



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

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www.lcd.state.or.us

## AMENDED NOTICE OF ADOPTED AMENDMENT

September 27, 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 010-07

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: October 11, 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  
Steve Hopkins, City of Springfield

<paa> ya/

PROF 2

# DLCD

## 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

In person  electronic  mailed

DATE STAMP

DEPT OF

SEP 21 2007

LAND CONSERVATION  
AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **Springfield**

Local file number: **ZON2007-00040**

Date of Adoption: **9/18/2007**

Date Mailed: **9/19/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **7/27/2007**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Zone change from LDR (Low Density Residential) to MDR (Medium Density Residential) to correct a plan/zone conflict.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from:

to:

Zone Map Changed from: **LDR**

to: **MDR**

Location: **6002 Main Street. 17-02-32-34 TL 600**

Acres Involved: **0**

Specify Density: Previous: **1-10 du/acre**

New: **11-20 du/acre**

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

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

*DLCD 010-07 (16272)*

DLCD file No. \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

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Local Contact: Steve Hopkins

Phone: (541) 726-3649 Extension:

Address: 225 Fifth St

Fax Number: 541-726-3689

City: Springfield

Zip: 97477-

E-mail Address: [shopkins@ci.springfield.or.us](mailto:shopkins@ci.springfield.or.us)

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## 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 Complete Copies (documents and maps) 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. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: [webserver.lcd.state.or.us](http://webserver.lcd.state.or.us). To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing [mara.ulloa@state.or.us](mailto:mara.ulloa@state.or.us).
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 now access these forms online at <http://www.lcd.state.or.us/>. Please print on 8-1/2x11 green paper only. You may also 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](mailto:mara.ulloa@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

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

**REQUEST FOR ZONE CHANGE**

) CASE NO. ZON2007-00040  
) FINDING, CONCLUSIONS AND  
) RECOMMENDATIONS

**NATURE OF THE APPLICATION**

Zone change from LDR (Low Density Residential) to MDR (Medium Density Residential) for Map 17-02-32-34 TL #600.

1. On July 10<sup>th</sup>, 2007 the following application for a Zone Change was accepted: Rezone approximately .67 acre of land from LDR (Low Density Residential) to MDR (Medium Density Residential), Case Number ZON2007-00040, Scott and Lisa Leatham, owners and applicants.
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 September 18<sup>th</sup>, 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 (Attachment #1) and attached hereto.

**ORDER**

It is ORDERED by the Planning Commission of Springfield that Journal Number ZON2007-00040, Zone Change Request, be approved. This ORDER was presented to and approved by the Planning Commission on September 18<sup>th</sup>, 2007.

  
\_\_\_\_\_  
Planning Commission Chairperson

**ATTEST:**

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

# Staff Report Planning Commission Zone Change Request (Leatham)

## Hearing Date

September 18, 2007

## Case Number

ZON2007-00040

## Applicants

Scott and Lisa Leatham  
Summer Development, Inc.  
2264 Lakeview Drive, Eugene OR 97408

## Request

The application was submitted on July 10, 2007. This is a city-sponsored zone change to correct an identified Plan/Zone conflict. This request is being processed as a quasi-judicial Type III zoning map amendment because it involves the application of existing policy to a specific factual setting and it does not involve a change to the Metro Plan diagram. Type III decisions are made by the Planning Commission after a public hearing.

## Site Information/Background

The site contains .67 acre and a dwelling. It is located at 6002 Main Street (17-02-32-34 TL 600). The current zoning is LDR (Low Density Residential). The applicant wishes to change the zoning to MDR (Medium Density Residential).

A conflict between the Metro Plan and the base zone has been identified. Specifically, the Metro Plan diagram shows this area as Medium Density Residential and should be developed with residential uses at a density of 11 to 20 dwellings per acre. However, the current zoning only allows a density of 1 to 10 dwellings per acre. The property has been zoned LDR (Low Density Residential) since the Metro Plan was acknowledged by the Department of Land Conservation and Development on August 23, 1982. There was one city-sponsored zone change in 1992 (Journal #92-12-223) that attempted to correct the Plan/Zone conflict for properties located north of Main Street between 58<sup>th</sup> and 60<sup>th</sup> Streets. This property was not rezoned at that time because the previous land owner did not wish to participate in that process.

The MDR and LDR zones have the same minimum lot size and allow residential and some limited commercial uses. However, the greater density in the MDR zone also allows a variety of attached dwellings, including apartments. For this site, a total of 13 dwellings could be developed. In contrast, the lower density of the LDR zone allows no more than six dwellings on this property. In the LDR zone, duplexes are the only attached dwellings allowed and apartments are prohibited.

The following Metro Plan Residential Density policies are directly applicable to the proposed map amendment:

**Policy A.9:**

"Establish density ranges in local zoning and development regulations that are consistent with the broad density categories of this plan.

Medium density: Over 10 through 20 dwelling units per gross acre (could translate to over 14.28 units per net acre through 28.56 units per net acre depending on each jurisdictions implementation measures and land use development codes)."

**Policy A.10:**

"Promote higher residential density inside the UGB that utilizes existing infrastructure, improves the efficiency of public services and facilities, and conserves rural resource lands outside the UGB."

**Policy A.12:**

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

**Notification and Written Comments**

On August 15, 2007, notice of the public hearing was mailed to property owners and residents within 300 feet of the site. Notice was also published in the August 24, 2007, edition of *The Register-Guard*. No comment were received prior to the writing of this report.

**Criteria of Approval**

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

**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 the Zone Change**

- (a) **Consistency with applicable Metro Plan policies and the Metro Plan diagram;**
- Finding:** The Metro Plan diagram shows this property is within the Medium Density Residential area (refer to the attached map). This designation encourages the development of residential uses at a density of 11 to 20 dwellings per acre. Metro Plan Residential Density Policies A.9, A.10 and A.12 also

encourage this site to be developed with residential uses at a density of 11 to 20 dwellings per acre.

**Conclusion:** The proposed zone change complies with SDC 12.030(3)(a).

(b) **Consistency with applicable Refinement Plans, Plan District maps, Conceptual Development Plans and functional plans;**

**Finding:** There is no adopted Refinement Plan that is applicable to this site. The Conceptual Street Plan Map shows 60<sup>th</sup> Street will be extended south of Main Street, but there is no public street proposed to extend through or adjacent to this property.

**Conclusion:** The proposed zone change complies with SDC 12.030(3)(b).

(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 property is served with electricity, cable and phone utilities and a fully developed transportation network along the property frontage. There is a 6" sanitary line at the northern property line and a 30" storm line in Main Street adjacent to the property. No evidence has been submitted that demonstrates the existing infrastructure is insufficient or could not be provided to support the greater development density allowed in the MDR zone.

**Conclusion:** The proposed zone change complies with SDC 12.030(3)(c).

**Conclusion:** The staff has reviewed the application and supporting evidence submitted by the applicant. Based on the evidence in the record, staff recommends approval because:

1. The proposal complies with the approval criteria contained in SDC 12.030, and
2. The zone change would bring the property into conformity with the Metro Plan diagram.

**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:

**SDC 12.040 CONDITIONS OF APPROVAL**

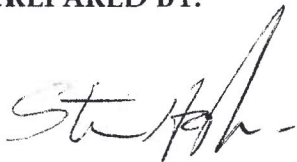
**The Approval Authority may attach conditions as may be reasonably necessary in order to allow the Zoning Map amendment to be granted.**

Staff does 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.

**Additional Approvals**

Upon adoption of the Order to approve the Zone Change, the property will be in conformity with the Metro Plan diagram and subject to the MDR (Medium Density Residential) provisions of the Springfield Development Code. Once the zone change has become effective (30 days after adoption), the owner can submit a land use application to develop the property in conformance with the MDR zone.

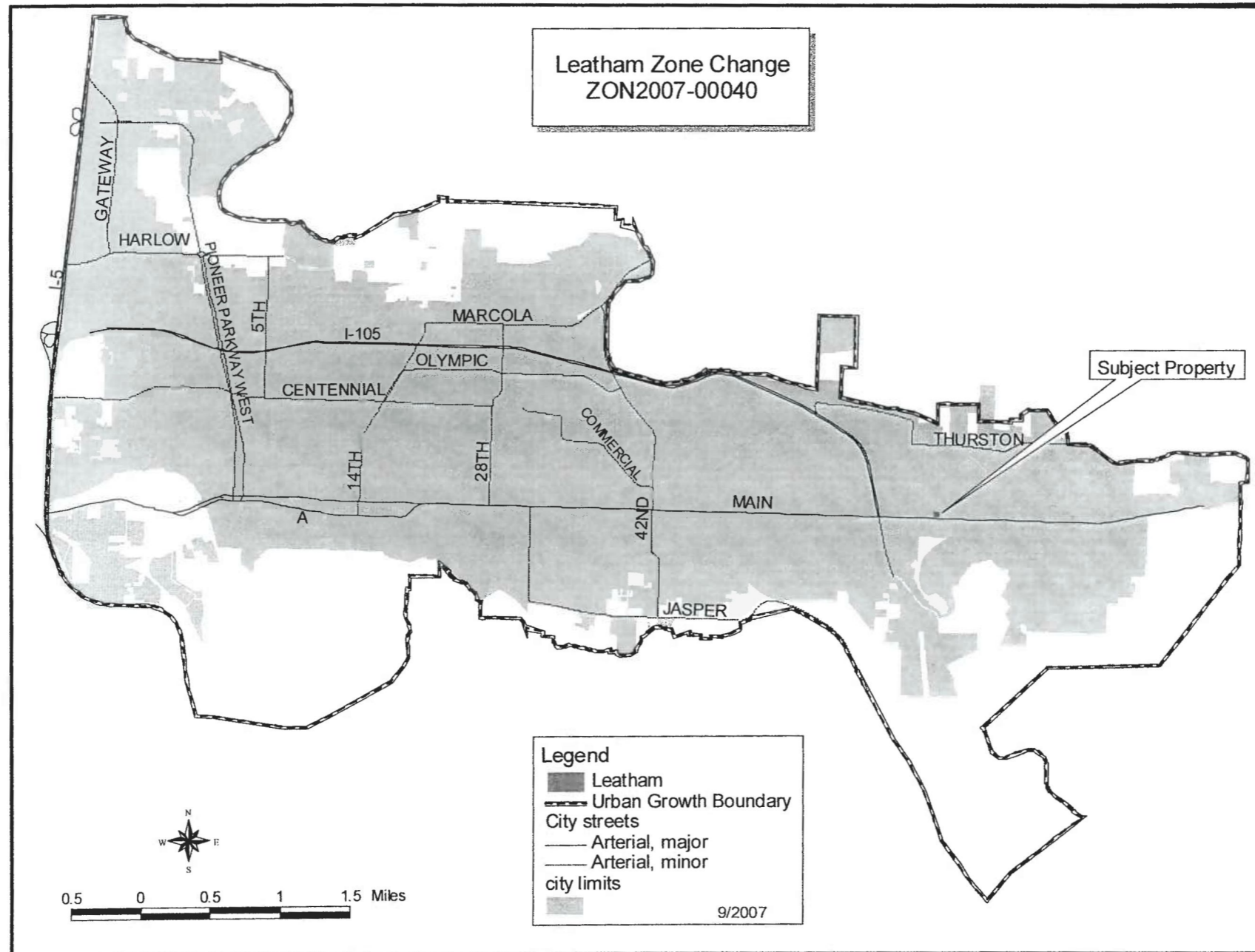
**PREPARED BY:**

A handwritten signature in black ink, appearing to read "Steve Hopkins". The signature is stylized and written in a cursive-like font.

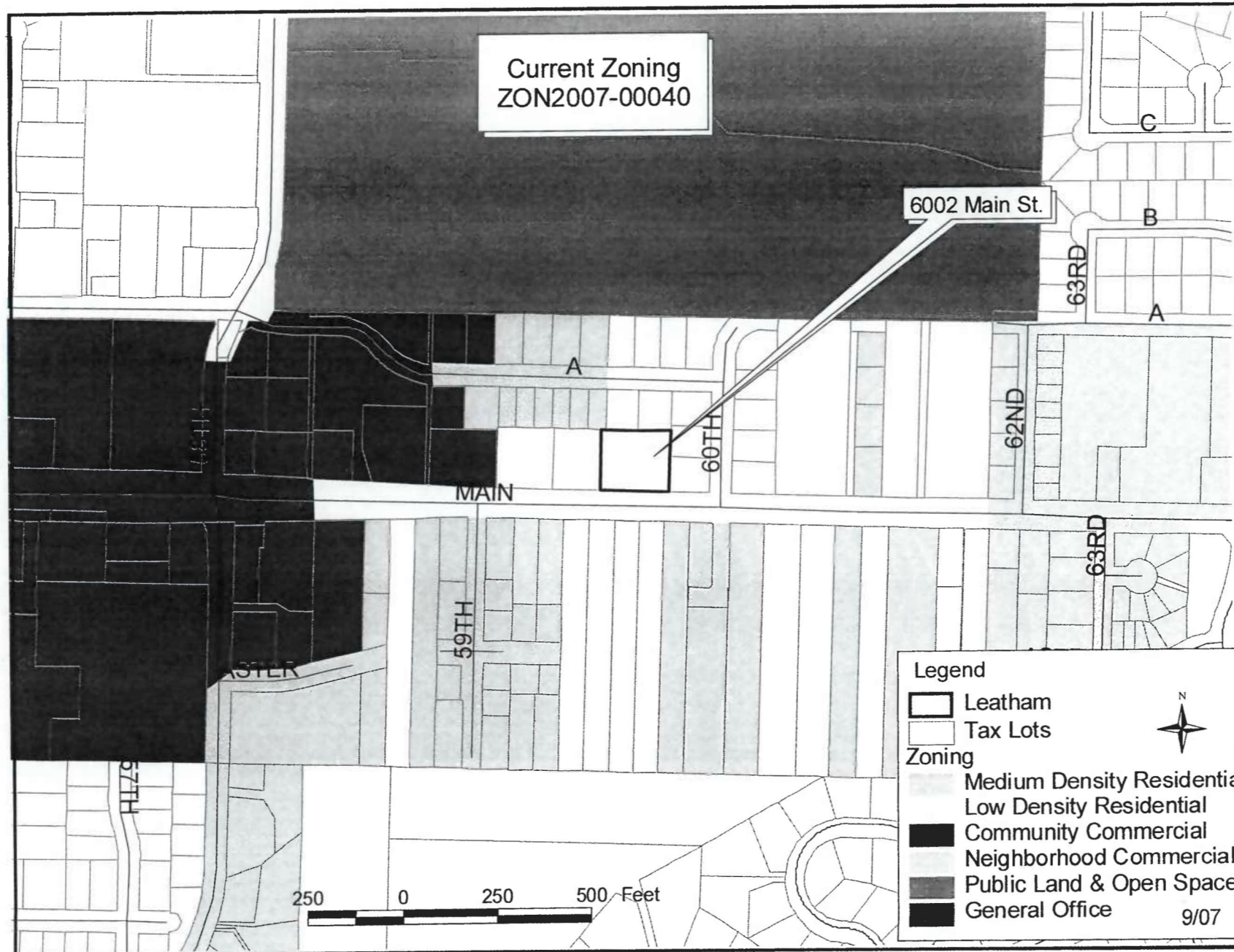
Steve Hopkins, AICP  
Planner II  
726-3649  
shopkins@ci.springfield.or.us



# Map #1



Map #2



Map #3

