



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

AMENDED NOTICE OF ADOPTED AMENDMENT

March 7, 2007

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 017-06 (previously sent out in error as 003-07)



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: March 20, 2007

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
David Reesor, City of Springfield

<paa> ya



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March 7, 2007



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or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Springfield Plan Amendment
DLCD File Number 003-07 **error: This is actually 017-06(15771)**

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT OR DEADLINE TO APPEAL: March 20, 2007

This amendment was not submitted to DLCD for review prior to adoption. Pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

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.

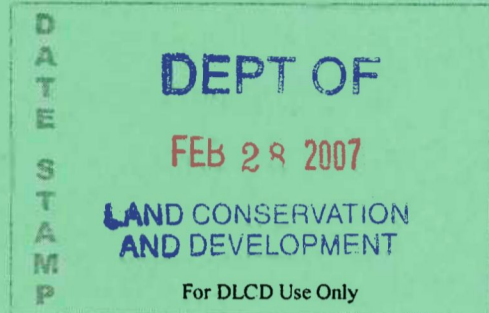
***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Marguerite Nabeta, DLCD Regional Representative
David Reesor, City of Springfield

<paa>

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



Jurisdiction: City of Springfield Local file number: ZON2006-00041

Date of Adoption: 2/21/2007 Date Mailed: 2/26/2007

Date original Notice of Proposed Amendment was mailed to DLCD: 12/27/2006

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____

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

The applicant is applying for a City sponsored zone map amendment to rezone property from MDR to LDR in conformance with the Metro Plan designation. The subject property represented a Metro Plan / Zoning Map conflict. Approval of the application corrected the conflict.

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: no change to: no change

Zone Map Changed from: MDR to: LDR

Location: 740 28th Street 17-03-36-11 TL 11300 Acres Involved: .54 acre

Specify Density: Previous: 10-20 units per acre New: 10 units per acre

Applicable Statewide Planning Goals: Goal 10

Was and Exception Adopted? YES NO

DLCD File No.: 017-06 (15771)

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:

City of Springfield

Local Contact: David Reesor Phone: (541) 726-3783 Extension: _____

Address: 225 Fifth Street City: Springfield

Zip Code + 4: 97477- Email Address: dreesor@ci.springfield.or

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.

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

REQUEST FOR ZONE CHANGE

+
+
+

**JO. NO. ZONE2006-00041
FINDING, CONCLUSIONS
AND RECOMMENDATIONS**

NATURE OF THE APPLICATION

Zone change from Medium Density Residential (MDR) to Low Density Residential (LDR) for tax lot 11300, Assessor's Map 17-03-36-11.

1. On August 11th, 2006 the following application for a Zone Change was accepted: City sponsored rezone of approximately .54 acre of land from MDR to LDR, Case Number ZON2006-00041, David Dukes, applicant.
2. The application was 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 February 21st, 2007 a public hearing on the zone change request was held. The Development Services Department staff notes including criteria of approval, findings and recommendations, together with the testimony and 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 requested zone change application is consistent with the criteria of Section 12.030 of the Springfield Development Code. This general finding is supported by the specific findings of fact and conclusions in the attached staff report and attached hereto.

ORDER

It is ORDERED by the Planning Commission of Springfield that Journal Number ZON2006-00041, Zone Change Request, be approved. This ORDER was presented to and approved by the Planning Commission on February 21st, 2007.



Planning Commission Chairperson

ATTEST:

AYES: 6
NOES: 0
ABSENT: 1
ABSTAIN: 0

Attachment 1
Zoning District Change - Type III
Staff Report and Findings



Hearing Date:
February 21st, 2007

Case Number:
ZON 2006-00041

Applicant /Owner
David Dukes

Applicant's Representative
None

Date Submitted: August 11th, 2006

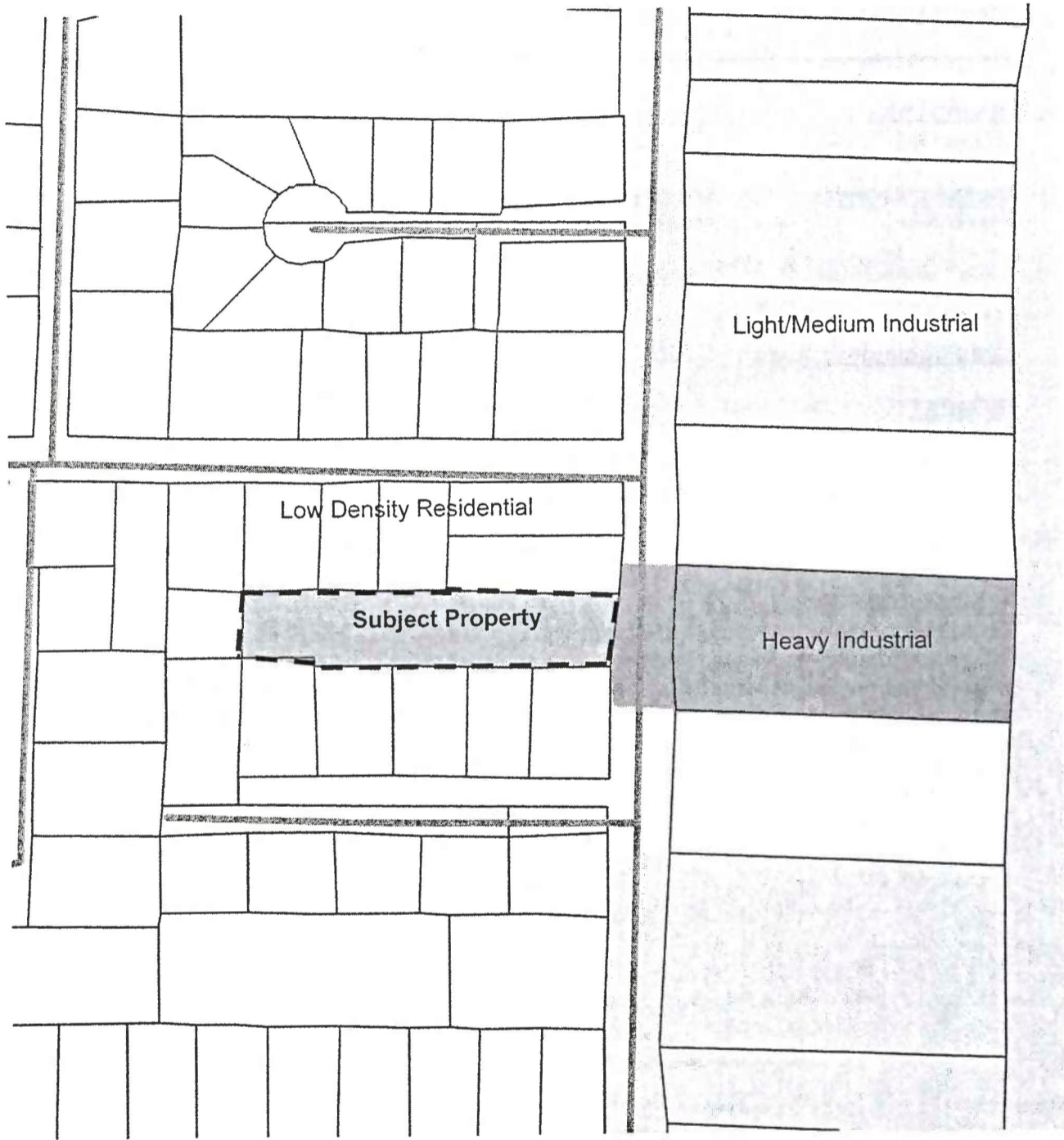
REQUEST:

The Applicant requests a zone change for property from Medium Density Residential (MDR) to Low Density Residential (LDR), in order to conform with the Metro Plan Designation. The applicant is applying for a City sponsored zone change since there is a clear *Plan/Zone* conflict. Approval of the request would allow the existing parcel to come into accordance with the standards of SDC Article 16 and Article 31 (where applicable).

SITE DESCRIPTION:

The subject property is located at 740 28th Street, Tax Map 17-03-36-11 TL 11300. The site is approximately .54 acre in size and is currently vacant. The site is flat with no existing trees on site. Land directly north, south and west of the subject property is zoned Low Density Residential (LDR). Said properties have single family homes located on each lot, consistent with their zoning and *Plan* designation. Land directly east of the subject property across 28th Street is zoned Heavy Industrial (HI), but is designated Light Medium Industrial (LMI) on the *Mid-Springfield Refinement Plan* and *Metro Plan*. Said lot has an existing manufactured home park on the site. The subject property takes access off of 28th Street.

Existing Neighborhood Development Pattern



Existing Site & Neighborhood Buildings-



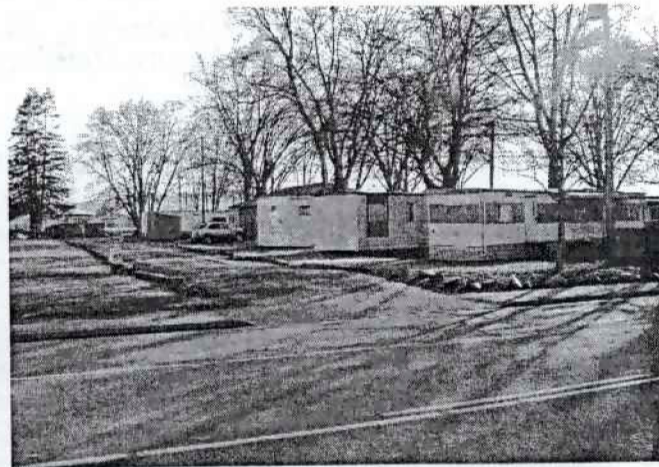
Subject lot looking west



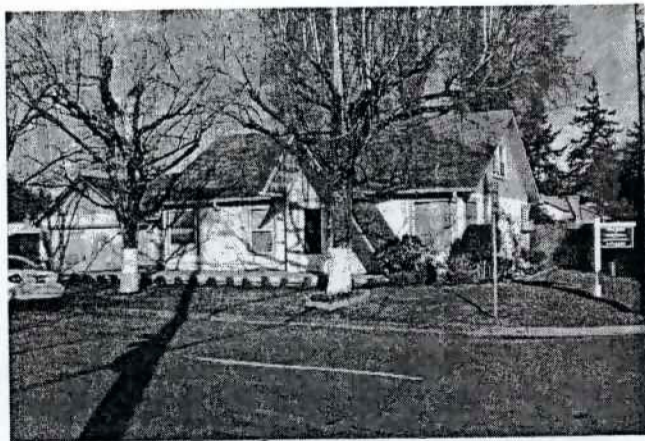
Neighboring single family home located on lot to the north



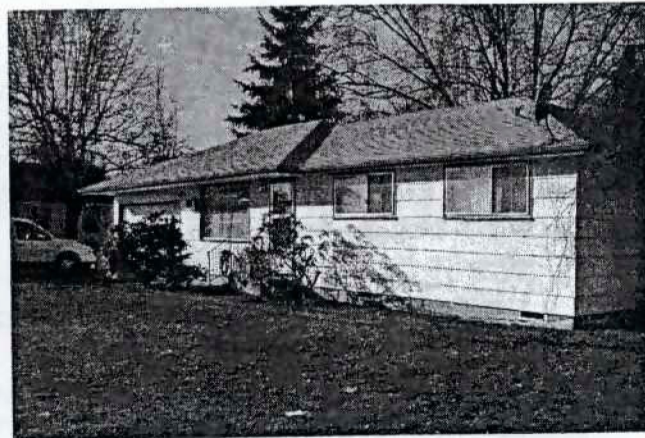
28th Street fronting subject lot - looking south



Existing mobile home park located to the east, across 28th Street



Single family home on corner of 28th and 'G' Street



Single family home on lot south of subject property

REVIEW PROCESS:

This application is reviewed under Type III procedures listed in SDC 3.090 and Article 12. This application was accepted as complete on August 11th, 2006. Notice of the public hearing date was mailed out on Tuesday, January 22, 2007 to property owners within 300 feet of the proposed zone change per Section 14.030 (1) (a)-(n) of the SDC. Public notice of the hearing was published in the local newspaper (*Register Guard*) on February 1st, 2007, as required in Section 14.030 (2) of the SDC. Written response letters/petitions were received from the following Springfield residents:

Bradley J. Prophet
2711 'G' Street
Springfield, OR. 97477

Mr. Prophet submitted the following comment on January 25th, 2007: "*I strongly object to any zone change in the area. We do not need to change the zoning to meet one person's needs or wants. The zone was set way back whenever for reasons.*"

Staff Response: The applicant is applying for a rezone change because it currently does not conform to the *Metro Plan* Diagram. The *Metro Plan* is the 20-year vision document that guides land use in the City. State law requires City zoning maps to be consistent with the Comprehensive Plan (*Metro Plan*). The proposed rezone will correct a conflict between the City zoning map and the *Metro Plan* Diagram.

METRO PLAN DESIGNATION:

The subject property is located in the Low Density Residential Plan designation as shown in the *Metro Plan* diagram. The *Metro Plan* diagram has identifiable features to establish the LDR boundary. No refinement plan has been adopted for the area.

DISCUSSION:

As of April 20th, 2006, the City began sponsoring zoning map amendments for properties where the zoning and *Plan* designation are clearly in conflict. This process will occur three times a year. This year's first hearing is at the February 21st hearing.

The applicant is requesting a Zone Change for the subject parcel because the site currently represents a Plan / Zone conflict. The current zoning for the property is MDR, and the applicant requests rezoning to LDR consistent with the *Metro Plan* designation. The proposed rezone would rectify the conflict, and bring the zoning into conformity with the *Metro Plan* designation.

As noted on the *Metro Plan* map, the subject lots represent a clear Plan / Zone conflict which can be corrected by approval of this application. All of the properties adjacent to the site have existing single family homes, consistent with their zoning and *Plan* designation. The *Plan* Diagram shows 28th Street as the boundary between LDR on the west and industrial on the east.

SDC 12.030 Criteria of Approval – Zoning District Change

SDC 12.030 (1) – Quasi-judicial Zoning Map Amendments – The Planning Commission or Hearings Official may approve, approve with conditions or deny a quasi-judicial Zoning Map amendment based upon approval criteria (3)(a)-(c) below. The Planning Commission or Hearings

Official shall make the final local decision on all quasi-judicial Zoning map amendments that do not include a Metro Plan diagram amendment.

SDC 12.030(3) 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.

STAFF FINDINGS

Criterion 1

SDC 12.030 (3)(a): Consistency with the Metro Plan Text and Diagram;

Finding 1: Staff informed the applicant that the *Metro Plan* designation for this property is LDR and that the existing MDR zoning represents a *Plan/zone* conflict.

Finding 2: The applicant proposed to apply a Zone Change from MDR to LDR for the subject lot in order to bring it into compliance with the *Metro Plan* designation.

Finding 3: The applicant's proposal is consistent with the *Plan* text with respect to the following:

Metro Plan page I-2, #4 states: *The Metro Plan provides the public with general guidelines for individual planning decisions. Reference to supplemental planning documents of a more localized scope, including neighborhood refinement plans, is advisable when applying the Plan to specific parcels of land or individual tax lots.*

Finding 4: No supplemental planning documents (e.g. Refinement Plans) of localized scope exist within the subject area. Therefore, the City must rely upon the *Metro Plan* diagram to the best degree possible and *Metro Plan* text for interpretation.

Finding 5: The *Metro Plan* diagram has identifiable features to establish specific boundaries of LDR plan designation area. The diagram shows a solid section of LDR west of 28th Street, between Centennial Avenue and just north of Main Street. Existing parcels located north and south of the subject parcel, and west of 28th Street are already in *Plan / Zone* compliance of LDR, thus, establishing a boundary of LDR properties along 28th Street.

Finding 6: The subject parcel is clearly located west of 28th Street between Centennial Avenue and Main Street, adjacent to existing LDR parcels which are in *Metro Plan* and Zoning compliance.

Finding 7: Since existing land uses and zoning of adjacent properties to the north, south and west are all consistent with the *Metro Plan* designation, the existing land use pattern and local zoning support the applicant's request.

Finding 8: Metro Plan page II-A1, Fundamental Principal #4 states: *Comprehensive plans identify and establish the plan-zoning consistency concept and recognize the importance of timing concerning implementation techniques. Implementation techniques, including zoning, shall generally be consistent with the precepts established in the Metro Plan, which is the broad policy document for the metropolitan area.*

Finding 9: As indicated in the Metro Plan's Fundamental Principal #4, the zoning map must be consistent with the Metro Plan. Approval of this rezone application will provide consistency between the Zoning Map and the Metro Plan Diagram.

Conclusion: The proposed rezone request is consistent with the Metro Plan Text and Diagram

Criterion 2

SDC 12.030 (2): Consistency with applicable Refinement Plans, special area studies and functional plans;

Finding 10: As previously mentioned in this report, the subject properties are not located within any Refinement Plan area.

Finding 11: The subject property obtains access from 28th Street. There are no new road improvements shown in the *Trans Plan* that would affect the subject property. The Future Street Connectivity Map for the City of Springfield does not show any new roads through the subject properties.

Finding 12: The subject parcel is currently serviced by both City water and sewer, which is consistent with the City of Springfield Water and Sanitary Sewer Master Plans.

Conclusion: The proposed zone change is in compliance with Criterion 2.

Criterion 3

SDC 12.030 (3): That the property can be served by the orderly and efficient extension of key urban facilities and services as prescribed in the Metro Plan prior to or in conjunction with development.

Finding 13: City water, sanitary and storm sewer currently exist along 28th Street. The subject parcel is currently being serviced by these lines.

Finding 14: The property is served by Springfield Fire and Life Safety.

Finding 15: The site is within Springfield School District 19.

Finding 16: The site is within the Willamalane Parks and Recreation District.

Finding 17: Transportation systems currently provide access to the property. The subject property takes access from 28th Street. 28th Street is under City of Springfield jurisdiction.

Finding 18: The proposed zone change is from MDR to LDR. The subject lot has existing development on all sides, and is located on a fully improved City Street (28th Street). The proposed zone change will not negatively affect existing public transit service.

Finding 19: Solid waste management service is available at the subject property. The City and Sanipac have an exclusive franchise arrangement for garbage service inside the city limits.

Finding 20: The site receives police protection from the City of Springfield, consistent with service provision throughout the city and with service that is now provided to adjacent properties.

Finding 21: The City of Springfield Development Services Department provides land use control for property within the City's jurisdiction.

Finding 22: Qwest and Comcast currently provide telephone and cable communication service in this area for and an array of wireless companies provide a number of different communication services. The City has no exclusive franchise arrangements with telecommunication or wireless companies. The field is competitive and therefore guarantees a wide selection currently.

Conclusion: All key urban facilities and services required for the proposed rezone are available to the site. Any specific public and private improvement requirements and utility connection points will be determined when the property is developed. The proposal meets Criterion 3.

SDC 12.040 Conditions of Approval

SDC Article 12 allows for the Approval Authority to attach conditions of approval to a Zone Change request to ensure that the application fully meets the criteria of approval. The specific language from the code section is listed below:

12.040 Conditions of Approval

The Approval Authority may attach conditions as may be reasonable necessary in order to allow the Zoning Map amendment to be granted.

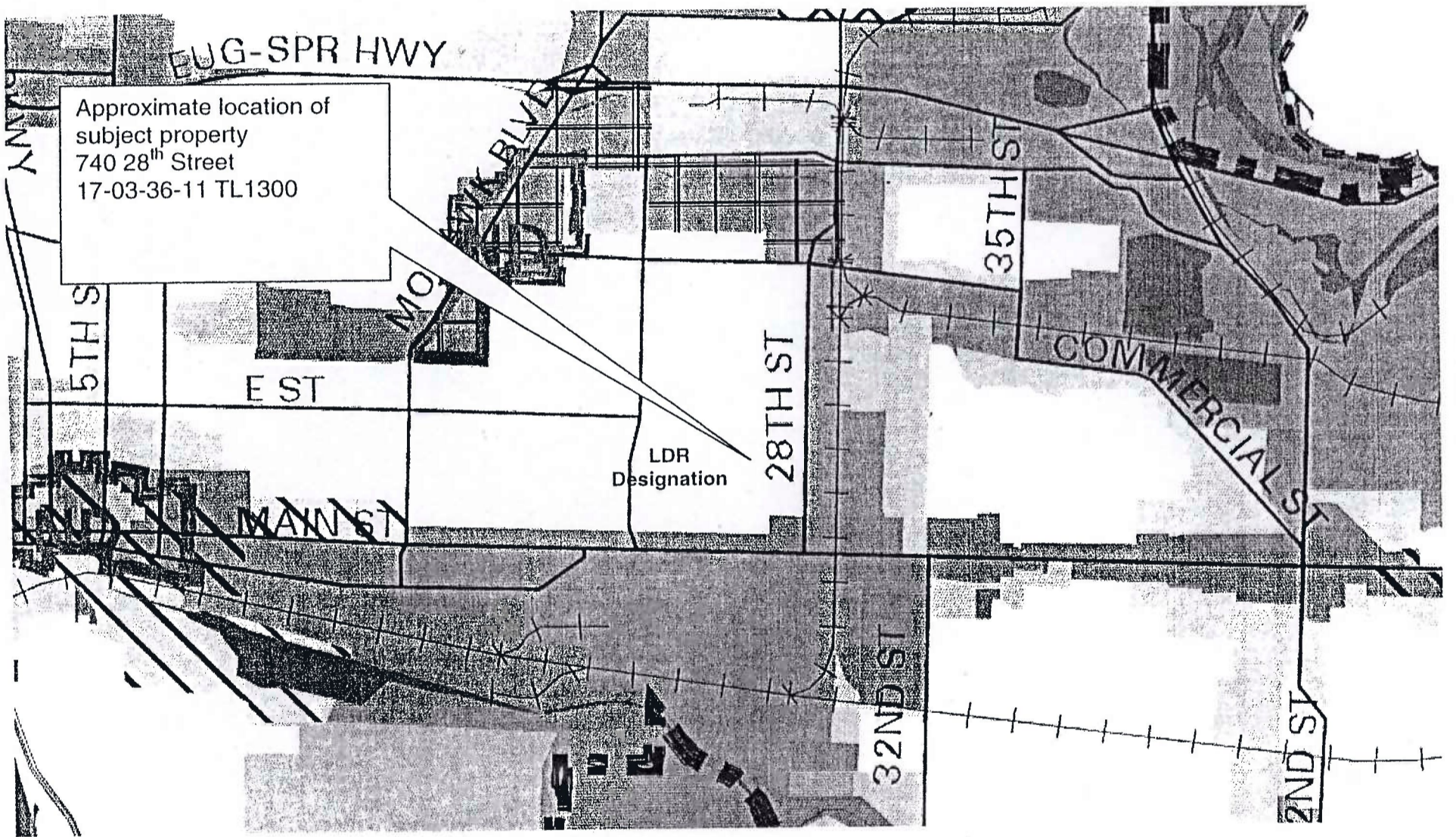
Staff have reviewed the Zone Change request and supporting information provided by the applicant and do not recommend any conditions of approval.

The Planning Commission may choose to apply conditions of approval as necessary to comply with the Zone Change criteria.

CONCLUSION AND RECOMMENDATION

Staff finds that the request meets the criteria of SDC 12.030. Upon review of the evidence provided by the applicant, site visits, existing structures/uses and a clear distinction of the Low Density Residential designation on the Metro Plan Map, staff finds that the applicant's request for a zone change from Medium Density Residential to Low Density Residential is appropriate for the subject property and recommends approval of this rezone request to resolve the Plan / Zone conflict.

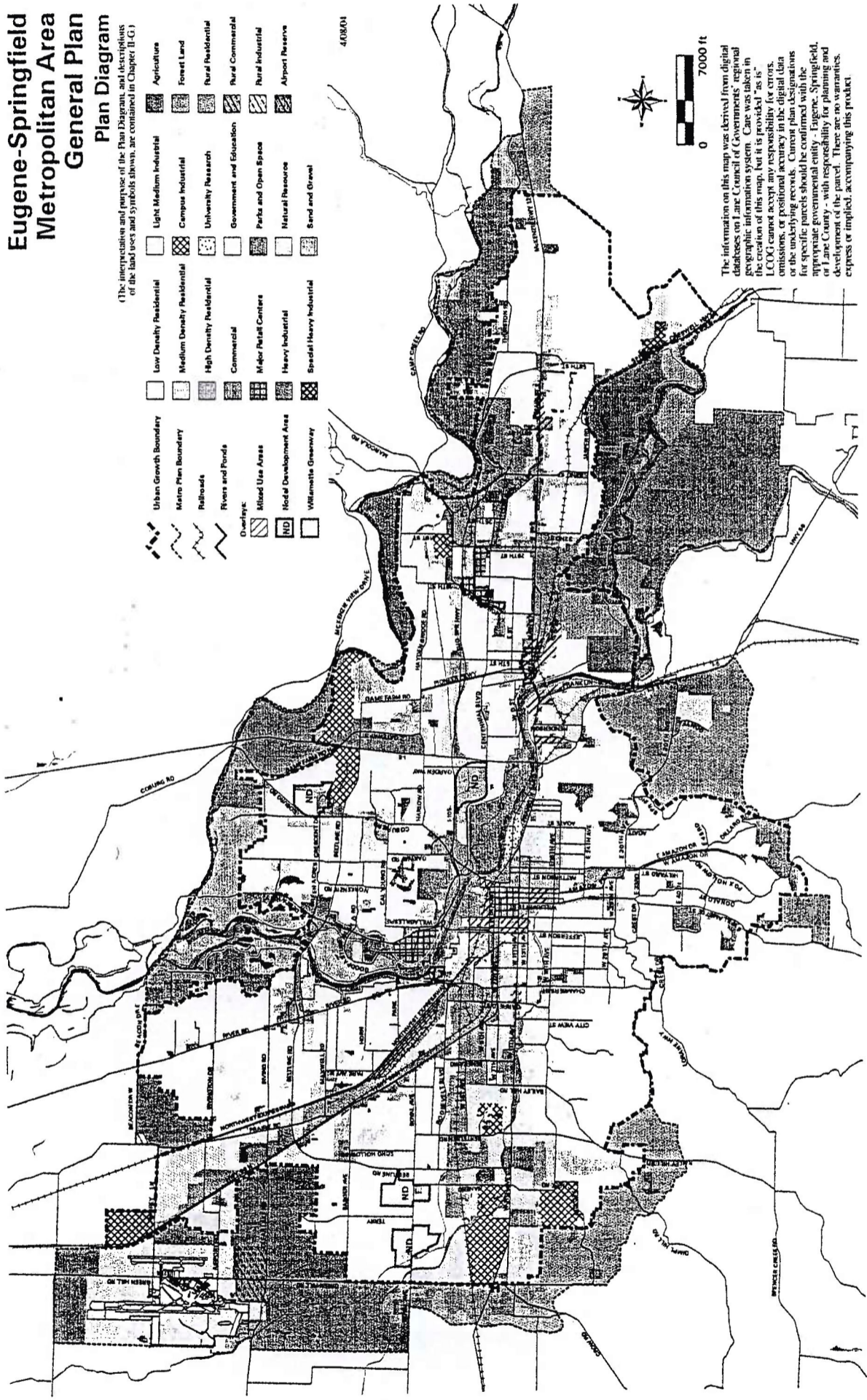
Eugene-Springfield Metro Plan Diagram



Eugene-Springfield Metropolitan Area General Plan Plan Diagram

(The interpretation and purpose of the Plan Diagram, and descriptions of the land uses and symbols shown, are contained in Chapter II-G.)

- | | | | | | | | |
|--|------------------------|--|----------------------------|--|--------------------------|--|-------------------|
| | Urban Growth Boundary | | Low Density Residential | | Light Medium Industrial | | Agriculture |
| | Metro Plan Boundary | | Medium Density Residential | | Campus Industrial | | Forest Land |
| | Railroads | | High Density Residential | | University Research | | Rural Residential |
| | Rivers and Ponds | | Commercial | | Government and Education | | Rural Commercial |
| | Overlays | | Major Retail Centers | | Parks and Open Space | | Rural Industrial |
| | Mixed Use Areas | | Heavy Industrial | | Natural Resource | | Airport Reserve |
| | Nodal Development Area | | Special Heavy Industrial | | Sand and Gravel | | |
| | Watersheds Greenway | | | | | | |



The information on this map was derived from digital addresses on Lane County or Government regional geographic information system. Care was taken in the creation of this map, but it is possible that the LCCG cannot accept any responsibility for errors or the underlying records. Current plan designations for specific parcels should be confirmed with the appropriate governmental entity - Eugene, Springfield, or Lane County - with responsibility for planning and development of the parcel. There are no warranties, express or implied, accompanying this product.

40804

Plan / Zone Conflict Rezone Application - ZON2006-00041

Subject Property
740 28th Street
17-03-36-11 TL 11300



0.03 0 0.03 0.06 Miles

-  Tax Lots
- Zoning**
-  Medium Density Residential
 -  Low Density Residential
 -  Light Medium Industrial
 -  Mixed Use Lmi & Cc
 -  Campus Industrial
 -  Heavy Industrial
 -  Streets