city limits and within the City's Urban Growth Boundary. The proposed amendments address the studies listed above in responses to Goals 9 and 10.

Staff Finding:

Goal 14 does not apply because the City has adopted residential, commercial and industrial land inventories and the subject property is located within Springfield's Urban Growth Boundary.

GOAL 15: WILLAMETTE RIVER GREENWAY OAR 660-015-0005

"To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway."

Applicant's Submittal:

"The subject property is not located on or near the Willamette River. This goal is not applicable to this request."

Staff's Response:

Staff concurs with the applicant's response.

Staff's Finding:

Goal 15 is not applicable to these applications because the subject property is not located on or near the Willamette River.

Goals 16 through 19 – Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources.

Applicant's Submittal:

"These goals are not applicable to this request."

Staff's Response:

There are no coastal, ocean, estuarine, or beach and dune resources within the City's jurisdiction.

Staff's Finding:

Goals 16 – 19 do not apply in Springfield because they pertain to coastal areas.

Conclusion for criterion (3)(a):

Applicant's Submittal:

"SDC 7.070 (3)(a) provides a Proposed Plan Amendment must be consistent with the relevant Statewide Planning Goals. The proposed Plan Amendment amending the Metro Plan Diagram designation of the subject property from Heavy Industrial to Community Commercial is consistent with all applicable Statewide Planning Goals; the proposal is strongly supported by Statewide Planning Goal 9 ... by helping alleviate the shortage of development ready sites of this size and quality and by helping provide an adequate amount of commercial land to meet projected demand. This will help ensure health economic growth.... and Statewide Planning Goal 12. ... The proposal will also result in a development pattern that will facilitate convenient, efficient and economic use of the transportation system. By carefully mixing commercial, residential and industrial uses the result will be a nodal development pattern that is transportation and energy efficient. All relevant statewide planning goals support approval of this Plan Diagram Amendment and concurrent Legislative Zoning Map amendment. The applicant has not identified any Statewide Planning Goals that conflict with the proposal...."

Staff's Response and Finding:

These applications comply with the State-wide Planning Goals primarily because there is a demonstrated shortage of developable commercial land and an excess of industrial land based upon the land inventories cited above and the required trip cap will not increase traffic on the state highway system.

SDC Section 7.070(3) "(b) Adoption of the amendment must not make the Metro Plan internally inconsistent."

Applicant's Submittal:

"The requirement of SDC 7.030(3)(b) that adoption of the Metro Plan Diagram Amendment not make the Metro plan internally consistent does not mean that every goal, objective, finding and policy of the Metro Plan must support the Metro Plan Diagram Amendment. Because of recognized conflicts in the Metro Plan, the proper inquiry is whether on balance the most relevant of the Plan support the Metro Plan Diagram Amendment. The applicant respectfully submits that the findings and policies of the SCLS, the Metropolitan Lands Inventory Report (Hereinafter MILIR), the Metropolitan Industrial Lands Policy Report (hereinafter (MILPR), and the TransPlan element of the Metro Plan are beneficial to decision makers in weighing the relevant portions of the Metro plan as they perform the required balancing. The applicant asserts that upon taking these reports into consideration when balancing the relevant portions of the Metro Plan, the Metro Plan supports the approval of the Plan Diagram Amendment and the proposal does not make the Metro plan internally inconsistent."

Staff's Response:

The text of the Metro Plan, specifically the policies, supports this action in much the same way that this action was found to be consistent with the applicable State-wide Planning Goals. The Metro Plan policies cannot exist without acknowledgement and acknowledgment cannot exist without findings of Goal consistency. The applicant's case for this criterion is explained in detail in the response to SDC Section 8.030(1), below.

Staff's Finding:

These applications will not make the Metro Plan internally inconsistent because if a proposed diagram amendment is found to be consistent with the State-wide Planning Goals it should also be found to be consistent with the Metro Plan's policies.

IX. MID SPRINGFIELD REFINEMENT PLAN DIAGRAM/TEXT AMENDMENT CRITERIA AND FINDINGS

Applicant's Submittal:

"Article 8 of the Springfield Development Code supplies the approval criteria for the Adoption or Amendment of refinement plan text and refinement plan diagrams. The application is in accordance with the requirements of this section of this ordinance...."

Staff's Response:

The applicant submitted three submittal packages that include similar responses to similar criteria of approval. Where the applicant's submittal responds to a similar criterion is used in another application, staff will reference the location of that response (See SDC Section 8.030(3) below). Where the applicant's submittal responds to a criterion that is not used in another application, staff will address that response in this area (See SDC Section 8.030(1) and (2), below).

SDC Section 8.030 states: *"In reaching a decision on these actions, the Planning Commission and the City Council shall adopt findings which demonstrate conformance to: (1) The Metro Plan; (2) Applicable State Statutes; and (3) Applicable State-wide Planning Goals and Administrative Rules."*

SDC Section 8.030(1) "The Metro Plan;"

Applicant's Submittal:

"This section of the application focuses on the requirement of SDC 8.030 that the proposed amendments to the applicable Refinement Plan must demonstrate consistency with the Metro Plan. The proposed Refinement Plan Amendment providing a Nodal Development District Overlay for the area identified as TransPlan Node 9C is consistent with the definition of nodal development provided in the Metro Plan,

'Nodal Development Area (Node): Areas identified as nodal development areas in TransPlan are considered to have potential for this type of land use pattern. Nodal development is a mixed use, pedestrian friendly land use pattern that seeks to increase concentrations of population and employment in well defined areas with good transit service, a mix of diverse and compatible land uses, and public and private improvements designed to be pedestrian and transit oriented.'

Approval of amendments will allow the area to realize the nodal development potential identified in TransPlan consistent with the definition of Nodal development provided in the Metro Plan. Furthermore, the proposal is consistent with the remainder of the Metro Plan...."

"A. Plan Principles

The Plan principles are themes that are fundamental to the entire Metro Plan. There are seven themes that are fundamental to the entire plan. These themes permeate the individual plan elements and support approval of the Plan Diagram Amendment. For example, Theme Three provides:

'3. The plan and most of its elements are oriented to and require that urban development occur in a compact configuration within a prescribed urban service area.'

The plan diagram amendment will result in the near term development of the subject parcel with governmental and commercial and/or office uses within the UGB. The subject parcel is fully served by urban services and will result in compact growth and infill development. The proposal is consistent with this broad theme. The applicant's proposal is also consistent with the fourth theme which provides:

'4. Comprehensive Plans identify and establish the Plan zoning consistency concept and recognize the importance of timing concerning implementation techniques. Implementation techniques, including zoning, shall be generally consistent with the precepts established in the Metropolitan Plan, which is the broad policy document for the Metropolitan area. The consistency test shall be continuously applied to implementation measures and public actions taken to remedy inconsistencies'

The applicant's proposed Plan Diagram Amendment is generally consistent with the precepts set forth in the Metro Plan. The applicant has applied the consistency test and has found the proposal consistent with the Metro Plan, particularly the plan goals Growth Management Element and the Economic, Transportation and Land Use Element of the Plan. The proposed Diagram Amendment is also consistent with the fifth theme of the Metro Plan that provides:

'5. The zoning process shall be monitored and adjusted to meet current urban land use demands through the planning period for all land use categories.'

Maintaining an adequate supply of land in all land use categories to meet demand through the planning period is fundamental to the Metro Plan and the Plan must be interpreted in a manner to further this principle. The rezoning process is one way in which the land base is adjusted to meet demand. The applicant's proposal would result in the rezoning of 5.32 acres from LMI to Community Commercial. The best information, contained in the MILIR indicates that there was a surplus of between 2,432 and 2,954 acres of industrial land in the Metro area; however, there is an acute shortage of commercial land. The proposal will help remedy this imbalance and help Springfield maintain an adequate supply of commercial land.

1. Metro Plan Growth Management Element/Principle

The Growth Management Element/Principle is set forth in the Fundamental Principles Chapter (II) of the Plan. The Metro Plan provides that geographical growth management principles are 'intended to tie the specific elements in Chapter III together into a comprehensive public policy document.' The concepts, findings, objectives and policies of the Growth Management Element/Principle permeate the individual plan elements; the public policy direction for the entire Metro Plan is set forth succinctly on page II-B-1 of the Metro Plan. The growth principle and the Metro Plan generally intends to carry out the Goal of the growth management element which provides:

'To effectively control potential for urban sprawl and scattered urbanization, compact growth and urban service area concepts are, and will remain, the primary growth management techniques for directing geographic patterns of urbanization in the community. In general, this means the filling in of vacant and underutilized lands, as well as redevelopment inside the urban growth boundary.'

The proposal presented for review and decision here is in line with the guiding principle of the Metro Plan. As a planning document, the primary purpose of the Metro Plan is to promote compact growth. The Plan Diagram Amendment and Legislative Zoning Map Amendment will promote compact growth. There is a greater demand for commercial land relative to supply than for industrially zoned land. The SCLS indicated that in the best case scenario the vacant land inventory represented a five year supply (from 2000); it is now 2006 and no matter what projection is used, the supply has been practically exhausted by this point. No matter the exact deficit, it is clear that there is an acute shortage of commercially zoned land. Because of this shortage, it is more likely that the subject parcel will be developed in the near term is designated Community Commercial with a Nodal Development Overlay District. The surplus of industrially zoned land leads to less intense use of parcels within the UGB; the proposal encourages compact growth and infill development.

The Growth Management Element of the Metro Plan is organized like the individual plan elements. The difference between the Growth Management Element/Principle and the individual elements is that the Growth Management Element is contained in the Plan principles Chapter and is fundamental to the entire Plan and the Element's directive to encourage compact growth runs through the individual plan elements; thus, the Findings, Goals, Policies and Objectives of this Principle/Element guide and influence interpretation of the individual plan elements which in turn are intended to amongst other things, implement the Growth Management Principles/Element. The Goals, Objectives and Policies of the Growth Management Element are based in Findings that in themselves support approval of this Plan Diagram Amendment request.

(i) Growth Management Findings

'1. Many Metropolitan areas within the United States that have not implemented geographic growth management techniques suffer from scattered or leapfrog urban growth that leaves vacant and underutilized land in its path and encourages isolated residential development far from urban centers.'

By encouraging compact growth, the Metro Plan and Statewide Planning Goals are intended to minimize the inefficiencies resulting from this type of development pattern. As discussed supra, the Plan Diagram Amendment is likely to result in the near term development of the subject parcel with commercial and/or office uses. This compact growth pattern will achieve many of the benefits outlined in Finding 2 of this element which provides:

'2. Beneficial results of compact urban growth include:

(a) Use of most vacant leftover parcels where utilities assessed to abutting landowners are already in place.

The proposal would achieve this benefit.

'(b) Protection of productive forest lands, agricultural lands, and open space from premature development.'

Infill development relieves pressure to develop resource lands. Because of the shortage of commercial land and the surplus of industrial land, infill development of the subject property is more likely to occur in the near term if the property is designated Community Commercial with a Nodal Development Overlay District.

'(c) More efficient use of limited fuel energy resources and greater use of bicycle and pedestrian facilities due to less miles of streets and less auto dependence than would otherwise be required.'

The proposal will locate commercial services in convenient walking and bicycling distance of nearby medium density housing and future industrial development and will result in less auto dependence.

'(d) Decreased acreage of leapfrogged vacant land, thus resulting in more efficient and less costly provision of utilities, roads, and public services such as fire protection.'

Because of the shortage of commercial land and the surplus of industrial land, infill development of the subject property is more likely to occur in the near term if the property is designated Community Commercial with a Nodal Development District Overlay. This development will capitalize on public expenditures made for the provision of these services.

(ii) Growth Management Goals

Two of the three growth management goals are applicable to the Plan Diagram Amendment request. These goals are at the core of the Oregon system of land use planning system; urban, urbanizable and rural land should be efficiently used. The first of the applicable goals provides:

'1. Use urban, urbanizable, and rural lands efficiently.'

The Plan Diagram Amendment and concurrent Legislative Zoning Map Amendment will result in the near term development of a vacant parcel surrounded by urban development (leapfrogged). The compact growth pattern facilitated by the proposal will use urban lands efficiently and will reduce development pressure on rural lands. The proposed amendment will also further Goal Three of this Element/Principle which provides:

'3. Protect rural lands best suited for nonurban uses from incompatible urban encroachment.'

The amendment will likely result in the near term development of the subject parcel with commercial uses; in its current designation the subject parcel is vacant and underutilized. The applicant's proposal will remedy this inefficiency and provide a readily developable commercial parcel within the UGB. The resulting infill development pattern will alleviate pressure to convert rural lands to urban uses and will limit urban encroachment on rural land.

(iii) Growth Management Objectives

The Metro Plan provides that an objective "is an attainable target that the community attempts to meet in striving to reach a goal." The proposal will help the City achieve Growth Management Objectives and will further the communities attempt to meet the growth management goals. For example, Objective 1 of the Growth Management Element/Principle states the jurisdiction should:

'1. Continue to minimize urban scatterization and sprawl by encouraging compact growth and sequential development.'

The proposal encourages compact growth and will minimize sprawl by changing the designation of the subject parcel to a designation that is in demand. At the same time, vacant land remains available for light medium industrial use. The proposed Plan Diagram Amendment and Legislative Zoning Map Amendment will provide an opportunity for a commercial/ office uses, industrial development and residential uses to locate in close proximity to one another. The resulting area will be pedestrian friendly because it will be characterized by a mix of uses that are in convenient distance from one another.

The property is more likely to be developed in the near term with commercial/ office uses rather than with industrial use. The demand for commercial land in the Springfield area exceeds the supply. Conversely, the demand for industrially zoned land is exceeded by the supply. Retention of this site in its current zoning designation encourages leapfrogged sites and vacant land within the UGB. The proposed Plan Diagram Amendment will result in an area characterized by compact growth and a mixture of uses and will help Springfield achieve this growth management objective.

The Plan Diagram Amendment will also help Springfield carry out Objective Two of the Growth Management Element/Principle which provides the jurisdiction should:

'2. Ensure that land supply is kept in proper relationship to land use needs.'

The industrial land base exceeds anticipated demand for the planning period. The MILIR indicated that there was a surplus of between 2,432 and 2,954 acres of industrial land in the Metro area. The SCLS indicated that there was a deficit of at least 158 commercial land for the planning period. Land supply in Springfield is not in proper relationship to land use needs.

Approval of this Metro Plan diagram amendment would help Springfield to remedy this imbalance. The subject property is particularly suitable for a plan diagram amendment from industrial to Community Commercial with a Nodal Development Overlay District. There is a large amount of housing in the area that is underserved with regard to commercial opportunities. The subject parcel is in an area where a mix compatible and complementary uses is possible (Exhibit 1, Exhibit 2). Approval of this amendment request is an opportunity for the City of Springfield to develop this area into an area where commercial, residential and industrial users exist adjacent to one another and complement each other.

Ensuring that land use supply is kept in proper relationship to land use needs means maintaining a ready supply of buildable lots in each land use designation in a variety of sizes. At the time of publication of the SCLS there were seven vacant commercial sites of the approximate size of the property subject to this application (SCLS, Table 2.3, Exhibit 3). Discussion *supra* has noted the limitations on those sites including service constraints, poor location, or subsequent development. The net result of these constraints is that there are no sites of the size and quality of the subject parcel currently vacant and zoned commercial.

Approval of the Plan Diagram Amendment request will encourage commercial development in the area and will also retain a highly desirable site for industrial development. As the MILPR notes:

'2. Based on past trends, most of the demand will be for sites under 20 acres. All of the sites developed in the past 2 years have been less than 20 acres. . . .'

Assuming approval of the Plan Diagram Amendment and concurrent Legislative Zoning Map Amendment, the area will still have excellent potential for LMI development by retaining 18 acres of LMI zoned parcels. This is a desirable outcome because as the MILIR notes:

'5. If current development trends continue, all of the short term vacant industrial sites under 20 acres may be developed over the next decade.'

The proposal would add two desirable sites to the respective inventories and will help ensure land use supply is kept in proper relationship to land use needs.

The proposal will also achieve Objective Three of the Growth Management Principle/Element which provides:

'3. Encourage development of suitable vacant land where available, thus capitalizing on public expenditures already made for these services.'

The applicant's proposal will encourage the development of suitable vacant lands where available. The subject parcel is suitable for a plan diagram amendment to Community Commercial with a Nodal Development Overlay District because of its proximity to the residential uses to the east and proximity to future industrial development. Commercial development at this location has ability to reduce reliance on the automobile and promote an energy efficient development pattern. Because the property is already fully served by urban services near term development of the subject parcel with commercial uses will capitalize on public expenditures made for the provision of these services.

The compact growth principles that characterize the Growth Management Element/Principle are fundamental to the entire Plan and run through each of the individual elements. The discussion *supra* has addressed how the proposal will achieve compact urban growth that is basic to the entire Plan. The discussion *infra* will address specific Plan elements.

B. Individual Metro Plan Elements

The specific plan elements contain an introductory text, applicable goals, findings, objectives and policies. The specific plan elements are used when making decisions based on the plan. When making decisions based on the Plan, not all goals and policies can be met in every instance; some of the goals, objectives and policies conflict. Therefore, use of the Plan requires a "balancing" of its various components on a case by case basis, as well as a selection of those goals, objectives and policies that are most relevant. On balance, the goals, policies and principles of the Metro Plan support approval of this plan diagram amendment request.

1. Residential Land Use and Housing Element

The introductory language of the Housing Element states that the Housing Element addresses Statewide Planning Goal 10 '[t]o provide for the housing needs of the citizens of the State.' The Metro Plan notes

that '[h]ousing demand originates with the basic need for shelter but continues into the realm of creating communities.' This aspiration is reflected in the Goal of the Housing Element to '[p]rovide viable residential communities so all residents can choose sound affordable housing that meets individual needs.' Individual needs include the very basic need for shelter but also includes the need for viable communities that meet individual needs. The applicant submits that this application will meet the need of residents of the area by allowing commercial services to locate in convenient proximity to residential uses. The commercial uses will provide employment opportunities and commercial services to these residents, helping to meet their individual needs and create a viable community. The proposal will implement Policy 11 of this element which provides:

'Policy A.11 Generally locate higher density residential development near employment or commercial services, in proximity to major transportation centers or within transportation efficient nodes.'

Approval of this Plan Diagram Amendment request will implement this Policy and achieve the Policy's intended benefits. There is a substantial amount of medium density residential housing near the subject parcel. This housing qualifies as higher density housing for the purposes of this policy because it is higher than Springfield's current average housing density per acre. Currently, the "higher density" residential housing is a potential employment area (the existing LMI area) that is currently vacant; the housing is not particularly near any commercial services and while the housing is near a major transportation center it is not in a transportation efficient node. The applicant's proposal would allow for the location of commercial/ and or office uses (and resulting employment opportunities) near higher density residential housing; sufficient area for light medium industrial development would remain; and, the resulting mix of complementary uses will result in a transportation efficient nodal development area.

The applicant submits that the area in which the subject parcel is located presents the City with a "nodal type development" opportunity. The area was identified as TransPlan Node 9C (Exhibit 1). While not ultimately selected by the City, identification in the TransPlan speaks to the potential of the area for this mixed use type development.

The characteristics of a "node" and the applicant's vision will result in a development pattern that accrues the benefits of nodal design. Nodal development is a flexible and diverse concept and nodal developments will vary in the amount, type, orientation, and percentage of commercial, industrial, civic and residential uses. Generally speaking, nodal development seeks to increase population and employment in well defined areas with good transit service, a mix of compatible and diverse uses and improvements that are bicycle and transit friendly. The applicant's vision, identified in Exhibit 2 as the "potential nodal development area" will share most of the characteristics and benefits of this development strategy. The area will be characterized by a mix of uses that are within convenient walking and bicycling distance from one another. The Emx expansion line will be near the subject property and the area is currently served by LTD. There are nearby public spaces and medium density housing nearby.

The proposed Plan Diagram Amendment will also carry out Policy 12 of the Residential Density Section of the Housing Element of the Metro Plan which provides the City should:

'A.12 Coordinate higher density residential development with the provision of adequate infrastructure and services, open space and other urban amenities.'

The recently developed higher density residential development on 30th Street is served by adequate infrastructure; however, there is a scarcity of commercial services in close proximity to the residential development. If a resident of this area wants to obtain commercial services they have to enter onto Main Street and utilize the linear commercial development along that roadway or drive to the Mohawk/Olympic area. This development pattern ensures reliance on the automobile. The proposal presented for review and decision here helps to remedy this situation by coordinating higher density residential development with other urban amenities.

(ii) Design and Mixed Use Section, Housing Element

The Metro Plan defines mixed use as a building, project, or area of development that contains at least 2 different land uses. Exhibit 2 shows the "potential nodal development area" in which the subject parcel is located and the proposed types, area, percentages, and location of each type of use. The resulting mixed use area will accrue the benefits of nodal development including Finding 23 which states:

'23. Mixed Use development (residential with commercial or office) has the potential to reduce impacts on the transportation system by minimizing or eliminating automobile trips.'

As noted supra, the area in which the subject parcel is located is identified in Exhibit 2 as the "potential nodal development area." Exhibit 2 shows the areas configuration assuming approval of the applicant's proposed Plan Diagram Amendment. The area would be characterized by a healthy mix of uses including: LMI 25.2 acres, 37.6%; MDR 23.7 acres, 35.3%; CC 13.5 acres, 20%; and, HI 4.7 acres, 7%. Thus, the area presents an opportunity to reduce reliance on the automobile.

The proposal presented for review and decision here will facilitate a nodal type (mixed use) development pattern. The proposal would locate a commercial center near a concentration of population. Most commercial centers in the area are located in a linear fashion along Main St. that encourages reliance on the automobile and represents an outdated planning strategy. The proposed proximity of commercial uses to the existing medium density residential development and future industrial development in the area has potential to minimize and eliminate automobile trips by encouraging pedestrian and bicycle trips. The benefits presented by nodal development patterns should be made available to residents of the jurisdiction wherever these opportunities present themselves. This direction is implicit in Policy 22 of this Element which states:

'A.22 Expand opportunities for a mix of uses in newly developing areas and existing neighborhoods through local zoning and development regulations.'

The applicant submits that the proposal would expand the opportunity for a mix of uses in an existing area (the medium density residential housing in the area was recently developed). The current zoning (Exhibit 5) encourages development of the area almost exclusively with light medium industrial uses. This zoning does not reflect the needs of residents of the area nor does the current zoning correlate the effective supply and demand for commercial and industrial land use designations. The policy directs the City of Springfield to administer its Development Code in a flexible manner and to encourage zoning that will facilitate mixed-use type facilities. The applicant submits that this proposal will expand opportunities for a mix of uses that will accrue significant benefits to the jurisdiction as well as residents of the area and will implement this policy.

The discussion supra has demonstrated compliance with the Goals, Objectives and Policies of the Residential Housing Element of the Metro Plan. Locating commercial services near existing medium density residential housing units and future industrial uses will result in a compact development pattern. The resulting area will decrease the frequency, duration and length of automobile trips. This mixed use, or "nodal type development" will increase standards of living and decrease transportation costs. The applicant requests that the City accrue these benefits by approving this request, recognizing that these development strategies are appropriate.

2. Transportation Element

The introductory language of the Transportation Element provides the Element addresses surface Transportation in the Metro Area. TransPlan provides the basis for the surface transportation portions of the Transportation Element. The introduction further notes that there are three types of transportation planning strategies reflected in the component parts of the element. These strategies are Transportation Demand Management (TDM), Land Use, and Systems improvements. The purpose of TDM is to eliminate or redistribute vehicle trips and encourage alternative modes thereby reducing systems costs. Land use strategies are intended to encourage development patterns that will reduce reliance on the automobiles, reduce trip lengths and support alternative modes. The proposal implements these goals.

As applied to this amendment request, Goal 12 has been satisfied by establishing that development under the proposed plan and zoning designations will not create substantially greater or different transportation demands and impacts than development under the existing acknowledged designations. The applicant has looked at existing uses at the site and what would likely be permitted in order to generate a trip cap that will not create substantially different or greater transportation impacts than under the current designation

The proposal carries out the intent of the TDM portion of the Transportation Element. Briefly, the nodal development contemplated in this proposal will redistribute and eliminate vehicle trips by providing a location for residents of the newly developed medium density residential areas to obtain commercial services. Residents will be able to combine vehicle trips; they will be able to purchase goods and services returning to their homes or leaving their homes eliminating the need for additional motor vehicle trips. The proximity of the commercial use to the residential and industrial areas will also eliminate vehicle trips by encouraging residents and employees to walk or bicycle to their destinations. The mixed use and compact development pattern will make possible the state and local goals of reducing reliance on the automobile, reduction of trip lengths and support for alternative modes of transportation. Also, the trip cap proposed by the applicant will not result in any greater impacts to the transportation system than what would be permitted under the current zoning designation.

A. Findings, Transportation Element Land Use Section

The findings of the Land Use Element are the most relevant portion of the Transportation Element to the proposed Plan Diagram Amendment. There are numerous findings in this section of this element that support the applicant proposal. Foremost among these findings is Finding 1 which provides:

- '1. The Oregon Transportation Plan (OTP) 1992 states that Oregon's land use patterns have tended to separate residential areas from employment and commercial centers, requiring people to drive almost everywhere they go; that the results have been increased congestion, air pollution, and sprawl in the metropolitan areas and diminished livability.'

Separation of uses results in inconvenience, congestion, air pollution, sprawl, and increased transportation costs. Commercial development patterns in Springfield have generally limited community commercial centers to a narrow strip along Main St. This linear and inefficient development pattern isolates residential areas from commercial areas and decreases livability of the Springfield area and increases reliance on the automobile. Integrated infill development of the type proposed here has the potential to reduce motor vehicle trips and to limit congestion, air pollution and urban sprawl.

As shown in Exhibit 2, the area in which the subject parcel is located would, following approval of the Plan Diagram Amendment and concurrent Legislative Zoning Map Amendment be characterized by a mix of uses including: LMI, 25.2 acres, 37.5%; MDR, 23.7 acres, 35.3%; CC 13.5 Acres, 20%; and, HI, 4.7 acres, 7%. The area would integrate industrial, residential and commercial uses and is development of the type that limits sprawl, congestion and air pollution. Additional findings support this proposal including Finding 2 of the Land Use Section of this Element which provides:

- '2. [P]eople who live in neighborhoods with grid pattern streets, nearby employment and shopping centers, and continuous access to sidewalks and convenient pedestrian crossings tend to make more walking and transit trips.'

The applicant's proposal would result in an area characterized by a careful mix of complementary residential, commercial and industrial uses. This compact development pattern will encourage more pedestrian and bicycle trips and will reduce reliance on the automobile as provided for in the Oregon Transportation Plan (hereinafter OTP). Finding 4 of this section of this Element provides:

- '4. OTP policies emphasize reducing reliance on the automobile and call for transportation systems that support mixed land uses, compact cities, and connections among the various transportation modes to make walking, bicycling, and the use of public transit easier.'

The development area, the potential "nodal development area" will be characterized by a mix of uses in a compact configuration. This development pattern will encourage walking and bicycling. Given the benefits of this type of development, the applicant suggests the City should interpret the Metro Plan in a manner that facilitates mixed use development. This suggestion is supported by the fifth finding of this element which provides:

- '5. The Oregon Transportation Planning Rule (TPR) [OAR 660-012-0060 (1)(c,d)(5)] encourages plans to provide for mixed use, pedestrian friendly development, based on information that documents the benefits of such development and the Land Conservation and Commission's policy interest in encouraging such development to reduce reliance on the automobile.'

The benefits of mixed use, compact, infill development are decreased pollution, congestion sprawl and increased energy efficiency. The commercial services in the resulting mixed use area would serve residents of the nearby residential housing and employees of future industrial developments in the area. The proximity of these complementary uses will accrue the documented benefits of mixed use development to the City and its residents; the applicant encourages the City to administer its development code and the Metro Plan in a manner to provide mixed use development in this area.

- '9. Nodal development supports the fundamental principles, goals, and policies of the adopted Metro Plan to achieve compact urban growth, increase residential densities, and encourage mixed use in designated areas.'

The request presented for review and decision here presents an opportunity for the City of Springfield to promote nodal development in an area that was identified as TransPlan node 9C. Nodal development is a mixed-use pedestrian friendly land use pattern that seeks to increase concentrations of population and employment in well defined areas with good transit service, a mix of diverse and compatible land uses, and public and private improvements designed to be pedestrian and transit oriented.

Approval of the application would result in a nodal development area. Nodal development requires design elements that support pedestrian environments and encourage transit use, walking and bicycling and a mix of diverse and compatible land uses. Nodes will vary in the amount, type, and orientation of commercial, civic and employment uses; target commercial floor ratios; size of buildings; and the amount and types of residential uses. The proposed nodal development area presents a significant opportunity for the City of Springfield to pursue a nodal development strategy that will accrue significant benefits for residents and the jurisdiction generally.

The Transportation Element of the Metro Plan supports the applicant's proposal. The compact development configuration proposed by the applicant will reduce dependence on the automobile, shorten trip lengths, reduce trip frequency, shorten trip duration, and lower systems costs. The proposal will limit air pollution, urban sprawl, and increase standards of living for residents of Springfield. The applicant submits that compact, mixed use growth of the type proposed here is consistent with the Growth Management Principles of the Plan that encourage compact growth and carries out the intent of the Transportation Element. For these reasons, the applicant urges approval of this Plan Diagram Amendment request.

2. Economic Element

The purpose of the Metro Plan's economic element is to implement Statewide Planning Goal 9 'to diversify and improve the economy of the state. In order to grow the region's economy it is essential that the supply of land in each zoning designation include not only sites sufficient in size to accommodate the needs of the commercial or industrial operations (including expansion), but also includes sites which are attractive from the standpoint of esthetics, transportation costs, labor costs, . . . proximity to markets, and anticipated growth of local markets.' The proposal will help maintain an adequate supply of both commercial and industrial land.

There is an acute shortage of readily developable commercial land in Springfield; the proposal will address this situation. The area will also remain highly desirable for both industrial expansion and new industrial

development. The MILPR notes that 'most demand (industrial) will be for sites under 20 acres.' The MILPR further notes that 'all of the sites developed in the past two years have been under 20 acres.' and goes on to say that at current development rates 'all of the short term vacant industrial sites under 20 acres may be developed in the next decade.' The proposal will add a development ready site under 20 acres to the inventory and facilitate the provision of commercial services to residents of the area and future employees of subsequent industrial development in the area. Compact, mixed use zoning patterns of the type presented for review and decision here are supported by the Findings, Goals, Objectives and Policies of the Metro Plan Economic Element.

i. Findings, Metro Plan Economic Element

Finding 12 of the economic element of the Metro Plan states:

'12. There are presently inefficiently used resources in the metropolitan area, including land'

The vacant subject parcel and remaining vacant industrial properties are an inefficiently used resource. The area was identified as 7-17, having a high potential for short term industrial development in MILIR. The majority of Site 7-17 remains vacant and the portions that have been developed have been developed with residential uses.

The vacancy causes leapfrog development that leaves underutilized parcels in its path. This leads to increased sprawl and premature pressure on the urban growth boundary and costlier provision of urban services. Infill development is efficient development. A Community Commercial with a Nodal Development Overlay District designation of the subject parcel will make efficient use of limited land resources. As discussed in great detail supra, there is an acute shortage of commercial land in Springfield and a surplus of industrial land; thus, the subject parcel is more likely to be developed in the near term if designated for commercial use. Approval of this request will also result in a highly desirable LMI site that will be more likely to be developed in the short term. Approval of this amendment request will facilitate a more efficient land use pattern in the Metro area.

The nodal development provided for in this proposal will result in a characteristic mix of uses, infill development, more intense development, decrease sprawl, enhance neighborhood livability and will make efficient use of land resources in the Metro area. The proposal will also spur economic growth in the region.

Finding 13 states:

'13. The Metropolitan economy is made up of a number of interrelated and important elements, one of which is construction and construction related activities.'

There is already a user for the day care facility associated with the existing Goodwill retail store. Assuming approval of this proposal, the State Department of Motor Vehicles will move into that facility. There will be required upgrades of the facility which will facilitate employment in the construction sector of the economy. The scarcity of development ready commercial sites in Springfield means that the remainder of the subject property will also be developed in the near term facilitating continued employment opportunities in the construction sector.

Finding number 15 of the Economic Element of the Metro Plan also supports approval of this request.

Finding 15 states:

'15. The mixture of commercial and office uses with industrial uses can reduce or enhance the utility of the industrial areas for industrial purposes, depending on circumstances. Uncontrolled mixing creates problems of compatibility and traffic congestion, and may limit the amount of land available for industrial development. Limited mixing, subject to clear and objective criteria designed to minimize or limit incompatibility, traffic area more pleasant, convenient, economical, and attractive as a place to work or locate.'

The area identified in Exhibit 2 as the "potential nodal development area is not an example of uncontrolled mixing. Rather, the mix of complementary uses will enhance the area for residents and employees of any future industrial development. The area was identified as TransPlan Node 9C which means that the area has identified potential for this type of development pattern. The limited mixing proposed here will not reduce the utility of the area for industrial use; there will be 18 vacant acres of LMI zoned property located conveniently near commercial services and will make the remaining industrial area a more pleasant, efficient, convenient, economic and attractive place to work and locate.

ii. Objectives, Economic Element

'7. Ensure compatibility between industrial lands and adjacent areas.'

The proposal helps ensure compatibility between industrial lands and adjacent uses. Currently, the heavy industrial user DYNEA on 28th St. creates a visual conflict for residents of the adjacent medium density residential development across for the subject property. Approval of this plan amendment application would facilitate development of the subject property with attractive and appropriate commercial uses. These uses visually screen the existing heavy industrial uses for the residents of the medium density residential housing to the east.

Commercial designation of the subject property would further promote compatibility between industrial lands and adjacent areas by providing commercial services and or office uses to the employees of future industrial development in the area.

The proposed plan amendment request also carries out Economic Objective 11 which states:

'11. Attempt to find ways to more effectively use inefficiently used resources such as land'

The applicant's vision for the potential nodal development area will efficiently use land resources in Springfield. The parcel and the area are largely vacant. This leapfrog development is inefficient in terms of systems investment, energy consumption and land use. The applicant's proposal will result in a more efficient use of land; the subject parcel is more likely to be developed in the near term is designated Community Commercial with a Nodal Development Overlay District. This proposal will lead to infill development of the type that reduces outward pressure on the UGB and utilize existing services.

The proposal will also carry out Metro Plan economic objective 12: Objective 12 states:

'12. Provide for the limited mixing of office, commercial, and industrial uses subject to clear, objective criteria which: (a) do not materially reduce the suitability of industrial, office, or commercial areas for their primary uses; (b) assure compatibility; and (c) consider the potential for increased traffic congestion.'

The proposal presented for review and decision here will provide for limited mixing of commercial, office and industrial uses subject to clear and objective criteria that will make the area a more attractive place to live and work. The proposal is for limited mixing in an area identified as TransPlan Node 9C. Commercial services in this location would benefit both the existing residences in the area and prospective industrial users of the remainder of the area. Commercial designation would not materially reduce the suitability of the remaining industrial parcels. Rather, the Plan Amendment request would enhance the utility of the remaining industrial area and ensure compatibility by providing commercial services to industrial users of the remaining developable area. The plan amendment will also enhance the area by screening the residential uses in the area from the visually unappealing industrial use taking place on the Dynea facility.

iii. Economic Element Policies

The proposed plan amendment request will support policy 2 of the Economic Element of the Metro Plan which states:

- '2. Encourage economic development which utilizes local and imported capital, entrepreneurial skills, and the resident labor force.'

The proposal will encourage near term economic development. The initial use of the resident labor force will involve upgrading the existing day care facility to meet the needs of the prospective client DMV. Approval of the Plan Amendment request and concurrent Legislative Zoning Map Amendment will require additional facilities upgrades. Also in the near term, the subject property will likely be developed with additional commercial and/ or office uses. These developments will also utilize the resident labor force. Upon completion, the commercial users will employ residents of the area. The proposal also carries out Policy 6 of the Economic Element of the Metro Plan. The policy states:

- '6. Increase the amount of undeveloped land zoned for light industrial and commercial uses correlating (emphasis added) the effective supply in terms of suitability and availability with the projections of demand.'

The proposed Plan Amendment request will increase the amount of undeveloped land zoned for commercial uses and will help correlate the effective supply in terms of suitability and availability with projections of demand. There is an acute shortage of commercial land and a surplus of industrial land in Springfield. The supply of commercial land does not correlate with demand. Even in the best case scenario there is a deficit of 158 acres of commercial land through the planning period; the actual shortfall may be much greater. Redesignation and rezoning were identified as methods to increase the supply of commercial land in Springfield's UGB. However, rezoning essentially reduces other land use inventories. Given the surplus of industrial land, this designation is the best candidate for an inventory reduction to address the extreme shortage of commercial land. This is particularly true where the area will retain a highly desirable industrial site and where redesignation of a portion of the industrial area will improve the appearance and functioning of the remainder of the area.

The MILIR found that there were 4,039 acres of land on 189 sites that were designated or zoned industrial within the Metro-UGB. Approximately 3,604 acres on 180 sites were considered buildable; 709 buildable acres were contained in Springfield's UGB. The most likely projected 20 year demand for industrial land through the planning period is estimated at 650 gross acres (MILPR). The best estimate from 1993 provided that there was a surplus of 2,432 and 2,954 acres of industrially zoned land in the Metro area.

The actual demand for industrial land is impossible to project. According to the MILPR, demand for industrial land could be as great as 1172 acres. If that projection is accurate, the supply exceeds the 20 year demand by 2,432 acres. Given either demand projection, the supply of industrial land exceeds what is needed to accommodate the economic growth in that sector of the economy. Given these statistics and the requirement that the jurisdiction maintain an adequate supply of commercial land as well as industrial land, there is no reason for the City to deny this Plan Diagram amendment based a perceived need to retain what amounts to a surplus of industrially zoned land.

According to the SCLS, the MILS found that there were 4039 acres of land on 189 sites that were designated or zoned industrial within the Metro-UGB. Of this total inventory, 3604 acres were considered buildable and 709 buildable industrial acres were located in Springfield. The SCLS states that the 2,432 to 2,954 acre surplus provides a degree of market choice . . . (SCLS, pp. 23). This surplus provides more than a degree of market choice; there is a glut of industrially zoned land. The surplus of industrially zoned land drives down the market value of industrial land. The reduction in FMV of industrially designated sites decreases the incentive for owners of industrial land to make these properties available for development. The surplus impedes economic growth by increasing the "market factor" which is the amount of land zoned for a type of use that is not available for development because owners of the property do not want to develop the parcel until a later date. At the same time, the shortage of commercial zoned lands in Springfield makes it extremely difficult and prohibitively expensive for commercial enterprises to locate in the Springfield area.

Approval of this plan amendment request will retain and enhance the value and utility of the remainder of the area for industrial users. MILIR notes that new industrial users seek sites that are: three to twenty acres

in size; have good site and highway access; well serviced; free of constraints; and well served by urban amenities and near urban services. The Plan Diagram Amendment will not substantially reduce the amount of land available for new industrial users nor will it reduce the quality of the remainder of the area. Based on an analysis of these factors, approval of the Plan Diagram Amendment will leave a potential industrial development site that is desirable for new industry while also allowing for a mix of uses that will further the economic development of Springfield. As the Metro plan notes, careful mixing (of the type proposed here) can actually lead to an increase in value for industrial users.

Exhibit 2 shows the configuration of the area as proposed by the applicant. As the exhibit clearly shows, a 18 acre LMI site with good road and rail access will remain. The approximately 18 acre LMI site is the size which is most desirable for new industrial users as noted in the MILIR. The subject parcel will remain constraint free and well served by urban services. Approval of the Plan Diagram Amendment and concurrent Legislative Zoning Map amendment will not reduce the inventory of vacant industrial sites between 10-19 acres. The Metropolitan Lands Site Evaluation provides that there were 5 sites between 10-19 acres designated for LMI use. The area in which the subject parcel is located was designated as site 7-17, a 52.9 acre site with one owner zoned LMI/HI. The character of the area has since changed significantly. The proposal would add a highly desirable site to the City's 10-19 acres LMI inventory and would improve the inventory by locating commercial uses near industrial uses and by buffering residential uses from future industrial development.

The policy of correlation between supply and demand for industrial and commercial land is not reflected in the current inventories. The applicant respectfully requests that the City recognize the detrimental economic and practical effects of the imbalance between supply and demand for each land use category and partially remedy this situation through approval of this Plan Amendment request.

As noted supra, approval of the request will improve the appearance and functioning of the remaining industrial area carrying out Policy 8 of this Element which provides:

'8. Encourage the improvement of the appearance of existing industrial areas, as well as their ability to serve the needs of existing and potential light industrial development.'

The plan amendment request will eventually improve both the appearance and functioning of the area. Light and medium industrial firms prefer to be in an attractive area that is well served by commercial services. The plan amendment request would facilitate commercial development in the area enhancing the areas ability to meet the needs of prospective industrial users. The proposal will also improve the appearance of the area.

The only Metro Plan Economic Element policy that does not support this application is Policy 12. However, Policy 12 does not outright forbid the conversion of light and medium industrial land to commercial designations. When considered in light of the other Metro Plan policies, findings, and objectives as well as the findings and strategies of the SCLS, MILIR and MILPR the policy is less meaningful.

Policy 12 provides:

'12. Discourage future Metropolitan Area General Plan Amendments that would change development-ready industrial lands (sites defined as short-term in the Metropolitan Industrial Lands Special Study, 1991) to non-industrial designations.'

Policy 12 does not contain an outright prohibition changing development ready industrial sites to non-industrial designations. It is important to keep in mind that when making decisions based on the Plan, not all of the goals and policies can be met to the same degree in every instance; some of the goals, objectives and policies conflict. Therefore, use of the Plan requires a 'balancing' of its various components on a case by case basis On balance, given the other findings, policies, goals and objectives of the plan the plan supports this application.

For example, Policy 6 of the Economic Element of the Metro Plan that suggests correlating the supply of land zoned for Industrial and commercial uses with demand. Given the extreme surplus of industrially zoned land and the deficit of commercial land there is not a correlation between existing supply and demand for the two categories. The 'correlation policy' conflicts with Policy 12 which discourages rezoning development ready industrial parcels to other designations. Given the desperate commercial lands situation in Springfield, the policy of correlating existing supply with demand is more important than the policy of not converting development ready light medium industrial sites to other uses. Especially where a substantial amount of highly desirable LMI parcels will remain in the area.

Furthermore, the site designated as 7-17 in the industrial lands survey has changed in character since it was identified as having short term development potential. At that time, the site was a 52.9 acre parcel having one owner. The amount of available industrial land has been reduced and extensive medium density residential development has changed the nature of the area. Disallowing commercial development on the subject parcel conflicts with Policy 29 of the Economic Element. That Policy provides for expansion of existing commercial facilities as residential densities change.

Policy 28 also conflicts with the policy of discouraging the conversion of LMI parcels to other types of uses. A vital role is played by commercial facilities that provide goods and services to a particular area. Not only do these types of developments provide goods to residents of a particular area but locating these types of developments near areas of residential development carries out the policies of the transportation element of the Metro Plan which is intended to reduce reliance on the automobile by shortening trip time and duration and frequency. The development of the subject parcel with commercial and or office uses will provide essential services to the residents of the area and will enhance the utility of the remaining industrial area.

This policy conflicts with not only the other policies of the Economic Element of the Metro Plan as well as well as the policies of but the Transportation element and the Residential and Housing element. On balance, the policies of the Metro Plan economic element support approval of this plan amendment request. The policies, finding objectives and intent of the Metro Plan and the Statewide Planning goals that support approval of this plan amendment request should not be frustrated on the basis of this single outdated policy.

The proposal is also supported by Policy 23 of the Economic Element which states:

'23. Provide for limited mixing of office, commercial, and industrial uses under procedures which clearly define the conditions under which such uses shall be permitted and which: (a) preserve the suitability of the affected areas for their primary uses; (b) assure compatibility; and (c) consider the potential for increased traffic congestion.'

The proposal presented for review and decision here provides for limited mixing of commercial and industrial uses while preserving the area for industrial uses. The proposal is for compatible commercial development which will enhance the utility of the area. The proposal would result in a nodal development will mix commercial, residential and industrial uses. Given the significant benefits of nodal development, the City should be flexible in implementing nodal development concepts and should apply these concepts to areas of the city that present nodal development opportunities.

The applicant's suggestion that the City be flexible in its implementation of nodal development strategies has a foundation in the definition of nodal development itself. Nodal development is a concept that allows for flexibility of uses and percentages of area dedicated to each type of land use category in the nodal development area to best suite the needs of the community. Generally, nodal development is a mixed-use pedestrian friendly land use pattern that seeks to increase concentrations of population and employment in well defined areas with good transit service, a mix of diverse and compatible land uses, and public and private improvements designed to be pedestrian and transit oriented. Nodal developments will vary in the amount, type, and orientation of commercial, civic and employment uses; target commercial floor ratios; size of buildings; and the amount and types of residential uses.

This policy essentially provides that nodal type development (limited mixing of uses) will be allowed subject to clear and objective criteria that are intended to ensure that the benefits of nodal development are

accrued. The applicant has discussed in great detail supra how the proposed development will locate a compatible mixes in proximity to one another that will enhance the area and achieve the efficiencies of a node. The applicant submits that this proposal is the type of limited mixing provided for in this policy and that the policy supports approval of this plan amendment request.

The applicant further submits that policy 28 of the Economic Element of the Metro Plan supports approval of this application. Policy 28 states:

'28. Recognize the vital role of neighborhood and commercial facilities in providing services and goods to a particular area.'

The applicant respectfully requests that the City implement this policy recognizing the vital role that commercial facilities play in providing goods to a particular area through approval of this plan amendment request. A commercial facility in this location could provide commercial services to residents of the medium density residential housing near the subject property as well as future industrial development in the area. Currently, residents of this area are forced to use 31st Street to access commercial facilities located on Main St. or to head north to shop in the Mohawk/Olympic "big box" area. The applicant request that the City recognize the importance of this policy and the vital role that commercial services play by approving this plan amendment request which will eventually allow residents of this area to obtain commercial services in proximity to their homes.

Policy 29 of the Metro Plan Economic Element also supports approval of this plan amendment request. Policy 29 states:

'29. Encourage the expansion or development of existing neighborhood commercial facilities as surrounding residential densities increase or as the characteristics of the support population change.'

The subject parcel is adjacent to the existing Goodwill Retail Store. The proposal may be viewed as an expansion of an existing commercial facility. The other elements of this policy are also apposite to the plan diagram amendment request. The characteristics of the surrounding area have changed. Large portions of vacant industrial land have been converted to Medium Density Residential housing. Thus, the surrounding residential densities have increased and the need for services has increased. This policy supports approval of this plan amendment request."

A. Residential Land Use and Housing Element

Residential Density.

"A.10 Promote higher residential density inside the urban growth boundary that utilizes existing infrastructure, improves the efficiency of public services and facilities, and conserves rural resource lands outside the urban growth boundary." Page III-A-8

"A.12 Coordinate higher density residential development with the provisions of adequate infrastructure and services, open space and other urban amenities." Page III-A-8

Design and Mixed Use.

"A.22 Expand opportunities for a mix of uses in newly developing areas and existing neighborhoods through local zoning and development regulations." P. III-A -10

F. Transportation Element

Land Use

"F.1 Apply the nodal development strategy in areas selected by each jurisdiction that have identified potential for this type of transportation-efficient land use pattern." P. III-F-4

"F.4 Require improvements that encourage transit, bicycles, and pedestrians in new commercial, public, mixed use, and multi-unit residential development." P. III-F-5

The proposed amendments protect higher residential density: 1) In the Mixed Use Commercial District, residential uses are permitted above commercial uses; and 2) In the Mixed Use Residential District, multi-family residential is the primary use. The mixed use zoning districts encourage transit, bicycles and pedestrian modes of travel. The nodal development strategy is implemented by the Nodal Development Area Metro Plan land use designation.

Staff's Response and Finding:

These applications comply with SDC Section 8.030(1) because the applicant has cited numerous Metro Plan principles, findings, objectives and goals inclusive of the arguments for the need for the Community Commercial zoning as well as the need to implement the Metro Plan Nodal Development Area designation and the SDC /Nodal Development Overlay District. Staff concurs with the applicant's submittal.

SDC Section 8.030(2) "Applicable State Statutes;"

Applicant's Submittal:

"SDC 8.030(2) provides as a criterion of approval that the Refinement Plan amendment be consistent with applicable State statutes. The State statutes which apply to this request include those statutes requiring compliance with the Statewide Planning Goals. The statute requiring compliance is ORS 197.250. This application can be deemed in compliance by adoption of findings relating how the application conforms to each of the applicable Statewide Planning Goals...."

Staff's Response:

Staff concurs with the applicant's response citing ORS 197.250. As stated previously, this is a combined staff report for all three applications. Compliance with the State-wide Planning Goals has been addressed above.

In addition, these applications comply with ORS 197.610 POST ACKNOWLEDGEMENT PROCEDURES which applies to the DLCD notification as required as part of the processing these applications. The City sent notice for the proposed "housekeeping" amendments via FedEx to the DLCD on May 4, 2006. The notice included a description of the proposed amendments with commentary. The notice needed to be received by DLCD by May 5th, 45 days prior to the first evidentiary hearing (before the Planning Commission) scheduled for June 20, 2006. FedEx acknowledged DLCD receipt of the proposed amendments on May 5, 2006.

Staff's Finding:

These applications comply with SDC Section 8.030(2) because the specific ORS cited above have been addressed.

SDC Section 8.030(3): "Applicable State-wide Planning Goals and Administrative Rules."

Staff's Finding:

This criterion is also found in SDC Section 7.030(3)(a) under the Metro Plan diagram amendment criteria and findings. Staff found that the applicant complied with that criterion and therefore, complies with criterion 8.030(3).

X. SPRINGFIELD ZONING MAP AMENDMENT CRITERA AND FINDINGS

SDC Article 12 describes the criteria to be used in approving a Springfield Zoning Map amendment. SDC Section 12.030(3) lists: "Zoning Map amendment criteria of approval: (a) Consistency with applicable Metro Plan policies and the Metro Plan diagram; (b) Consistency with applicable Refinement Plans, Plan District maps, Conceptual Development Plans and functional plans; and (c) 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. (d) Legislative Zoning Map amendments that involve a Metro Plan Diagram amendment shall: 1. Meet the approval criteria specified in Article 7 of this Code; and 2. Comply with Oregon Administrative Rule (OAR) 660-012-0060, where applicable"

SDC Section 12.030(3)(a) "Consistency with applicable Metro Plan policies and the Metro Plan diagram;"

Staff's Response and Finding:

This criterion is also found in SDC Section 8.030(1) under the Metro Plan diagram amendment criteria and findings. Staff found that the applicant complied with that criterion and therefore, complies with criterion 12.030(3)(a).

SDC Section 12.030(3)(b) "Consistency with applicable Refinement Plans, Plan District maps, Conceptual Development Plans and functional plans; and"

Applicant's Submittal:

"Upon approval of the applicant's concurrent Refinement Plan Text amendment, this application will be consistent with the applicable Refinement Plan."

Staff's Response:

The Mid-Springfield Refinement Plan contains commercial development policies that must be applied whenever there is a proposed change in designation and zoning, in this case from industrial to commercial. The refinement plan was in place before the TransPlan Potential Nodal Development Area map was adopted. There are currently no commercial policies that would apply to conversion of industrial to commercial land within the boundary of potential Nodal Area 9C. This is the reason why the refinement plan text is being amended. Please refer to Section V. MID-SPRINGFIELD REFINEMENT PLAN TEXT AMENDMENT – PROPOSED TEXT of this staff report for a detailed explanation of the proposed refinement plan text amendment. There are no Plan District maps or Conceptual Development Plans that apply to the subject property. There are no functional plans that are affected by these applications.

Staff's Finding:

These applications comply with SDC Section 12.030(3)(b) because the refinement plan diagram and text is being amended to implement the /Nodal Development Overlay Area designation and Overlay District.

Section 12.030(3)(c) "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."

Applicant's Submittal:

"The property is fully served by urban services and adequate public facilities and transportation networks. These are sufficient to support the proposed use."

Staff's Response:

Staff concurs with the applicant's statement. Criterion (c) is also addressed in staff's response to Goals 11 and 12.

Staff's Finding:

These applications comply with SDC 12.030(3)(c) because this subject property can be served by urban services.

Section 12.030(3)(d) "Legislative Zoning Map amendments that involve a Metro Plan Diagram amendment shall: 1. Meet the approval criteria specified in Article 7 of this Code; and 2. Comply with Oregon Administrative Rule (OAR) 660-012-0060, where applicable."

Staff's Response and Finding:

These applications comply with SDC Section 12.030(3)(d) because this criterion is addressed in staff's response to SDC Section 7.070(3) used in approving a Type II Metro Plan amendment; and the response to State-wide Planning Goal 12 in SDC Section 7.070(1).

XI. CONCLUSION AND RECOMMENDATION OF STAFF

Conclusion: Staff has demonstrated that the proposed applications comply with the applicable criteria of approval listed in SDC Sections 7.030, 8.030 and 12.030, as conditioned:

Condition of Approval #1:

Any future residential development on the Goodwill property shall be required to maintain a minimum density of 12 dwelling units per acre.

Condition of Approval # 2

Submittal of a Trip Monitoring Plan (See Attachment 4). The signed plan shall be recorded at Lane County at the property owner's expense.

Recommendation: Staff recommends the Planning Commission: Approve the attached Order and forward the proposed applications, as may be amended, to the City Council with a recommendation for adoption.

guy

BEFORE THE PLANNING COMMISSION
OF THE CITY OF SPRINGFIELD, OREGON

ORDER AND RECOMMENDATION FOR]	
A METRO PLAN DIAGRAM AMENDMENT]	CASE NUMBER LRP 2006-00013
MID-SPRINGFIELD REFINEMENT PLAN]	
DIAGRAM/TEXT AMENDMENT]	CASE NUMBER LRP 2006-00014
AND A SPRINGFIELD ZONING MAP AMENDMENT]		CASE NUMBER ZON 2006-00020

RECOMMENDATION TO THE CITY COUNCIL

NATURE OF THE APPLICATIONS

This is a consolidated application for the above referenced case numbers. The subject property, consisting of 5.32 acres is located on the west side of 30th Street, north of the Goodwill Industries Retail Center. The Metro Plan Diagram Amendment proposes to change the current land use designation from Heavy Industrial to Community Commercial/Nodal Development Area. The Mid-Springfield Refinement Plan Diagram and Text Amendment proposes to change the current land use designation from Light-Medium Industrial to Community Commercial/Nodal Development Area and amend the plan text to implement TransPlan Nodal Development Area 9C and allow application of the /Nodal Development Area designation and zoning overlay. The Springfield Zoning Map Amendment proposes to change the current zoning from Light-Medium Industrial to Community Commercial/Nodal Development Overlay.

1. The above referenced applications have been accepted as complete.
2. The applications were initiated and submitted in accordance with Section 3.050 of the Springfield Development Code. Timely and sufficient notice of the public hearing, pursuant to Section 14.030 of the Springfield Development Code, has been provided.
3. On June 20, 2006 the Planning Commission held a public hearing on the proposed amendments. The Development Services Department staff notes and recommendation together with the oral testimony and written submittals of the persons testifying at that hearing have been considered and are part of the record of this proceeding.

CONCLUSION

On the basis of this record, the proposed amendments are consistent with the criteria of SDC Sections 7.030, 8.030 and 12.030. This general finding is supported by the specific findings of fact and conclusion in the Staff Report and Findings.

ORDER/RECOMMENDATION

It is ORDERED by the Springfield Planning Commission that approval of CASE NUMBER LRP 2006-00013, CASE NUMBER LRP 2006-00014 and CASE NUMBER ZON 2006-00020, be GRANTED and a RECOMMENDATION for approval forwarded to the Springfield City Council.



Planning Commission Chairperson

ATTEST	2006	2006	2006
	-00013	-00014	-00020
AYES:	4	3	4
NOES:	1	2	2
ABSENT:	2		
ABSTAIN:	0		

**ATTACHMENT 3
EXHIBITS SUBMITTED BY THE APPLICANT**

- EXHIBIT 1. PROPOSED NODAL DEVELOPMENT AREAS FROM TRANSPLAN
- EXHIBIT 2. POTENTIAL ZONING
- EXHIBIT 3. VACANT COMMERCIAL LAND TABLE FROM THE SPRINGFIELD COMMERCIAL LANDS STUDY
- EXHIBIT 4. TRIP GENERATION TABLES*
- EXHIBIT 5. EXISTING ZONING

*The applicant revised the initial Traffic Study. The revised study has been incorporated into the staff report under the response to State-wide Planning Goal 12, SDC Section 7.030(1). Therefore, the original Traffic Study's Trip Generation Tables do not appear in Exhibit 4

EXHIBIT 4. TRIP GENERATION TABLES*

Refer to the staff report under the response to State-wide Planning Goal 12, SDC Section 7.030(1).

ATTACHMENT 4
LEGAL DESCRIPTION FOR THE ZONING MAP AMENDMENT

Parcel 2 of Land Partition Plat Number 2005-P1922 dated October 19, 2005 as platted and recorded at Lane County, Oregon C.S. File Number 39500.

ATTACHMENT 5
TRIP MONITORING PLAN

GOODWILL INDUSTRIES
METRO PLAN DIAGRAM AMENDMENT - CASE NUMBER LRP 2006-00013
MID-SPRINGFIELD REFINEMENT PLAN DIAGRAM/TEXT AMENDMENT - CASE NUMBER LRP 2006-00014
SPRINGFIELD ZONING MAP AMENDMENT - CASE NUMBER ZON 2006-00020
TRIP MONITORING PLAN

BACKGROUND

The purpose of this Trip Monitoring Plan is to implement Condition of Approval # 2 of City of Springfield Ordinances _____, _____ and _____ adopted by the City of Springfield City Council on _____, 2006.

Condition #2 limits the number of auto trips generated by site development on the 5.32 acres of Community Commercial/Nodal Development Overlay District-zoned land at the Goodwill site located on the west side of 30th Street to no more than 3,664 Average Weekday trips and 410 PM peak hour trips (i.e., a "Trip Cap"). In approving the above referenced Ordinances the Springfield City Council relied on this Trip Cap to find that the requirements of OAR 660-12-0060 (TPR) would be met (i.e., development under changed zoning which would generate the same number (or fewer) trips as development allowed under existing zoning would not "significantly affect an existing or planned transportation facility.")

This Trip Monitoring Plan establishes the procedures for applying the adopted "Trip Cap" in the context of future development proposals on the subject site:

1. Subsequent Site Plan Review applications for sites within the 5.32 acres shall be in compliance with the approved Trip Monitoring Plan.
2. Land use applications that would increase the number of allowable Average Weekday trips or PM peak hour trips above the limits specified in Condition 2 shall be processed as a refinement plan amendment.

DEFINITIONS

Trip Monitoring Plan – This document serves as the "Trip Monitoring Plan" required in Condition of Approval # 2.

Traffic Impact Analysis (TIA) – The analysis prepared in support of the approved Plan amendments for the subject property "Goal 12 Transportation Analysis, 30th Street Parcel" – Prepared for Karl Mueller, Metro Planning May 10, 2006 was prepared by Access Engineering and signed by Michael Weishar, P.E.

Trip Generation Estimates Assumptions/Methods – For Purposes of demonstrating compliance with the "Trip Cap", future trip generation estimates and calculation methods for developments on the subject acres shall be in conformance with the current edition of the manual titled "Trip Generation" published by the Institute of Transportation Engineers.

OBJECTIVES

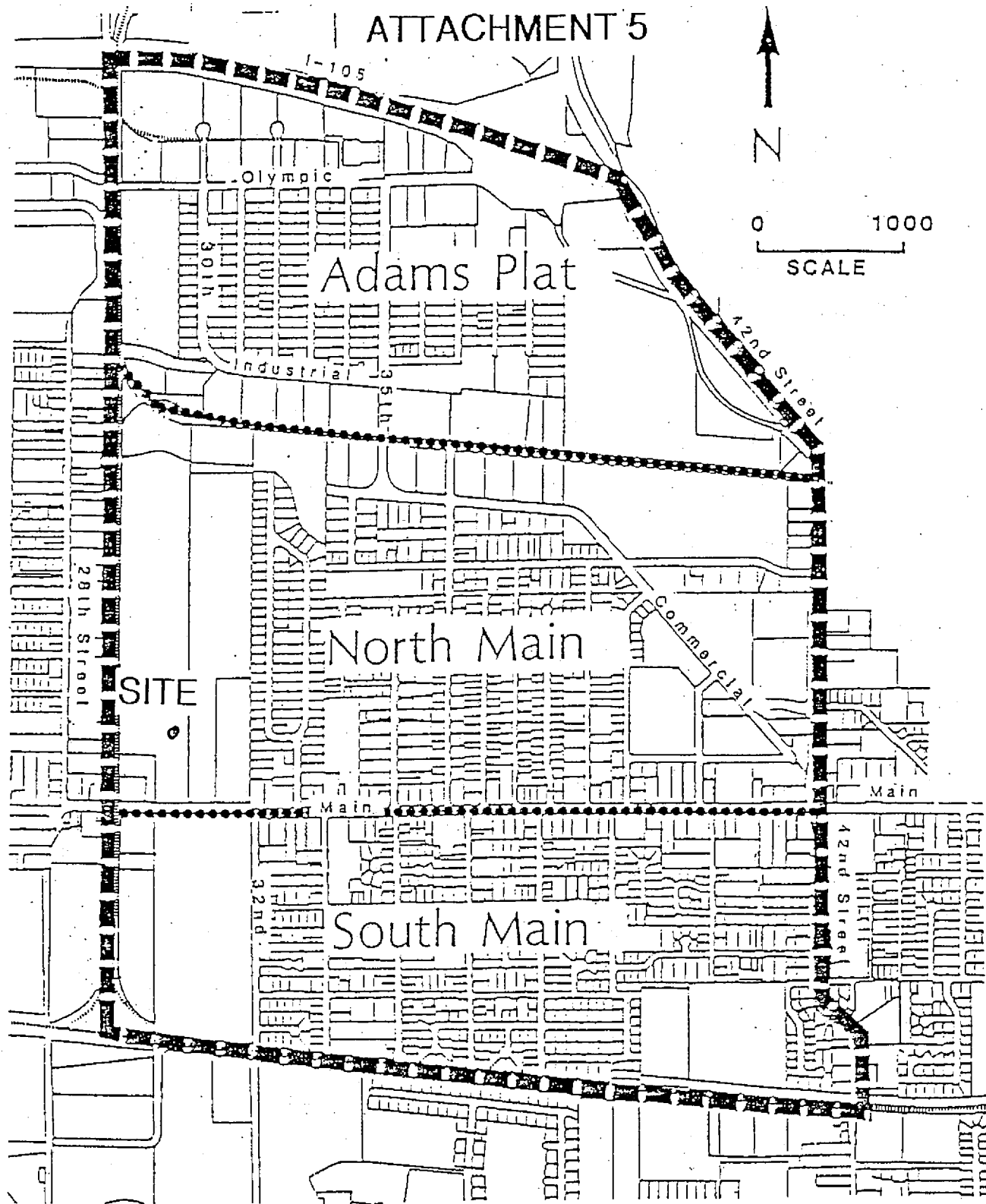
1. Demonstrate that future development on the subject property complies with Community Commercial /Nodal Development Overlay District use restrictions and design requirements.
2. Describe methods by which subsequent Site Plan applications on the subject property will demonstrate compliance with the conditioned Trip Cap.

TIAs shall be performed for each specific Site Plan or Site Plan Modification proposal submitted on the subject property. As part of these TIAs actual trip generation rates for developed Community Commercial

/Nodal Development Overlay District -zoned sites shall be assessed. Traffic counts shall be taken at driveways to developed Community Commercial /Nodal Development Overlay District sites. Counted traffic volumes shall be used to estimate the number of Average Weekday and PM peak hour trips being generated by existing Community Commercial /Nodal Development Overlay District development. Pass-by and internal trips shall be accounted for using origin and destination study methods approved by the City of Springfield and ODOT. An Average Weekday and PM Peak-hour Trip Generation Estimate for the proposed development shall be prepared in accordance with the above described "Assumptions." The sum of existing Community Commercial /Nodal Development Overlay District trips and trips estimated to result from proposed Community Commercial /Nodal Development Overlay District development shall be limited to either 3,664 Average Weekday trips or 410 PM Peak-hour trips.

Property Owner Signature

Date



MID-SPRINGFIELD REFINEMENT PLAN

July 1986

NEIGHBORHOODS
ATTACHMENT

ORDINANCE NO. 6178 (General)

AN ORDINANCE AMENDING THE MID-SPRINGFIELD REFINEMENT PLAN DIAGRAM BY REDESIGNATING 5.32 ACRES OF LAND FROM LIGHT-MEDIUM INDUSTRIAL TO COMMUNITY COMMERCIAL /NODAL DEVELOPMENT AREA AND AMEND THE PLAN TEXT TO IMPLEMENT TRANSPAN NODAL DEVELOPMENT AREA 9C AND ALLOW THE APPLICATION OF THE /NODAL DEVELOPMENT AREA DESIGNATION AND ZONING OVERLAY; ADOPTING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

THE COMMON COUNCIL OF THE CITY OF SPRINGFIELD FINDS THAT:

WHEREAS, Article 8 of the Springfield Development Code sets forth procedures for Metro Plan diagram amendments; and

WHEREAS, on April 19, 2006 the applicant/owner of the subject tax lot initiated the following Metro Plan diagram amendment:

Redesignate 5.32 acres from Light-Medium Industrial to Community Commercial /Nodal Development Area, Case Number LRP 2006-00014, Tax Lot 05200, Assessor's Map 17-02-31-00; and amend the plan text to implement TransPlan Nodal Development Area 9C and allow the application of the /Nodal Development Area designation and zoning overlay.

WHEREAS, on June 20, 2006, the Springfield Planning Commission held a work session and a public hearing to receive testimony and hear comments on this proposal. The Planning Commission voted 3 in favor, 2 opposed, and 2 absent, to forward a recommendation of approval, with conditions to the City Council; and

WHEREAS, on July 17, 2006, the Springfield City Council held a work session and a public hearing to consider to receive testimony and hear comments on this proposal. The City Council 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 adopting this Ordinance amending the Mid-Springfield Refinement Plan diagram and text.

NOW THEREFORE, THE CITY OF SPRINGFIELD ORDAINS AS FOLLOWS:

Section 1: The above findings, and the findings set forth in Exhibit A attached hereto and incorporated herein by reference are hereby adopted.

Section 2: The Mid-Springfield Refinement Plan designation of the subject property, more particularly described in Exhibit A attached hereto and incorporated herein by reference, is hereby amended from Light-Medium Industrial to Community Commercial /Nodal Development Area.

Section 3: The Mid-Springfield Refinement Plan History Section is hereby amended by adding a fourth paragraph that reads as follows:

"Since the adoption of the Mid-Springfield Refinement Plan in July, 1986, several significant planning activities have occurred which have a direct impact on the implementation policies in this Plan. These activities include the update of the Metro Plan, adopted in April 1987; adoption of TransPlan in July, 2001; and adoption of Article 40 Mixed-Use Zoning Districts and Article 41 /Nodal Development Overlay District in 2002."

Section 4: Mid-Springfield Refinement Plan Policy 7. under Industrial Development Policies is hereby amended to read as follows:

"Eliminate mixed-use plan designations involving industrial and residential uses, so as to avoid the perpetuation of land use conflicts, except in Nodal Development Area 9C as shown on the Potential Nodal Development Areas Map in TransPlan. In this case, the

/Nodal Development Overlay District specified in Article 41 of the Springfield Development Code shall be applied to the Light-Medium Industrial, Special Light Industrial, Heavy Industrial and/or Mixed Use Employment base zones."

Section 5: Mid-Springfield Refinement Plan Criterion 5. for Designating Industrial Land is hereby amended to read as follows:

"Minimize areas where Industrial and Residential designations abut, except in Nodal Development Area 9C as shown on the Potential Nodal Development Areas Map in TransPlan."

Section 6: Mid-Springfield Refinement Plan Goal, under Commercial Development Policies is hereby amended to read as follows:

"Encourage attractive and functional commercial development on commercially designated land along Main and North 42nd Streets and 30th Street in Nodal Development Area 9C as shown on the Potential Nodal Development Areas Map in TransPlan."

Section 7: Mid-Springfield Refinement Plan Policy 2. under Commercial Development Policies is hereby amended to read as follows:

"Encourage the development of nodal commercial shopping centers at the intersection of minor arterials (example 32nd and 42nd Streets) and Main Street and 30th Street in Nodal Development Area 9C as shown on the Potential Nodal Development Areas Map in TransPlan. In the latter case, the /Nodal Development Overlay District specified in Article 41 of the Springfield Development Code shall be applied to the Neighborhood Commercial, Community Commercial, Major Retail Commercial, General Office, Medical Support and/or Mixed Use Commercial base zones."

Section 8: Mid-Springfield Refinement Plan Criterion 3. for Designating Commercial Land is hereby amended to read as follows:

"The 200 foot boundary for the Community Commercial plan designation may be extended at the intersections of minor arterial streets and Main Street and the collector street in Nodal Development Area 9C as shown on the Potential Nodal Development Areas Map in TransPlan, provided that safe and efficient transportation facilities can be provided."

Section 9 Policy 1. under Residential Development Policies of the Mid-Springfield Refinement Plan is hereby amended to read as follows:

"Recognize the integrity of residentially-designated areas by removing the 'Mixed Use' plan designation, except in Nodal Development Area 9C as shown on the Potential Nodal Development Areas Map in TransPlan. In this case, the /Nodal Development Overlay District specified in Article 41 of the Springfield Development Code shall be applied to the Medium Density Residential, High Density Residential and/or Mixed Use Residential base zones".

Section 10 Mid-Springfield Refinement Plan Policy 2. under Residential Development Policies is hereby amended to read as follows:

"Eliminate the incursion of industrial and commercial development into residentially-designated neighborhoods by specifically designating land for these uses, except in Nodal Development Area 9C as shown on the Potential Nodal Development Areas Map in TransPlan. In this case, the /Nodal Development Overlay District specified in Article 41 of the Springfield Development Code shall be applied to the Medium Density Residential, High Density Residential and/or Mixed Use Residential base zones."

Section 11: Mid-Springfield Refinement Plan Criterion 3c. for Designating Residential Land is hereby amended to read as follows:

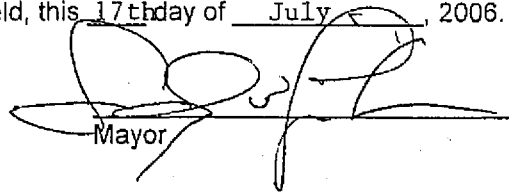
"Generally the Medium Density Residential plan designation shall be applied under the following circumstances:.... where designated exclusively Medium Density Residential (as opposed to "Mixed Use") on the Metro Plan Diagram including Nodal Development Area 9C as shown on the Potential Nodal Development Areas Map in TransPlan;"

Section 12: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision and that holding shall not affect the validity of the remaining portion of this Ordinance.

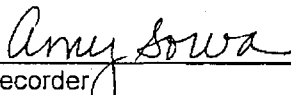
Section 13: It is hereby found and declared that matters pertaining to the Mid-Springfield Refinement Plan diagram and text amendment affect the public health, safety and welfare of the City of Springfield and an Emergency is therefore declared and this Ordinance shall take effect immediately upon its passage by the Council and approval by the Mayor.

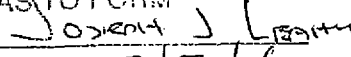
ADOPTED by the Common Council of the City of Springfield by a vote of 5 for and 0 (1 absent) against, this 17th day of July, 2006.

APPROVED by the Mayor of the City of Springfield, this 17th day of July, 2006.


Mayor

ATTEST:


City Recorder

REVIEWED & APPROVED
AS TO FORM

DATE: 7/7/06
OFFICE OF CITY ATTORNEY

ORDINANCE NO. 6179 (General)

AN ORDINANCE AMENDING THE SPRINGFIELD ZONING MAP BY REZONING 5.32 ACRES OF LAND, TAX LOT 05200, ASSESSOR'S MAP 17-02-31-00, FROM LIGHT-MEDIUM INDUSTRIAL TO COMMUNITY COMMERCIAL /NODAL DEVELOPMENT OVERLAY DISTRICT; ADOPTING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

THE COMMON COUNCIL OF THE CITY OF SPRINGFIELD FINDS THAT:

WHEREAS, Article 12 of the Springfield Development Code sets forth procedures for Springfield Zoning Map amendments; and

WHEREAS, on April 19, 2006 the applicant/owner of the subject tax lot initiated the following Springfield Zoning Map amendment:

Rezone 5.32 acres from Light-Medium Industrial to Community Commercial /Nodal Development Overlay District, Case Number ZON 2006-00012, Tax Lot 05200, Assessor's Map 17-02-31-00; and

WHEREAS, on June 20, 2006, the Springfield Planning Commission held a work session and a public hearing to receive testimony and hear comments on this proposal. The Planning Commission voted 4 in favor, 1 opposed, and 2 absent, to forward a recommendation of approval, with conditions to the City Council; and

WHEREAS, on July 17, 2006, the Springfield City Council held a work session and a public hearing to consider to receive testimony, hear comments on, and consider this proposal. The City Council 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 adopting this Ordinance amending the Springfield Zoning Map.

NOW THEREFORE, THE CITY OF SPRINGFIELD ORDAINS AS FOLLOWS:

Section 1: The above findings, and the findings set forth in Exhibit A attached hereto and incorporated herein by reference are hereby adopted.

Section 2: The Springfield Zoning Map, more particularly described in Exhibit A attached hereto and incorporated herein by reference, is hereby amended from Light-Medium Industrial to Community Commercial /Nodal Development Overlay District.

Section 3: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision and that holding shall not affect the validity of the remaining portion of this Ordinance.

Section 4: It is hereby found and declared that matters pertaining to the Metro Plan diagram amendment affect the public health, safety and welfare of the City of Springfield and an Emergency is therefore declared and this Ordinance shall, therefore, take effect immediately upon its passage by the Council and approval by the Mayor.

ADOPTED by the Common Council of the City of Springfield by a vote of 5 for and 0 against, this 17th day of July, 2006.

APPROVED by the Mayor of the City of Springfield, this 17th day of July, 2006.

ATTEST:

Amy Iowa
City Recorder

[Signature]
Mayor

REVIEWED & APPROVED
AS TO FORM
[Signature] [Signature]
DATE: 7/10/06
OFFICE OF CITY ATTORNEY