



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

12/16/2013

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Springfield Plan Amendment
DLCD File Number 009-13

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: Monday, December 30, 2013

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

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

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

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

<paa> YA



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 009-13 (20068)
[17703]
Received: 12/9/2013

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Springfield

Local file no.: **TYP313-00006**

Date of adoption: 12/03/2013 Date sent: 12/10/2013

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

- Yes: Date (use the date of last revision if a revised Form 1 was submitted): 10/25/2013
 No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No
If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Mark Metzger, Senior Planner

Phone: 541-726-3775 E-mail: mrmetzger@springfield-or.gov

Street address: 225 Fifth Street City: Springfield Zip: 97477-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- Change from to . acres. A goal exception was required for this change.
Change from to . acres. A goal exception was required for this change.
Change from to . acres. A goal exception was required for this change.
Change from to . acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): 18-02-05-21 TL 8300, 725 S. 42nd Street, Springfield.

- The subject property is entirely within an urban growth boundary
 The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from Public Land Open Space to Low Density Residential. Acres: 3.6 acres

Change from to . Acres:

Change from to . Acres:

Change from to . Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: . Acres added: . Acres removed:

Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: School District 19

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Attachment 1 Staff Report and Findings
Attachment 2 Planning Commission Order

NOTICE OF ADOPTED CHANGE – SUBMITTAL INSTRUCTIONS

1. A Notice of Adopted Change must be received by DLCD no later than 20 days after the ordinance(s) implementing the change has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) as provided in [ORS 197.615](#) and [OAR 660-018-0040](#).

2. A Notice of Adopted Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of Adopted Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting a Notice of Adopted Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 2 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

Attention: Plan Amendment Specialist
Dept. of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

This form is available here:

<http://www.oregon.gov/LCD/forms.shtml>

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to plan.amendments@state.or.us with the subject line “Notice of Adopted Amendment.”

Submittals may also be uploaded to DLCD’s FTP site at http://www.oregon.gov/LCD/Pages/papa_submittal.aspx.

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these electronic submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

Include this Form 2 as the first pages of a combined file or as a separate file.

5. **File format:** When submitting a Notice of Adopted Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0017 or plan.amendments@state.or.us.

6. **Content:** An administrative rule lists required content of a submittal of an adopted change ([OAR 660-018-0040\(3\)](#)). By completing this form and including the materials listed in the checklist below, the notice will include the required contents.

Where the amendments or new land use regulations, including supplementary materials, exceed 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

7. Remember to notify persons who participated in the local proceedings and requested notice of the final decision. ([ORS 197.615](#))

If you have any questions or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0017 or e-mail plan.amendments@state.or.us.

Notice checklist. Include all that apply:

- Completed Form 2
- A copy of the final decision (including the signed ordinance(s)). This must include city *and* county decisions for UGB and urban reserve adoptions
- The findings and the text of the change to the comprehensive plan or land use regulation
- If a comprehensive plan map or zoning map is created or altered by the proposed change:
 - A map showing the area changed and applicable designations, and
 - Electronic files containing geospatial data showing the area changed, as specified in [OAR 660-018-0040\(5\)](#), if applicable
- Any supplemental information that may be useful to inform DLCD or members of the public of the effect of the actual change

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

**ZONING MAP AMENDMENT
CASE NUMBER: TYP313-00006**

**] STAFF RECOMMENDATION
] TO THE PLANNING COMMISSION**

FINDINGS, CONCLUSION AND ORDER

NATURE OF THE APPLICATION

Springfield School District 19 requests a zoning map amendment from the classification Public Land and Open Space to the classification Low Density Residential for a 3.6 acre property located at 725 South 42nd Street. The property is identified as Assessor's Map No. 18-02-05-21 Tax Lot 8300.

1. The School District submitted a rezoning application and support materials on October 16, 2013. The application was submitted for review by the Springfield Planning Commission under Section 5.22-115 of the Springfield Development Code (SDC) which describes the criteria to be used in approving a zoning map amendment.
2. Timely and sufficient notice of the proposal and of the scheduled public hearing, pursuant to SDC Section 5.1-135 B has been provided.
3. On December 3, 2013, the Planning Commission conducted a public hearing to accept testimony and to hear comments on this proposal. A Staff Report and Recommendation together with the testimony and submittals of the persons testifying at the hearing have been entered in the public record and have been considered during this proceeding.

CONCLUSION AND RECOMMENDATION

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

DECISION OF THE PLANNING COMMISSION

The Planning Commission is now ready to take action on this proposal based upon the above recommendation and the evidence and testimony already in the record as well as the evidence and testimony presented at this public hearing held in the matter of the zoning map amendment from Public Land and Open Space to Low Density Residential for the property at 725 South 42nd Street.

It is the DECISION of the Planning Commission of Springfield that Case Number TYP313-00006 (be approved) (be approved with conditions) (be denied) (no action be taken at this time).

This **DECISION** was presented to and approved by the Planning Commission on December 3, 2013.

AYES: 5
NOES: 0
ABSENT: 2
ABSTAIN: 0

ATTEST:


Planning Commission
Chairperson

City Of Springfield
 Development Services Department
 December 3, 2013
Mt Vernon Rd./Holly St. Rezone, School District 19
Staff Report

Applicant: Springfield School District 19	Journal No. TYP313-00006
Request: To amend the Springfield Zoning Map to apply the Low Density Residential zone to a 3.6 acre parcel at the corner of S. 42 nd Street and Mt. Vernon Rd. which is also known as Holly Street. The parcel is currently zoned Public Land and Open Space (PLO).	ProcedureType: Type III—Quasi-Judicial
Affected Properties/ Assessor's Map No. 18-02-05-21 Tax lot 8300	Approximate Area 3.6 acres
Attachments: Attachment 1: Current Zoning Map showing the subject property Attachment 2: Proposed Zoning Map showing the subject property	

I. Executive Summary

The subject site is the location of the old Mt. Vernon Elementary School which was closed and demolished in 2013. Much of the school site was previously redeveloped as Volunteer Park, a facility now owned and maintained by Willamalane Park and Recreation District. The remainder of the school site was declared surplus property and is now proposed for rezoning and sale.

Vicinity Aerial



The maps below report show the current and proposed zoning for the subject site. The current zoning is Public Land and Open Space (PLO). This proposed zoning, Low Density Residential (LDR), is consistent with the current Metro Plan designation for the property (LDR) found on the Eugene-Springfield Metropolitan Area General Plan Diagram.



Subject Site	Acres	Current Zone	Proposed Zone	Current Plan Designation	Proposed Plan Designation
725 S. 42 nd Street	3.6	PLO	LDR	LDR	LDR

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

II. Background

The subject site is the location of the old Mt. Vernon Elementary School which was closed and demolished in August 2013. Much of the school site was previously partitioned and redeveloped as Volunteer Park, a facility now owned and maintained by Willamalane Park and Recreation District. The remainder of the school site was declared surplus property and is now proposed for rezoning and sale. The current zoning for the subject site and the adjoining Volunteer Park is Public Land and Open Space. The PLO zone is appropriate for a park use, but the District seeks to rezone the subject site to Low Density Residential. The current Metro Plan designation for the subject site is LDR. Rezoning to LDR will bring the site into conformity with the *Metro Plan*.

Section 3.2-205 of the Springfield Development Code describes Low Density Residential (LDR) zoning district. The LDR zone establishes sites for residential development where primarily detached single-family dwellings and duplexes are permitted with a density range of 6 to 14 dwelling units per net acre. The zone also provides for a limited range of neighborhood uses that provide services for residents.

The neighborhood east of the subject site on Mt. Vernon/Holly Street (apart from Volunteer park) is currently zoned LDR. The neighborhood is composed of single family dwellings with a corner duplex located on the corner of S. 42nd and Mt. Vernon Rd.

The neighborhood to the west of the subject site, across South 42nd Street, is largely Medium Density Residential and Community Commercial. The area includes a large duplex subdivision that was recently completed and a mix of single family homes and homes with large deep lots that have additional dwellings sited behind them on the same lot.

The proposed rezoning to LDR is intended to make the surplus lot suitable for sale. District 19 will use the proceeds from the sale to help fund other capital projects within the district as allowed by state law.

III. Procedural Requirements

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

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

Mailed notice of the proposed Zoning map amendment must be sent to the Department of Land Conservation and Development as specified in ORS 197.610 and OAR 660-18-0020. This notice must be filed no less than 35 days before the first evidentiary hearing.

Under a Type III process, the Planning Commission will conduct a public hearing on this matter and will make a decision.

Findings:

1. Springfield School District initiated this amendment of the Zoning Map to change the zoning of the subject sites from PLO to LDR on October 16, 2013.
2. A Public hearing was scheduled before the Springfield Planning Commission for December 3, 2013.
3. A "DLCD Notice Proposed Amendment" was mailed to the Department of Land Conservation and Development on October 25, 2013, alerting the agency to the City's intent to amend the Zoning Map. The notice was mailed more than 35 days in advance of the first evidentiary hearing as required by ORS 197.610.
4. A Development Review Committee meeting was scheduled for November 5, 2013. Findings and conditions of approval issued by participating members are contained in this report.
5. Mailed notice of public hearings concerning the proposed zoning map amendment was sent out on November 12, 2013 to property owners and residents within 300 feet of the subject site. The mailing allowed more than 20 days notice before the first public hearing as required by Section 5.2-115 A of the SDC. A second mailed notice was mailed on November 19 to correct an error in the amount of acreage shown for the property.

6. Notice of the public hearing concerning this matter was published on October 29, 2013 in the Register Guard, advertising the hearing before the Planning Commission on December 3, 2013. The content of the notice followed the direction given in Section 5.2-115 B of the SDC for quasi-judicial actions.

Conclusion:

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

IV. Decision Criteria and Findings

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

- “1) Consistency with applicable Metro Plan policies and the Metro Plan diagram;
- 2) Consistency with applicable Refinement Plans, Plan District maps, Conceptual Development Plans and functional plans; and
- 3) The property is presently provided with adequate public facilities, services and transportation networks to support the use, or these facilities, services and transportation networks are planned to be provided concurrently with the development of the property.
- 4) Legislative Zoning Map amendments that involve a Metro Plan Diagram amendment shall:
 - a. Meet the approval criteria specified in Section 5.14-100; and
 - b. Comply with Oregon Administrative Rule (OAR) 660-012-0060, where applicable.”

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

Findings

7. The Metro Plan contains a Diagram designating land uses for all parcels within Springfield’s planning jurisdiction. The subject site is currently designated Low Density Residential (LDR) on the Metro Plan Diagram.
8. Section II-G of the Metro Plan includes descriptions of the various plan designations. The designation, “Residential” consists of three designations; Low Density Residential, Medium Density Residential, and High Density Residential (Pg. II-G-3). The current Metro Plan Low Density Residential designation allows for a development density of up to 10 dwelling units per gross acre. The designation also allows for auxiliary uses including public facilities, neighborhood commercial and churches if allowed by the local development code.
9. The proposed zone change from Public Land and Open Space (PLO) to Low Density Residential (LDR) is consistent with the current Low Density Residential Metro Plan designation. The LDR

zoning limits density to the density set by the Low Density Residential Metro Plan designation and allows for the auxiliary uses described in the Plan.

Conclusion

The proposed Zoning Map amendment will change the PLO zoning to LDR on the subject site. Such a change is consistent with Metro Plan Diagram and designation description for low density residential development.

Criterion # 2: “Consistency with applicable Refinement Plans, Plan District maps, Conceptual Development Plans and functional plans; and”

Findings:

10. The subject site is located outside of any neighborhood refinement plan.
11. Other applicable refinement plans and functional plans include the Willamalane Park and Recreation Comprehensive Plan, TransPlan and the Eugene-Springfield Metropolitan Public Facilities and Services Plan. While the subject site is located within the planning area for these documents, a review shows that there are no specific policies or map elements which conflict with the proposed rezoning.

Conclusion

The proposed Zoning Map amendment is consistent with the applicable refinement plans and functional plans for the area.

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

Findings:

12. The subject site is located on the northeast corner of S. 42nd Street and Mt. Vernon Rd./Holly Street. South 42nd Street is classified as a minor arterial. Mt Vernon/Holly Street is a local street.
13. The site is located within the city limits and is currently served with city water, stormwater and sanitary sewer services.
14. Participating utility, public facility and transportation providers participating on the Development Review Committee indicated in their meeting on November 5, that the subject site is adequately served to support buildout of the subject site at the density allowed by the proposed LDR zoning.

Conclusion

The proposed Zoning Map amendment is supported by existing service capacity for transportation, public facilities and utilities which already serve surrounding neighborhood.

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

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

Findings:

- 15. The proposed Zoning Map amendment affects a single tax lot.
- 16. SDC Section 5.22-110 B defines quasi-judicial Zoning Map amendments to be those “...generally affecting a single or limited group of properties and may or may not include a Metro Plan diagram amendment.” By this definition, the proposed Zoning Map amendment is a quasi-judicial zoning map amendment and is not a legislative amendment.

Conclusion

Criterion #4 specifically addresses itself to “Legislative Zoning Map amendments.” The proposed Zoning map amendment “quasi-judicial” and not “legislative” and therefore do not apply to this proposal.

V. Conclusion and Recommendation of Staff

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

VI. Attachments

- Attachment 1: Current Zoning Map showing the subject property
- Attachment 2: Proposed Zoning Map showing the subject property



