



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

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Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

February 24, 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 015-05

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 1, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. 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
Jim Donovan, City of Springfield

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DEPT OF DLCD NOTICE OF ADOPTION FEB 17 2006

This form must be mailed to DLCD within 5 working days after the final decision

per ORS 197.610, OAR Chapter 660 - Division 18

LAND CONSERVATION AND DEVELOPMENT

FEB 17 2006

LAND CONSERVATION AND DEVELOPMENT

(See reverse side for submittal requirements)

Jurisdiction: City of Springfield Local File No.: ZON2005-00058 (If no number, use none)

Date of Adoption: 2-8-06 (signed) (Must be filled in) Date Mailed: 2-15-06 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 12-15-05

- 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 1.44 acres from PLO (Public Land & Open Space) to LDR (Low Density Residential) consistent with the Metro Plan designation and current development plans

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: PLO to LDR

Location: 17-02-30 TL 700 Acres Involved: 1.44

Specify Density: Previous: 0 New: 0

Applicable Statewide Planning Goals: 1, 2, 9, 10, 11, 12, 14

Was an Exception Adopted? Yes: No: X

DLCD File No.: 015-05 (14876)

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: _____

Local Contact: Jim Donovan Area Code + Phone Number: 541 726-3660

Address: 225 Fifth Street

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.**

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

**REQUEST OF ZONE CHANGE
FILE NO. ZON2005-00058**

**FINDINGS,
CONCLUSION
AND ORDER**

NATURE OF THE APPLICATION

Zone change from Public Land & Open Space (PLO) to Low Density Residential (LDR) for Tax Lot 700, Assessor's Map 17-02-30, Steve Moe owner.

1. On November 15, 2005 the following application for a Zone Change was accepted: Rezone approximately 1.47 acres of land from Public Land & Open Space to Low Density Residential, Planning File ZON2005-00058, Breeden Brothers Inc., applicant; Steve Moe, owner.
2. The application was submitted and completed 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 7, 2006, a public hearing on the zone change request was held before the Springfield Planning Commission. The Development Services Department staff notes including criteria of approval, findings and recommendations, together with oral and written testimony submitted has been considered and is part of the record of this proceeding.

CONCLUSION

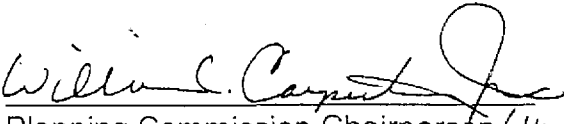
On the basis of this record, the requested zone change application is consistent with the criteria of Section 12.030 of the Springfield Development Code. This general finding is supported by the specific findings of fact and conclusions in the attached staff report (Attachment 1).

FINAL ORDER

It is ORDERED by the Planning Commission of Springfield that Planning File ZON2005-00058, Zone Change Request, be approved.

This ORDER was presented to and approved by the Planning Commission on February 7, 2006.

JD


Planning Commission Chairperson (VICE CHAIR)

ATTEST

AYES: 5
NOES: 0
ABSENT: 1
ABSTAIN: 1

ATTACHMENT 1

ZONE CHANGE REQUEST STAFF REPORT AND FINDINGS

APPLICANTS

Breeden Brothers Inc. for Steve Moe, property owner.
(Planning File Number ZON2005-00058)

REQUEST

The request is to change zoning from Public Land and Open Space (PLO) to Low Density Residential (LDR) for a 1.47 acre portion of the Moe Mountain property which is located near V Street, between 32nd and 37th Streets, in Springfield. The requested change is a quasi-judicial zoning map amendment pursuant to Springfield Development Code Section 12.030.

SITE DESCRIPTION

The property in question is a 1.47 acre parcel of privately owned land along the northerly boundary of the Moe Mountain property and the southerly boundary of Ambleside Subdivision, east of the intersection of 32nd and V Streets. The site is also identified as Tax Assessor's Map 17-02-30, Tax Lot 700. (Exhibit 1-1). The current use is private access; a portion of the property is encumbered with utility easements to Rainbow Water District and EWEB. The site and surrounding properties are zoned and designated Low Density Residential. The EWEB property east of the subject site is zoned PLO and designated Government and Education (public) on the Metro Plan. (Exhibit 1-2).

DISCUSSION

Approval of the requested zone change to LDR would remove any confusion created by the PLO zoning and the presumption that public rights of way would someday replace the privately owned road and utility corridor. No existing or future public right of way or utility access is affected by the proposed re-zoning. The net affect will be to remove PLO zoning from the back yards of subdivision lots shown on concurrent hillside development plans while maintaining public utility easements.

WRITTEN COMMENTS

The application required the notification of property owners/occupants within 100 feet of the subject properties. No written comments were received prior to the public hearing.

SPRINGFIELD DEVELOPMENT CODE (SDC) CRITERIA

Section 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

(a) Consistency with the Metro Plan Text and Diagram:

I. METRO PLAN TEXT

Discussion: Both the current PLO and proposed LDR Zoning Districts are intended to implement the LDR Metro Plan designation and allow for the extension of public facilities and are therefore consistent with the general policies of the Metro Plan text.

Findings:

1. The Metro Plan designation of the subject site is LDR. The Residential designation description assumes approximately 32 percent of residential areas will be utilized for auxiliary uses such as streets and other public utility facilities (Plan Diagram, pg. II-E-2).
2. The Public Land and Open Space Zoning District (SDC Article 23) provides zoning for publicly owned facilities in areas designated Residential on the Metro Plan Diagram (SDC 32.010(2)).
3. The existing public facilities are infrastructure (water lines, overhead electrical lines) are located within public utility easements (PUEs) on the privately owned parcel (Tax Lot 700).
4. Both the current PLO and the proposed LDR zoning districts are consistent with the Metro Plan text because both implement the Residential Plan Designation and allow for the extension of public infrastructure.

II. METRO PLAN DIAGRAM

Discussion: The subject site and properties to the north and south are designated LDR on the Metro Plan Diagram. Adjacent properties to the east are designated consistent with the Metro Plan Diagram (Exhibit 1-2).

Findings:

1. The original, non-lot specific Metro Plan Diagram was originally adopted by the City of Springfield on August 4, 1980. That plan diagram, in its 1987 Update form, is the only Metro Plan Diagram adopted by the City of Springfield.
2. The subject site is clearly in an area designated LDR on the adopted Metro Plan Diagram.
3. Approval of the requested zoning map amendment is consistent with the adopted Metro Plan Diagram. Removal of the PLO district does not create inconsistency with the Metro Plan.

Conclusion 1: Criterion 3(a) has been met because the proposed Zoning Map Amendment is consistent with the Metro Plan Diagram and applicable text.

(b) Consistency with applicable Refinement Plans, special area studies and functional plans:

Discussion: The subject property is not within a refinement plan boundary. It is not within a special area study or functional plan area.

Findings:

1. This criterion does not apply because the proposed LDR zoning is consistent with the Metro Plan designation and the site is not within a refinement plan boundary or special study area.

Conclusion 2: Criterion 3(b) does not apply to the requested change.

(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.

Discussion: The subject property is within the city limits and the minimum level of key urban facilities and services as defined by the Metro Plan are on site or available to serve future development. The existing on-site public infrastructure and easements are unaffected by the proposed re-zoning; extension of the remaining services and utilities will occur during the concurrent hillside residential subdivision application.

Findings:

1. The full range of key urban facilities defined by the Metro Plan (Glossary, #23, pg. V-3) are extended to the subject site and are available for design options during development review under LDR standards.
2. The applicant has submitted concurrent applications for residential development under LDR and overlay standards. The proposed plans demonstrate that existing public easements and facilities are preserved and protected; proposed public rights of ways and utility easements are provided for the extension of new public facilities (Exhibit 3-1).
3. Because a full range of key urban facilities and services exist or can be provided during the concurrent development review, this criterion has been met.

Conclusion 3: Criterion 3c. has been met because the subject site is developed and is served by a full range of key urban facilities as defined by the Metro Plan.

CONCLUSION AND RECOMMENDATION

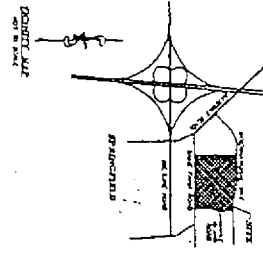
The site is designated Low Density Residential on the Metro Plan Diagram and PLO on the Official Zoning Map. The above findings lead to the conclusion that the proposed re-zoning request allows for the full development of the privately owned property to LDR standards and does not affect the existing public utility easements and infrastructure.

The application to rezone Tax Lot 700 on Assessor's Map 17-02-30 from PLO to LDR, meets all of the criteria of approval indicated in SDC 12.030. Staff recommends approval of the request to re-zone the property.

PREPARED BY

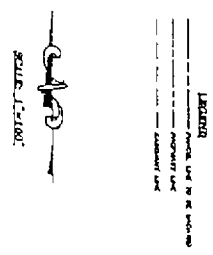
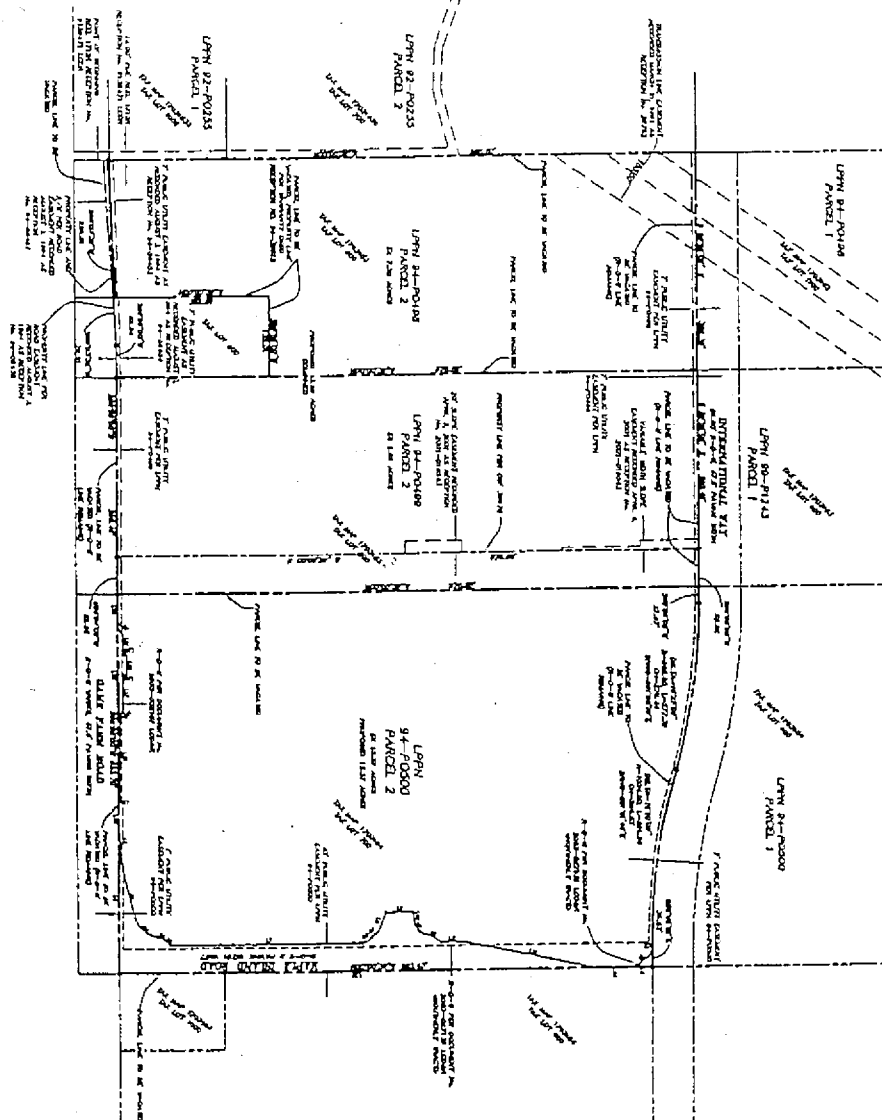
Jim Donovan, Planner II

TENTATIVE MAP FOR VACATION OF
 PARCEL 8 LPN 84-P0498
 PARCEL 8 84-P0499 & PARCEL 8 84-P0500 FOR
SYMANTEC
 SE 1/4 SECTION 16, T17E, R27E, W1E
 SPRINGFIELD, LANE COUNTY, OREGON
 DECEMBER 13, 2005



| DATE | BY | REVISION | DESCRIPTION |
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LOCAL DESCRIPTION OF VACATED BOUNDARIES
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 3. THE BOUNDARY LINE TO BE VACATED IS SHOWN BY A DASHED LINE.
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W. J. HARRIS
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