



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

December 18, 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 011-07



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: January 2, 2008

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
Ed Moore, DLCD Regional Representative
Gregory Mott, City of Springfield

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PROP **2**

DLCD

Notice of Adoption

In person electronic mailed

DEPT OF

DEC 13 2007

LAND CONSERVATION
AND DEVELOPMENT

For DLCD Use Only

**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: **LRP2007-00026**

Date of Adoption: **12/3/2007**

Date Mailed: **12/10/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **9/26/2007**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Senate House Bill 417 abolished the Lane County Local Government Boundary Commission; the City is amending the Springfield Development Code, section 3.3-800 Urbanizable Fringe Overlay Section 5.140 Type IV Procedures, Section 5.7-100 Annexations, and Section 6.1-110 Meaning of Specific Words and Terms to implement the provisions of ORS. 222 for annexation requests filed with the City of Springfield after January 1, 2008.

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

Does the Adoption differ from proposal? Yes, Please explain below:

The original proposal simply eluded to ORS.222 and two requirements of SB 417; This adopted Ordinance contains all the requirements and procedures for City Council Approval of annexations

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

011007 (16437)

DLCD file No. 011-07

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

Local Contact: Gregory Mott

Phone: (541) 726-3774 Extension:

Address: 225 Fifth Street

Fax Number: 541-726-3689

City: Springfield

Zip: 97477

E-mail Address: gmott@ci.springfield.or.us

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. 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.
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 - **ATTENTION: PLAN AMENDMENT SPECIALIST**.

ORDINANCE NO. 6212 (General)

AN ORDINANCE AMENDING THE SPRINGFIELD DEVELOPMENT CODE TABLE OF CONTENTS PAGE, SECTIONS 5.7-100 AND 5.23-100; CHAPTER 3 LAND USE DISTRICTS, SECTION 3.3-825; CHAPTER 5 THE DEVELOPMENT REVIEW PROCESS AND APPLICATIONS, SECTION 5.1-140; Table 5.4-1; SECTIONS 5.7-105 THROUGH 5.7-165; SECTION 5.12-130; AND CHAPTER 6 DEFINITIONS, DELETING THE TERM ANNEXATION AGREEMENT; ADOPTING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

THE CITY COUNCIL OF THE CITY OF SPRINGFIELD FINDS THAT:

WHEREAS, the reformatted Springfield Development Code (SDC) was adopted by the Springfield Common Council on September 17, 2007, and previous amendments thereto were subsequently adopted by Ordinance; and

WHEREAS, by enactment of Senate Bill 417 by the 2007 Oregon legislature, the Lane County Local Government Boundary Commission (LCLGBC) ceases to exist on July 1, 2008 and annexation to the City becomes the jurisdiction of the City; and

WHEREAS, Senate Bill 417 amends most of ORS 199 (Local Government Boundary Commissions) and shifts the annexation laws now applicable to the City to ORS 222 (Boundary Changes; Mergers and Consolidations); and,

WHEREAS, the sunset date for the LCLGBC and its staff is June 30, 2008, but the LCLGBC will not process any applications submitted after December 31, 2007; and

WHEREAS, SDC Section 5.6-100 sets forth procedures for the amendment of this document; and

WHEREAS, on November 20, 2007, the Springfield Planning Commission held a work session and conducted a public hearing on this SDC amendment application (Case Number LRP 2007-00027) voting 7 to 0 to recommend approval of the proposed Ordinance to the Common Council based upon findings in support of adoption of these SDC amendments as set forth in the Staff Report and the Recommendation to the Council incorporated herein by reference; and

WHEREAS, on December 3, 2007, the Springfield Common Council held a work session and conducted a public hearing and is now ready to take action on this application based upon findings in support of adoption of these SDC amendments as set forth in the aforementioned Staff Report to the Council incorporated herein by reference 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 adopting this Ordinance amending the SDC.

NOW THEREFORE, THE CITY OF SPRINGFIELD ORDAINS AS FOLLOWS:

SECTION 1: The Table of Contents Chapter 5 The Development Review Process and Applications for Section 5.7-100 is hereby amended as follows:

“5.7-100	ANNEXATIONS
5.7-105	Purpose
5.7-110	Applicability
5.7-113	Definitions
5.7-115	Review
5.7-120	Development Issues Meeting
5.7-125	Annexation Initiation and Application Submittal
5.7-130	Notice
5.7-135	Recommendation to City Council

- 5.7-140 Criteria
- 5.7-145 City Council Decision
- 5.7-150 Zoning
- 5.7-155 Effective Date and Notice of Approved Annexation
- 5.7-160 Withdrawal from Special Service Districts
- 5.7-165 Appeals”

SECTION 2: CHAPTER 3 LAND USE DISTRICTS, Section 3.3-825 Additional Provisions, Subsections A. and E. are hereby amended as follows:

“A. The City shall not extend water or sanitary sewer service outside the city limits, unless a health hazard, as defined in ORS 222.840 et seq is determined to exist. Annexation of the affected territory so served is required if the territory is within the urban growth boundary and is contiguous to the city limits.

The City may extend water or sanitary sewer outside the city limits or urban growth boundary to provide these services to properties within the city limits. As provided in ORS 222.840 et seq, the City and a majority of the electors of the affected territory may agree to an alternative to annexation to mitigate the health hazard, including extraterritorial extension of services without annexation.

“E. Connection to the sanitary sewer system. Any property to be partitioned that is within the distances specified in OAR 340-071-0160(4)(A) for connection to the City’s sanitary sewer system shall require annexation to the City prior to Partition Tentative Plan submittal, unless the Director determines that a topographic or man-made feature makes the connection physically impractical. In the event of such determination, the Partition application may be approved without annexation.”

SECTION 3: CHAPTER 5 The Development Review Process and Applications, Section 5.1-140 Type IV Review Procedure (Legislative), Subsection F. is hereby amended as follows:

“F. The City Council’s decision is the City’s final decision either on the date the decision is made, or 30 days after the decision is made if there is no emergency clause in the adopting Ordinance. Notwithstanding the effective date of an ordinance as specified above, the effective date of annexations shall be as prescribed in ORS 222.040, 222.180, or 222.465. Notice of decision is mailed to the applicant, property owner, those persons who submitted written or oral testimony, those who requested notice, and as required by ORS 222 and Section 5.7-150. Where required, the notice of decision shall also be mailed to the Department of Land Conservation and Development as specified in OAR 660-18-0040.

EXCEPTION: For Metro Plan amendments that require adoption by the City, Eugene and/or Lane County, the City Council decision is final only upon concurrence of the Lane County Commissioners and the City of Eugene City Council, as appropriate.”

SECTION 4: CHAPTER 5 The Development Review Process and Applications, Table 5.4-1 Development Applications is hereby amended as follows:

“Table 5.4-1 Development Applications

<i>Type of Application</i>	<i>Decision Type</i>	<i>Applicable SDC Sections</i>
Accessory Dwelling Unit	Type I	5.5-100
Amendment of Development Code Text	Type IV	5.6-100
Amendment of Refinement Plan Text or Diagram	Type IV	5.6-100
Annexation	Type IV	5.7-100

Appeal of a Type II Director's Decision	Type III	5.3-100
Appeal of Type III Decision to City Council	Type IV	5.3-100
Appeal of an Expedited Land Division	Type III	5.3-125
Conceptual Development Plan	Type III	Applicable Section
Conceptual Development Plan Amendment	Type III	Applicable Section
Demolition of Historic Landmark	Type III	3.3-900
Determination of Non-Conforming Use Status	Type I	5.8-100
Development Issues Meeting	Type I	5.1-100
Discretionary Use	Type III	5.9-100
Drinking Water Protection Overlay District Development	Type I	3.3-200
Establishment of Historic Landmark Inventory	Type III	3.3-900
Expansion/Modification of a Non-Conforming Use	Type II	5.8-100
Expedited Land Division	Type II	5.1-145
Extraterritorial Extension of Water or Sewer Service	Type IV	3.3-825"

SECTION 5: CHAPTER 5 The Development Review Process and Applications, Section 5.7-105 Purpose, is hereby amended as follows:

“5.7-105 Purpose

- A. Clearly define the process for the review of proposals to annex territory to the City;
- B. Provide a process for the subsequent withdrawal of territory from special service districts; and
- C. Provide a process for City approval of annexations to certain special districts, including but not limited to: the Lane County Metropolitan Wastewater District; and the Willamalane Park and Recreation District.”

SECTION 6: CHAPTER 5 The Development Review Process and Applications, Section 5.7-110 Applicability, is hereby amended as follows:

“5.7-110 Applicability

- A. These regulations apply to annexation applications as specified in Section 5.7-125 and
- B. Other annexation proposals permitted by ORS 222 shall be processed as provided in ORS 222.”

SECTION 7: CHAPTER 5 The Development Review Process and Applications, Section 5.7-113 Definitions, is hereby added as follows:

“5.7-113 Definitions

The following definitions are specific to this Section:

Affected City. A City, City-County or Cities, named in a petition, for which a boundary change is proposed or a City, City-County or Cities, named in an ordinance or order, for which a boundary change is ordered.

Affected County. Each county that contains any territory for which a boundary change is proposed or ordered.

Affected District. Each special district named in a petition that contains or would contain territory for which a boundary change is proposed or ordered. Affected district also means a district or districts, named in a petition, for which a boundary change is proposed or ordered.

Affected Territory. Territory described in a petition. Affected territory also means an area within the urban growth boundary of a City that is otherwise eligible for annexation to a City where there exists an actual or alleged danger to public health as defined in ORS 222.

Annexation. The attachment or addition of territory to, or inclusion of territory in, an existing City or district.

Annexation Agreement. A written agreement between the City and owners of land requesting annexation that states the terms, conditions and obligations of the parties to mitigate fiscal and service impacts to the City associated with the annexation and future development of the property. The agreement may be used to ensure annexation consistent with the Metro Plan.

Annexation Contract. A contract between a City and a landowner relating to extraterritorial provision of service and consent to eventual annexation of property of the landowner. The contract shall be recorded and shall be binding on all successors with an interest in that property.

Boundary Change. An action by the City Council duly authorized by ORS 222 that results in the adjustment of the city limits or the boundary of a public service district.

Cadastral Map. A map prepared by the Lane County Assessor's office showing bearings and distances and the boundaries of parcels, lots and tracts of land.

Consent to Annex. Forms provided by the affected City that must be included with certain annexation and extraterritorial extension applications which include the signature of the owner of part or all of the affected territory, and electors, if any, as applicable.

Contiguous. Territory that abuts the city limits at any point along the property's exterior boundary or separated from the city limits by a public right-of-way or a stream, bay, lake, or other body of water.

Effective Date of Annexation. The effective date of the boundary changed as prescribed in ORS 222.040, 222.180 or 222.465.

Elector. An active registered voter at an address within the affected territory.

Extraterritorial Connection of Service. The connection of water or sanitary sewer service to developed property located outside the city limits and within the urban growth boundary.

Extraterritorial Extension of a Facility. The extension of a water or sanitary sewer line outside the city limits and within the urban growth boundary.

Extraterritorial Service/Facility Contract. A contract between the owner of property proposed to be served and the City specifying and identifying service provisions, obligations of the City and cost obligations of the owner of the affected territory. The decision to enter into such a contract shall be initiated at the sole discretion of the City Council.

Filing. The submittal of materials to initiate a boundary change process.

Initiation Method. Any of the following descriptions of participants and documentation necessary for commencement of City annexation process:

- A. All of the owners of land in the territory proposed to be annexed, and not less than 50 percent of the electors, if any, residing in the territory proposed to be annexed, have consented in writing to the annexation and file a statement of their consent to annexation with the City;
- B. More than half of the owners of land in the territory proposed for annexation who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation and file a statement of their consent to annexation with the City;
- C. A majority of the electors registered in the territory proposed to be annexed and owners of more than half of the land in that territory consent in writing to the annexation and file a statement of their consent to annexation with the City;
- D. The City Council may, without any vote or any consent by the owners, annex territory within the urban growth boundary if it is found that a danger to public health exists within that territory and that such condition can be removed or alleviated by sanitary, water or other facilities ordinarily provided by incorporated cities; or
- E. The City Council may, by resolution, initiate annexation of public right-of-way or other public land contiguous to the city limits.

Legal Description. As defined in ORS 308.225(2).

Notice. An ordinance, resolution, order, or other similar matter providing notice authorized or required to be published, posted, or mailed.

Owner. The legal owner of record according to the latest available Lane County Tax assessment roll or, where there is an existing recorded land contract that is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land, each consenting owner is counted as a fraction to the same extent as the interest of the other owners and the same fraction is applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in the affected territory, the corporation must be considered the individual owner of that land.

Petition. Any document such as signature sheets, resolutions, orders, or articles of incorporation, required for initiating an annexation, withdrawal, or provision of extraterritorial services. In the case of a petition initiated by property owners, the person signing on behalf of a corporation or business must provide evidence showing that person is authorized to sign legal documents for the firm.

Proceeding. A proceeding to consider a boundary change.

Proposal. The set of documents required to initiate proceedings for a boundary change.

Special Service District. Any of the districts identified in ORS 198.

Urban Growth Boundary. A site-specific line, delineated on a map or by written description that separates urban and urbanizable land from rural lands that is part of a comprehensive plan.

Withdrawal. The detachment, disconnection or exclusion of territory from an existing City or district."

SECTION 8: CHAPTER 5 The Development Review Process and Applications, Section 5.7-115 Review, is hereby amended as follows:

“5.7-115 Review

Annexation applications are reviewed under Type IV procedure, without Planning Commission consideration.

EXCEPTION: A single lot/parcel adjacent to the city limits and city services and not dividable by Partition or Subdivision may be annexed by the City Council without a public hearing.”

SECTION 9: CHAPTER 5 The Development Review Process and Applications, Section 5.7-120 Development Issues Meeting, is hereby amended as follows:

“5.7-120 Development Issues Meeting

The applicant shall schedule a Development Issues Meeting prior to filing an annexation application where staff will inform the applicant of the annexation application submittal requirements and procedures specified in this Section, unless waived by the Director.”

SECTION 10: CHAPTER 5 The Development Review Process and Applications, Section 5.7-125 Annexation Initiation and Application Submittal, is hereby amended as follows:

“5.7-125 Annexation Initiation and Application Submittal

- A. An annexation application may be initiated by City Council resolution, or by written consents from electors and/or property owners as provided below.
- B. In addition to the provisions specified in Section 5.4-105, an annexation application shall include the following:
 - 1. A list of all owners, including partial holders of owner interest, within the affected territory, indicating for each owner:
 - a. The affected tax lots, including the township, section and range numbers;
 - b. The street or site addresses within the affected territory as shown in the Lane County Regional Land Information Database system (RLID);
 - c. A list of all eligible electors registered at an address within the affected territory; and
 - d. Signed petitions, as may be required.
 - 2. Written consents on City approved petition forms that are:
 - a. Completed and signed, in accordance with ORS 222.125, by:
 - i. All of the owners within the affected territory; and
 - ii. Not less than 50 percent of the eligible electors, if any, registered within the affected territory; or
 - b. Completed and signed, in accordance with ORS 222.170, by:
 - i. More than half the owners of land in the territory, who also own more than half the land in the contiguous territory and of real property therein representing more than half the assessed value

of all real property in the contiguous territory (ORS 222.170(1));
or

- ii. A majority of the electors registered in the territory proposed to be annexed and a majority of the owners of more than half the land (ORS 222.170(2).
 - iii. Publicly owned rights-of-way may be added to annexations initiated by these two methods without any consents;
3. A City Council resolution to initiate a boundary change, including but not limited to, publicly owned rights-of-way.
 4. In lieu of a petition form described in Subsection 2 above, an owner's consent may be indicated on a previously executed Consent to Annex form that has not yet expired as specified in ORS 222.173 or previously executed Annexation Agreement consenting to the annexation of territory.
 5. Verification of Property Owners form signed by the Lane County Department of Assessment and Taxation.
 6. A Certificate of Electors form signed by the Lane County Elections/Voter Registration Department.
 7. An ORS 197.352 waiver form signed by each owner within affected the territory.
 8. A waiver form signed by each owner within the affected territory as allowed by ORS 222.173.
 9. A legal description of the affected territory proposed for annexation consistent with ORS 308.225 that will include contiguous or adjacent right-of-way to ensure contiguity as required by ORS 222.111.
 10. A Lane County Assessor's Cadastral Map to scale highlighting the affected territory and its relationship to the city limits.
 11. A list of the districts providing services to the affected territory.
 12. A public/private utility plan describing how the proposed affected territory can be served by a full/minimum level of key urban facilities and services.
 13. A signed Annexation Agreement, if required by the Director, to resolve fiscal impacts upon the City caused by the proposed annexation. The Annexation Agreement shall address, at a minimum, connection to and extension of public facilities and services. Connection to public facilities and services shall be at the discretion of the City, unless otherwise required by ORS. Where public facilities and services are available and can be extended, the applicant shall be required to do so.
 14. A written narrative addressing the proposal's consistency with the approval criteria specified in Section 5.7-140.
 15. A fee as established by Council Resolution."

SECTION 11: CHAPTER 5 The Development Review Process and Applications, Section 5.7-130 Notice, is hereby amended as follows:

"5.7-130 Notice

Notice requirements for annexations shall be as specified below:

- A. Mailed Notice. Notice of the annexation application shall be mailed at least 14 days prior to the public hearing date to:
 - 1. The applicant, property owner and electors in the affected territory;
 - 2. Owners and occupants of properties located within 300 feet of the perimeter of the affected territory;
 - 3. The neighborhood group or community organization officially recognized by the City that includes the affected territory;
 - 4. Affected special districts and all other public utility providers; and
 - 5. Lane County Land Management Division, Lane County Elections, and the Lane County Board of Commissioners.
- B. Newspaper Notice. Notice of the public hearing at which an annexation application will be considered shall be published in a local newspaper with general circulation once each week for two successive weeks prior to the hearing date; and
- C. Posted Notice. Notice of the public hearing at which an annexation application will be considered shall be posted in four public places in the City for two successive weeks prior to the hearing date.
- D. Notice Contents. Notice of the public hearing at which an annexation application will be considered shall include:
 - 1. The Lane County Tax Assessor's map and tax lot numbers, street addresses or other easily understood geographical references of the affected territory;
 - 2. A statement that the Director's recommendation will be available seven days prior to the public hearing; and
 - 3. The date, time and place the City Council will hold a public hearing to consider the annexation application."

SECTION 12: CHAPTER 5 The Development Review Process and Applications, Section 5.7-135 Fiscal Impact and Annexation Agreement, is hereby amended as follows:

"5.7-135 Recommendation to City Council

The Director shall forward a written recommendation on the annexation application to the City Council based on the approval criteria specified in Section 5.7-140."

SECTION 13: CHAPTER 5 The Development Review Process and Applications, Section 5.7-140 Criteria, is hereby amended as follows:

"5.7-140 Criteria

An annexation application may be approved only if the City Council finds that the proposal conforms to the following criteria:

- A. The affected territory proposed to be annexed is within the City's urban growth boundary, and is;
 - 1. Contiguous to the city limits; or
 - 2. Separated from the City only by a public right-of-way or a stream, lake or other body of water.
- B. The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans or Plan Districts;
- C. The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services, as defined in the Metro Plan, can be provided in an orderly, efficient, and timely manner; and
- D. Where applicable, fiscal impacts to the City have been mitigated through an Annexation Agreement or other mechanism approved by the City Council."

SECTION 14: CHAPTER 5 The Development Review Process and Applications, Section 5.7-145 Submittal of the Council's Resolution to the LCLGBC, is hereby amended as follows:

"5.7-145 City Council Decision

City Council approval of annexation applications shall be by Ordinance."

SECTION 15: CHAPTER 5 The Development Review Process and Applications, Section 5.7-150 Zoning, is hereby amended as follows:

"5.7-150 Zoning

Currently, all unincorporated land within the City's urban growth boundary is zoned in compliance with the zoning districts listed in this Code and is designated in compliance with the Metro Plan. Unincorporated land within the urban growth boundary is distinguished from land within the city limits by the addition of the Urban Fringe (UF-10) Overlay District established in Section 3.3-800. Upon approval of the annexation by the City Council:

- A. The UF-10 Overlay District designation shall cease to apply automatically; and
- B. The current zoning shall apply, unless a zoning map amendment has been submitted and approved by the City.
- C. The Director will not deem an application complete for a zoning map amendment until the annexation has been approved by the City Council and becomes effective, as that term is described in Section 5.7.113."

SECTION 16: CHAPTER 5 The Development Review Process and Applications, Section 5.7-155 Notification of Utilities, is hereby amended as follows:

"5.7-155 Effective Date and Notice of Approved Annexation

- A. The effective date of an approved annexation shall be set in accordance with ORS 222.040, 222.180 or 222.465.
- B. Notice of Approved Annexation.

1. Not later than 10 working days after the passage of an Ordinance approving an annexation, the Director shall:
 - a. Send by certified mail a notice to public utilities (as defined in ORS 757.005), electric cooperatives and telecommunications carriers (as defined in ORS 133.721) operating within the City; and
 - b. Mail a notice of the annexation to the Secretary of State, Department of Revenue, Lane County Clerk, Lane County Assessor, affected districts, and owners and electors in the affected territory. The notice shall include:
 - i. A copy of the Ordinance approving the annexation;
 - ii. A legal description and map of the annexed territory;
 - iii. The findings; and
 - iv. Each site address to be annexed as recorded on Lane County assessment and taxation rolls or found in RLID.
 - c. The notice to the Secretary of State will also include copies of the petitions signed by electors and/or owners of the affected territory as required in Section 5.7-125.
2. If the effective date of an annexation is more than one year after the City Council passes the Ordinance approving it, the Director shall mail a notice of the annexation to the Lane County Clerk not sooner than 120 days and not later than 90 days prior to the effective date of the annexation."

SECTION 17: CHAPTER 5 The Development Review Process and Applications, Section 5.7-160 Withdrawal from Special Service Districts, is hereby amended as follows:

"5.7-160 Withdrawal from Special Service Districts

- "A. Withdrawal from special districts may occur concurrently with the approved annexation ordinance or after the effective date of the annexation of territory to the City. The Director shall recommend to the City Council for consideration of the withdrawal of the annexed territory from special districts as specified in ORS 222.
- B. Withdrawal from special districts processed separate from the process annexing the territory to the City requires a Public Hearing with notice as required in Section 5.7-130.
- C. Criteria. In determining whether to withdraw the territory, the City Council shall determine whether the withdrawal is in the best interest of the City.
- D. Effective Date. The effective date of the withdrawal shall be as specified in ORS 222.465.
- E. Notice of Withdrawal. Notice will be provided in the same manner as specified in Section 5.7-150."

SECTION 18: CHAPTER 5 The Development Review Process and Applications, Section 5.7-165 is hereby added as follows:

"5.7-165 Appeals

Appeals of the City Council decision shall be to the Land Use Board of Appeals, as specified in Section 5.1-140G."

SECTION 19: CHAPTER 5 The Development Review Process and Applications, Section 5.12-130, Tentative Plan Conditions, Subsection P. is hereby amended as follows:

"To the extent necessary to satisfy the approval criteria of Section 5.12-125, comply with all applicable provisions of this Code and to mitigate identified negative impacts to surrounding properties, the Director shall impose approval conditions. All conditions shall be satisfied prior to Plat approval. Approval conditions may include, but are not limited to:

- P. In the case of a Partition of property that is outside of the city limits but within the City's urban growth boundary and no concurrent annexation application is submitted, Consent to Annex forms shall be signed and recorded by the property owner prior to recording the Partition Plat."

SECTION 20: CHAPTER 6 Definitions, the term "Annexation Agreement" is hereby deleted:

SECTION 21: Severability Clause. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and individual provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 22: Declaration of Emergency. It is hereby found and declared that matters pertaining to this amendment of the Springfield Development Code regarding Annexations to the City affect the public health, safety and welfare of the City of Springfield and that this Ordinance shall, therefore, take effect immediately upon its passage by the Council and approval by the Mayor.

ADOPTED by the Common Council of the City of Springfield by a vote of 6 for and 0 against, this 3rd day of December, 2007.

APPROVED by the Mayor of the City of Springfield, this 3rd day of December, 2007.

ATTEST:

Amy Sowa
City Recorder

[Signature]
Mayor

REVIEWED & APPROVED
AS TO FORM
DEAN J LEAM
DATE: 12/6/07
OFFICE OF CITY ATTORNEY



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