



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

April 26, 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 005-06

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: May 9, 2006

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.625 (1), 197.830 (2), and 197.830 (9) 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 ADOPTED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Marguerite Nabeta, DLCD Regional Representative
Steve Oulman, DLCD Transportation Planner
Andy Limbird, City of Springfield

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D L C D NOTICE OF ADOPTION DEPT OF

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

APR 20 2006

(See reverse side for submittal requirements)

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: CITY OF SPRINGFIELD Local File No.: ZON 2006-00007 (if no number, use none)

Date of Adoption: APRIL 18, 2006 (Must be filled in) Date Mailed: APRIL 19, 2006 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: FEBRUARY 22, 2006

- Comprehensive Plan Text Amendment
Comprehensive Plan Map Amendment
Land Use Regulation Amendment
Zoning Map Amendment
New Land Use Regulation
Other:
(Please Specify Type of Action)

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

REZONE EIGHT DOWNTOWN TAX LOTS FROM MIXED USE COMMERCIAL / NODAL DEVELOPMENT (MUC/NDO) TO PUBLIC LAND AND OPEN SPACE (PLO)

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: to
Zone Map Changed from: MUC to PLO
Location: 320, 324 + 332 B ST.; 308 A ST. 225 PIONEER PARKWAY EAST
Acres Involved: 1.3
Specify Density: Previous: 0-26 New: 0

Applicable Statewide Planning Goals:

Was an Exception Adopted? Yes: No: [checked]

DLCD File No.: 005-06 (15036)

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

REQUEST OF ZONE CHANGE

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+
+

**CASE NO. ZON2006-00007
FINDINGS, CONCLUSIONS,
AND RECOMMENDATION**

NATURE OF THE APPLICATION

Zone change from Mixed Use Commercial/Nodal Development to Public Land and Open Space/Nodal Development for Tax Lots 13900, 14000, 14100 and 14300, Assessor's Map 17-03-35-24; and Tax Lots 1800, 1900, 2000 and 2100, Assessor's Map 17-03-35-31.

1. On April 18, 2006 the following application for a Zone Change was accepted:
Rezone approximately 1.3 acres of land from Mixed Use Commercial/Nodal Development to Public Land and Open Space/Nodal Development, Case Number ZON2006-00007, Springfield Police Chief Jerry Smith, 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. A public hearing on the zone change request was opened on March 21, 2006. The record was held open for submittal of written testimony until March 28, 2006, and rebuttal testimony until April 4, 2006. The Planning Commission reconvened on April 18, 2006 to begin deliberations on the request. 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 (Exhibit A) and attached hereto.

ORDER

It is ORDERED by the Planning Commission of Springfield that Case Number ZON2006-00007, Zone Change Request, be approved. This ORDER was presented to and approved by the Planning Commission on April 18, 2006.

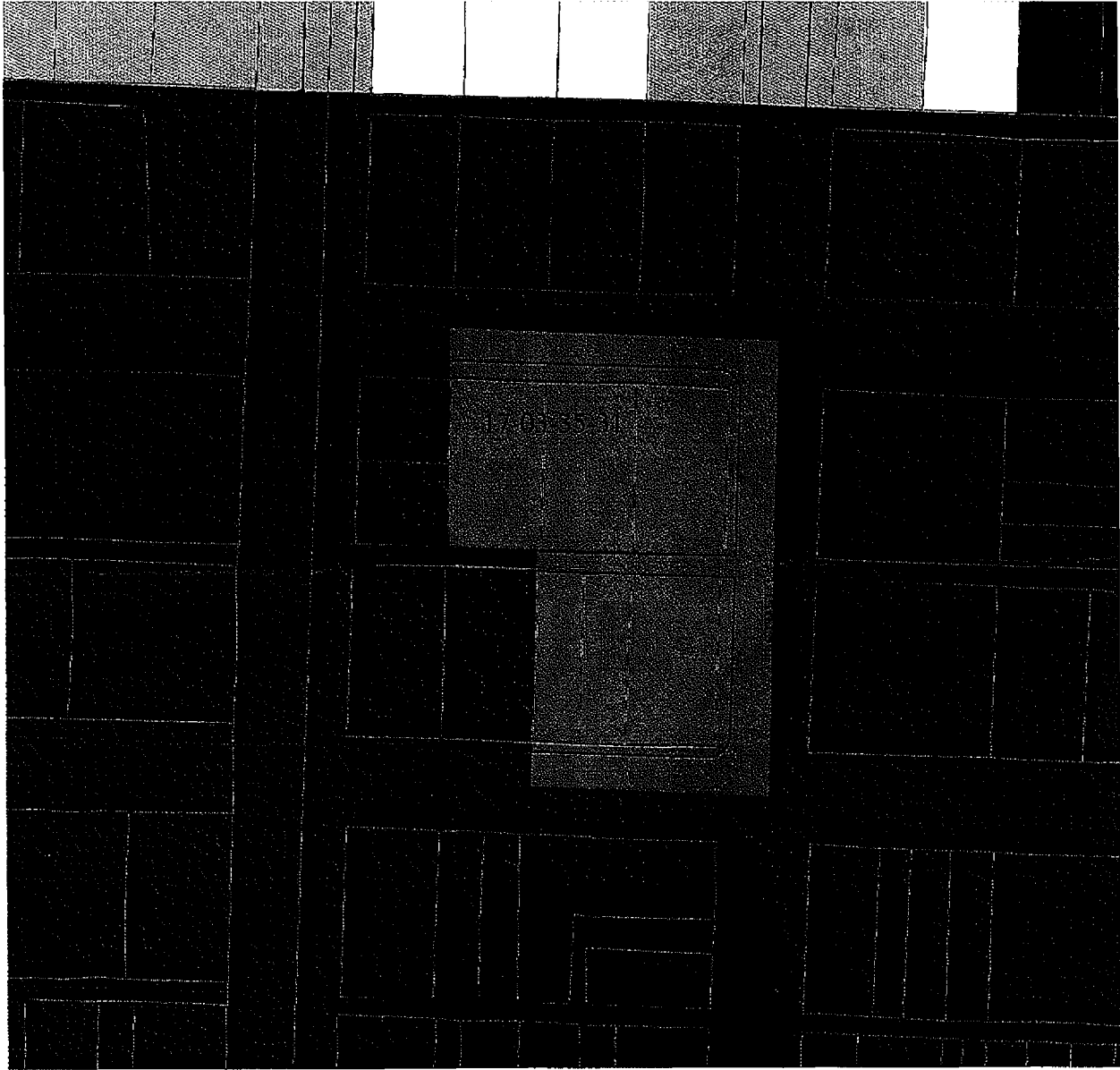


Planning Commission Chairperson

ATTEST

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

**JUSTICE CENTER AFFECTED PARCELS
ZON2006-00007**



Mixed Use Commercial / Nodal Development (MUC)



Public Land and Open Space (PLO)



Parcels Rezoned from MUC to PLO

**Staff Report
Planning Commission
Zone Change Request (Justice Center)**

Meeting Date

April 18, 2006

Case Numbers

ZON2006-00007 (Zone Change Request)

Applicant

Attn: Jerry Smith, Chief of Police
City of Springfield
344 A Street
Springfield, OR 97477

Request

The City Council selected a preferred site option for the Justice Center at their February 21, 2006 regular meeting. Consistent with Council's direction regarding the Justice Center site planning, the City of Springfield Police Department submitted a Discretionary Use application and concurrent Zone Change request to the Development Services Department on February 22, 2006. The applications were accepted as complete on February 28, 2006. A public hearing on the matters of the Discretionary Use and Zone Change request was held on March 21, 2006 at the Planning Commission regular meeting. The written portion of the hearing was extended to March 28, 2006 and rebuttal was accepted until April 4, 2006.

Zone Change Request:

The project site is located north of A Street between Pioneer Parkway East and 4th Street, and includes the existing parking lot south of the alley between B Street and C Street (a total of one and one-half city blocks). The City owns all 14 tax lots within the subject area, of which eight are currently zoned and designated Mixed Use Commercial/Nodal Development (MUC/NDO) and the remaining six are zoned Public Land and Open Space/Nodal Development (PLO/NDO). All tax lots are located within the Downtown Exception Area as defined by the Springfield Development Code (SDC). The eight MUC/NDO lots comprise an area of ±1.3 acres and require rezoning to PLO if a Justice Center is to be allowed at this site, because the proposed use is not listed in the MUC/NDO District. In accordance with the SDC, the Zone Change request is being processed as a Type III Zoning Map amendment.

Criteria of Approval for the Zone Change Request:

Article 12 of the SDC contains the criteria of approval for the decision maker to utilize during review of Zoning Map amendment requests. The Criteria of Zoning Map amendment approval criteria follow:

SDC 12.030 CRITERIA

(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.*

Proposed Findings In Support of Zone Change Approval

Criterion: *Zoning Map amendment criteria of approval:*

- (a) *Consistency with applicable Metro Plan policies and the Metro Plan diagram;*
Finding: The proposed zone change is consistent with the *Metro Plan* text and diagram which designate the subject area as Nodal Development/Mixed Use.
- (b) *Consistency with applicable Refinement Plans, Plan District maps, Conceptual Development Plans and functional plans;*
Finding: The proposed zone change is consistent with provisions of the *Downtown Refinement Plan* text and diagram which enables Nodal Development in the subject area. Justice Centers are listed among the types of Civic and governmental activities that are encouraged to locate along A Street in accordance with Land Use Element – Policy #2 of the *Downtown Refinement Plan*.
- (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.*
Finding: The site proposed for development of the Justice Center is already serviced with a full range of public facilities and a fully developed transportation network.

Conclusion: The staff has reviewed the application and supporting evidence submitted by the applicant for the Justice Center Zone Change request. Based on the above-listed criteria, staff recommend support for the request as the proposal meets the stated criteria for Zone Change approval.

The staff has also reviewed the public hearing testimony and suggest that no changes are required to the findings of fact and recommended conditions of approval. An additional condition of approval requiring the vacation of the alley west of 4th Street between A Street and B Street has been added at the suggestion of Commissioner Decker. However, there has not

been any compelling testimony pertaining directly to the Zone Change request criteria of approval that warrants any changes to the motion presently before the Planning Commission.

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment FORTY FIVE (45) days prior to the first evidentiary hearing. Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

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

DDOT IS REFERRAL AGENCY

Local Contact: ANDY LIMBIRD Area Code + Phone Number: 541-726-3784

Address: 225 FIFTH ST.

City: SPRINGFIELD OR Zip Code+4: 97477

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 of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.

5. The deadline to appeal will 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 Larry.French@state.or.us - **ATTENTION: PLAN AMENDMENT SPECIALIST.**