



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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AMENDED NOTICE OF ADOPTED AMENDMENT

January 24, 2008



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 012-07

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: February 7, 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
Kitti Gale, City of Springfield

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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



Jurisdiction: **SPRINGFIELD, OREGON**

Local file number: **ZON2007-00053**

Date of Adoption: **1/15/2008**

Date Mailed: **1/17/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **11/14/2007**

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".

ZONING MAP AMENDMENT CHANGING 1.05 ACRES OF COMMUNITY COMMERCIAL ZONED LAND TO MIXED-USE RESIDENTIAL IN ORDER TO MAKE THE LOCAL SPRINGFIELD ZONING CONSISTENT WITH THE EUGENE-SPRINGFIELD METRO AREA GENERAL PLAN TEXT AND DIAGRAM. THE ZONE CHANGE IS NOT CONTROVERCIAL AND IS WITHIN THE CITY OF SPRINGFIELD'S JURISDICTION.

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

Plan Map Changed from:

to:

Zone Map Changed from: **COMMUNITY COMMERCIAL** to: **MIXED-USE RESIDENTIAL**

Location: **1062, 1072, 1082, AND 1096 MAIN STR, SPRINGFIELD** Acres Involved: **1**

Specify Density: Previous: **1 UNIT PER COMMERCIAL LOT** New: **80% RESIDNT PER LOT**

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 file No. 012-07 (16527)

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

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

ZONING MAP AMENDMENT REQUEST

**CASE NO. ZON2007-00053
FINDINGS, CONCLUSION
AND FINAL ORDER**

NATURE OF THE APPLICATION

Zoning Map amendment from Community Commercial (CC) to Mixed-Use Residential (MUR) for approximately 1.05 acres located north of Main Street and identified on Assessor Map 17-03-35-41 Tax Lots 4600, 4700, 4800, and 4900.

1. On October 10, 2007, the following application for a Zone Map Amendment-Type III was accepted: Change the zoning of approximately 1.05 acres of land located at 1062, 1072, 1082, and 1096 Main Street in Springfield from Community Commercial to Mixed-Use Residential, Planning Case Number ZON2007-00053; and,
2. The application was submitted and completed in accordance with Section 5.4-105 of the Springfield Development Code. Timely and sufficient notice of the public hearing has been provided pursuant to Section 5.2-115 of the Springfield Development code; and,
3. On January 15, 2008, a public hearing for the review of the Zoning Map Amendment-Type III was held before the Springfield Planning Commission. The Development Services Department staff report, which included 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; therefore,

CONCLUSION

On the basis of this record, it has been concluded that Zone Map Amendment-Type III ZON2007-00053 is consistent with SDC Section 5.2-115 criteria. This general finding is supported by specific findings of fact and conclusions in the attached report Exhibit A.

FINAL ORDER

It is ORDERED by the Planning Commission of Springfield that Planning Case Number 2007-00053, Zone Map Amendment-Type III application be GRANTED.

This ORDER was reviewed and approved by the Planning Commission January 15, 2008.



Planning Commission Chairperson

ATTEST

AYES: 6

NOES: 0

ABSENT: 1

ABSTAIN: 0



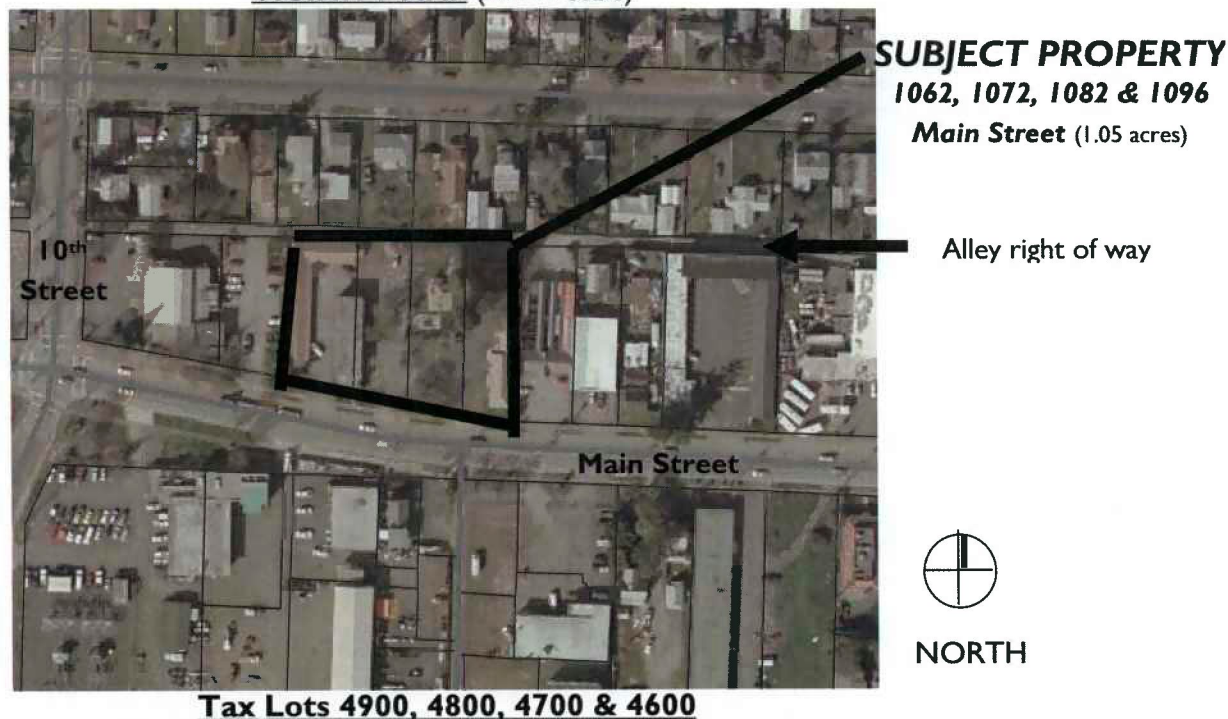
Zoning Map Amendment - Type III Staff Report and Findings

Hearing Date: January 15, 2008	Case Number: ZON 2007-00053	Subject Property: Assessor Map No. 17-03-35-41, TL 4600, 4700, 4800 & 4900
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Applicant /Owner Attn: Patricia Wright Brethren Community Srvc Spfld Church of Brethren 1072 Main Street Springfield, Or 97477	Applicant's Representative Destin Ferdun Lunabridge 3575 NE Shaver Portland, OR 97212	Date Submitted: October 17, 2007
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REQUEST: The Applicant requests a *Zoning Map Amendment-Type III* to change the zoning of approximately 1.05 acres of land from Community Commercial (CC) to Mixed-Use Residential (MUR). The land is located at 1062 Main Street, 1072 Main Street, 1082 Main Street & 1096 Main Street in Springfield, and identified on Assessor Map 17-03-35-41 Tax Lots 4600, 4700, 4800 & 4900. The purpose of this proposed action is to correct an inconsistency between the *Metro Plan Diagram* (Exhibit A) and the local zoning map. The existing CC zoning is not consistent with the *Metro Plan Diagram* and the Director has determined that this application qualifies to be processed as a *City-sponsored Zoning Map Amendment-Type III*, as established by department policy in 2006. The Planning Commission is asked to consider the applicant's request and the findings of fact contained herein, and then to confirm that the proposed zoning is consistent with the *Metro Plan* and that the MUR zone designation is appropriate in this case.

VICINITY MAP (not to scale)



PROPERTY DESCRIPTION: The subject property is located on the north side of Main Street, east of 10th Street as shown above and in Exhibit B. The subject property is

approximately 1.05 acres, which encompasses four tax lots as identified on Assessor Map 17-03-35-41 Tax Lots 4600, 4700, 4800 & 4900. The land is currently under one owner, the Springfield Church of the Brethren, doing non-profit business and known as Brethren Community Services (BCS). The property is developed with several structures, which serve the BCS's mission. The property has access from both Main Street and the abutting alley to the north.

REVIEW PROCESS: This City sponsored *Zoning Map Amendment-Type III* application is a quasi-judicial zoning map amendment that includes four abutting tax lots owned by the BCS; involves the application of existing policy to a specific factual setting; and, does not require a *Metro Plan Diagram* amendment. SDC Section 5.22-115(A) states that *Quasi-judicial Zoning Map Amendments* may be approved by the Planning Commission and that the Planning Commission's decision is the final local decision. This application is reviewed under Type III procedures listed in SDC Section 5.1-135 and Section 5.22-110. The application was accepted as complete on Oct 17, 2007.

Approval of this request would allow development in accordance with the standards of SDC Section 3.2-600 Springfield Mixed-Use Zoning Districts. The owner is interested in seeking new redevelopment approval for the subject property, thus the zoning must be made consistent with the *Metro Plan Diagram* designation prior to site plan approval. There are no maximum residential densities established for MUR districts except those regulated by building heights. Future development of the site will require either a Type II or Type III land-use review process (*Site Plan Review* and/or approval of a land division), which shall include notice to surrounding property owners.

DISCUSSION: In this report, staff will demonstrate that the proposed MUR zoning is appropriate and consistent with the *Metro Plan Diagram* (see Exhibit A attached to this report) and that the proposal meets the criteria for approval of quasi-judicial *Zoning Map* amendments in accordance at Springfield Development Code Section 5.22-115(C).

RECOMMENDATION: Upon review of the applicant's request, staff finds that the proposed Mixed-Use Residential zoning is consistent with both the *Metro Plan Diagram* and the *Metro Plan* policies and therefore recommends approval of the applicant's request.

ZONING OF SURROUNDING PROPERTIES: Land to the north is currently zoned and developed with Low Density Residential (LDR) uses. Land to the east, south, and the west is currently zoned Community Commercial (CC). Prior to new development of the neighboring properties, those owners will also have to resolve their own plan/zone conflicts. The *Metro Plan Diagram* designation for the neighboring properties to the east and west is also Mixed-Use Residential (MUR); designation for the neighboring properties to the south is Mixed-Use Commercial (MUC).

SDC Section 5.22-115 Criteria of Approval – Zoning District Change
SDC Section 5.22-115 establishes the criteria to be used in approving zone changes. In consideration of this request, the Planning Commission or Hearings Official shall approve findings, which demonstrate that all of the following applicable criteria have been addressed:

SDC Section 5.22-115 C (1)

Criterion 1: Consistency with applicable Metro Plan policies and the Metro Plan Diagram

The *Metro Plan* provides the public with general guidelines for individual planning decisions. Reference to supplemental planning documents of a more localized scope, including neighborhood refinement plans, is advisable when applying the *Metro Plan* to specific parcels of land or individual tax lots (*Metro Plan* page I-2, #4). The *Metro Plan* serves as a general planning framework to be augmented, as needed, by more detailed planning programs in order to meet the specific needs of the various local governments (*Metro Plan* page I-2, #8).

Finding #1: No refinement plan has been adopted for this specific area. There are no supplemental planning documents of a more localized scope that include the subject property.

Finding #2: In this case, the *Metro Plan Diagram* provides sufficient specificity to apply the *Metro Plan* to the subject property because two identifiable features are shown: 10th Street and Main Street (See Exhibit A).

Planning Commission 01/15/2008 Amendment to Finding #2

In this case, the Metro Plan Diagram provides sufficient specificity to apply the Metro Plan to the subject property because identifiable features are shown: the end of the Downtown Refinement Plan, which is Tenth and Main Streets (see Exhibit A).

The *Metro Plan Diagram* clearly indicates Mixed-Use Residential (MUR) plan designation in the area of land east of 10th Street and north of Main Street. The *Metro Plan Diagram* also establishes the northerly limit of this MUR plan designation area as seen in Exhibit A.

Finding #3: The *Metro Plan* designation of the subject property is Mixed-Use Residential (MUR). The applicant's proposed MUR zoning is therefore consistent with the *Metro Plan* designation and the *Plan* policies. The existing, local, Community Commercial zoning represents a *Plan/zone* conflict that must be corrected prior to further development of the site.

The following *Metro Plan* policies support the applicant's request:

Metro Plan Land Supply and Demand Policy A.2: Residentially designated land within the UGB should be zoned consistent with the Metro Plan and applicable plans and policies.

Metro Plan Land Supply and Demand Policy A.4: Use annexation, provision of adequate public facilities and services, rezoning, redevelopment, and infill to meet the 20-year projected housing demand.

Metro Plan Residential Density Policy A.10: Promote higher residential density inside the urban growth boundary that utilizes existing infrastructure, improves the efficiency of public services and facilities, and conserves rural resource lands outside the urban growth boundary.

Metro Plan Residential Density Policy A.11: Generally locate higher density residential development near employment or commercial services, in proximity to major transportation systems or within transportation-efficient nodes.

Metro Plan Residential Density Policy A.12: Coordinate higher density residential development with the provision of adequate infrastructure and services, open space, and other urban amenities.

Metro Plan Residential Density Policy A.13: Increase overall residential density in the metropolitan area by creating more opportunities for effectively designed in-fill, redevelopment, and mixed use while considering impacts of increased residential density on historic, existing, and future neighborhoods.

Finding #4: Approval of the applicant's request would allow an increase of residential density on the subject property from a maximum of one unit per commercial development site to unlimited residential unit density, except that which will be restricted by building height. (The maximum # of residential units will be reviewed at the time of site plan review.)

Finding #5: Approval of the applicant's request would create an opportunity for effectively designed in-fill development in accordance with *Metro Plan* policies that includes both commercial and residential use. *Metro Plan Residential Density Policy A.14* states: **Review local zoning and development regulations periodically to remove barriers to higher density housing and to make provisions for a full range of housing options.**

Finding #6: The presence of inconsistent Community Commercial-only (CC) zoning within areas designated Mixed-Use Residential on the *Metro Plan* limits and restricts redevelopment opportunities through limitation of both residential density and restraints on design. The existing CC zoning creates a restraint on both residential and commercial infill.

Finding #7: Approval of the proposed zone change will create an opportunity to increase the number of residential units permitted and thus increase overall density and additional housing options within the metropolitan area. *Metro Plan* page III-A-8 Residential Density Policy A.16 states: **Allow for the development of zoning districts which allow overlap of the established *Metro Plan* density ranges to promote housing choice and result in either maintaining or increasing housing density in those districts. Under no circumstances, shall housing densities be allowed below existing *Metro Plan* density ranges.**

Finding #8: The existing Springfield zoning for the subject property presently permits a residential density allocation (one per commercial site) that is lower than local Mixed-Use Residential zoning (minimum of 20 per gross acre).

Finding #9: The existing CC zoning is inconsistent with the *Metro Plan* text.

Conclusion #1: Staff finds that the MUR zoning requested by the applicant is consistent with the applicable *Metro Plan* policies. In addition, the *Metro Plan Diagram* provides the level of specificity necessary to apply the MUR designation to the subject property. The proposal therefore satisfies the approval criterion of SDC Section 5.22-115 C (1).

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

Finding #10: There are no Refinement Plans, Plan District maps, or Conceptual Development Plans for the subject property; *Metro Plan* designations establish the basis for functional plans (transportation, public facilities, etc.) in the metro area, thus zoning in accordance with the *Metro Plan* designation shall be consistent with the applicable functional plans.

Conclusion #2: Staff finds that the proposal satisfies the approval criterion of SDC Section 5.22-115 C (2).

SDC Section 5.22-115 C (3)

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.

Finding #11: The subject property has approximately 255 feet of frontage on Main, a Major Arterial public street, which is under the jurisdiction of the State of Oregon Highway Department (O.D.O.T.)

Finding #12: Main Street is fully improved and the existing transportation systems provide access to the property. Specific access requirements will be addressed through the site plan review process when the applicant submits a redevelopment proposal.

Finding #13: The City's *Conceptual Street Map* shows the current right-of-way and does not propose any future changes.

Finding #14: A public, 18-inch stormwater line is located in Main Street along the frontage of the subject property. An 8-inch public sanitary sewer is located in the public alley right-of-way to the north of the subject property.

Finding #15: The property is served by Springfield Fire and Life Safety. Specific access to the site for fire and life safety vehicles is currently adequate. Note: Future access for redevelopment will be determined through the site plan review process.

Finding #16: The site is served by Springfield School District 19.

Finding #17: The site is within the Willamalane Parks and Recreation District.

Finding #18: Traffic impacts of the proposed rezoning to MUR and future redevelopment proposals will be reviewed at the time of site plan review.

Finding #19: Lane Transit District (LTD) reviewed the application and found that the proposed zone change will not affect existing transit service.

Finding #20: Solid waste management service is available at the subject property. The City and Sanipac have an exclusive franchise arrangement for garbage service inside the city limits.

Finding #21: The site receives police protection from the City of Springfield that is consistent with service provision throughout the city and with service that is now provided to adjacent properties.

Finding #22: Qwest and Comcast currently provide telephone and cable communication service in this area. There are also an array of wireless companies that provide communication services. The City has no exclusive franchise arrangements with telecommunication or wireless companies; the field is competitive and therefore guarantees a wide selection.

Conclusion #3: The property is presently provided with adequate public facilities, services and transportation networks to support the current use; therefore, the proposal satisfies the criterion at SDC Section 5.22-115 C3 as described herein. Note: All future public and private improvement requirements and utility connection points will be determined when the applicant submits a site plan review application for redevelopment.

SDC Section 5.22-115 C (4)

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

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

Finding #23: As described herein the applicant's request meets the approval criteria specified in SDC Section 5.14-100.

Finding #24: This City Sponsored *Zoning Map Amendment-Type III* application is a Quasi-judicial Zoning Map amendment which affects a single applicant's property; involves the application of existing policy to a specific factual setting; and, does not require a *Metro Plan Diagram* amendment.

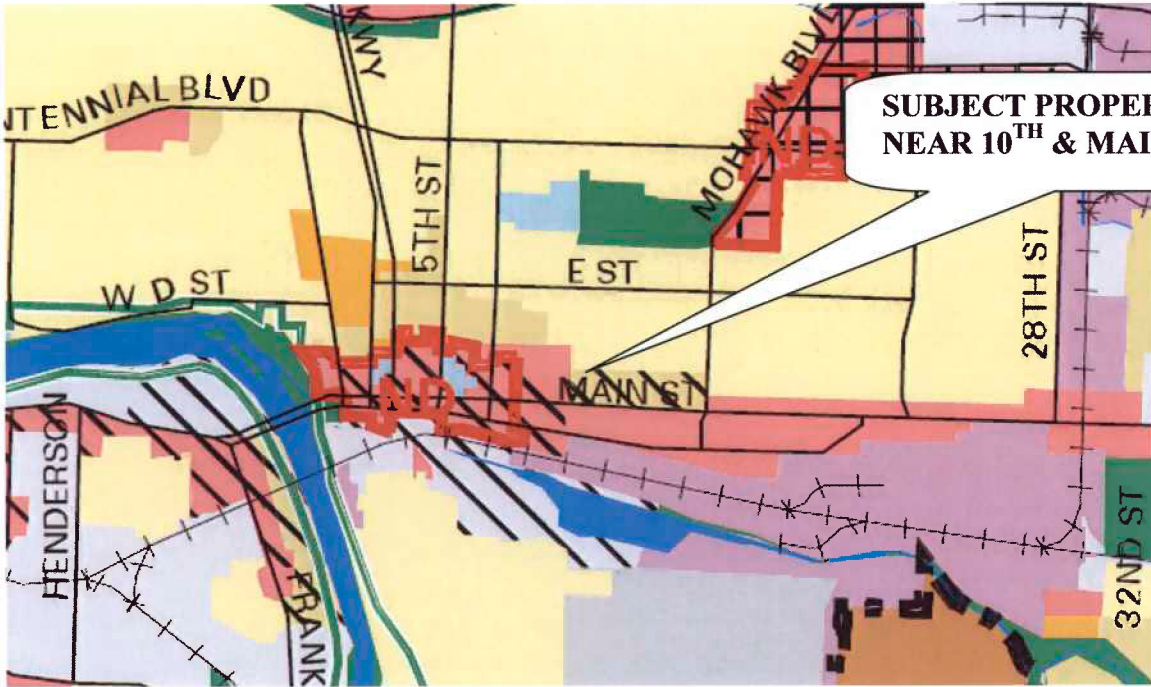
Conclusion #4: Staff finds that the proposal satisfies the approval criterion of SDC Section 5.22-115 C (2) as described herein.

CONDITIONS OF APPROVAL: SDC Section 5.22-120: **The Approval Authority may attach conditions as may be reasonably necessary to allow the Zoning Map amendment to be granted.**

Conclusion #4:

RECOMMENDATION: Staff finds that the proposed *Zoning Map Amendment-Type III* is consistent with the criteria of SDC Section 5.22-115 as described herein. Staff recommends that the Planning Commission approve the requested *Zoning Map amendment* without additional conditions.

**EXHIBIT A
METRO PLAN DIAGRAM MAP**

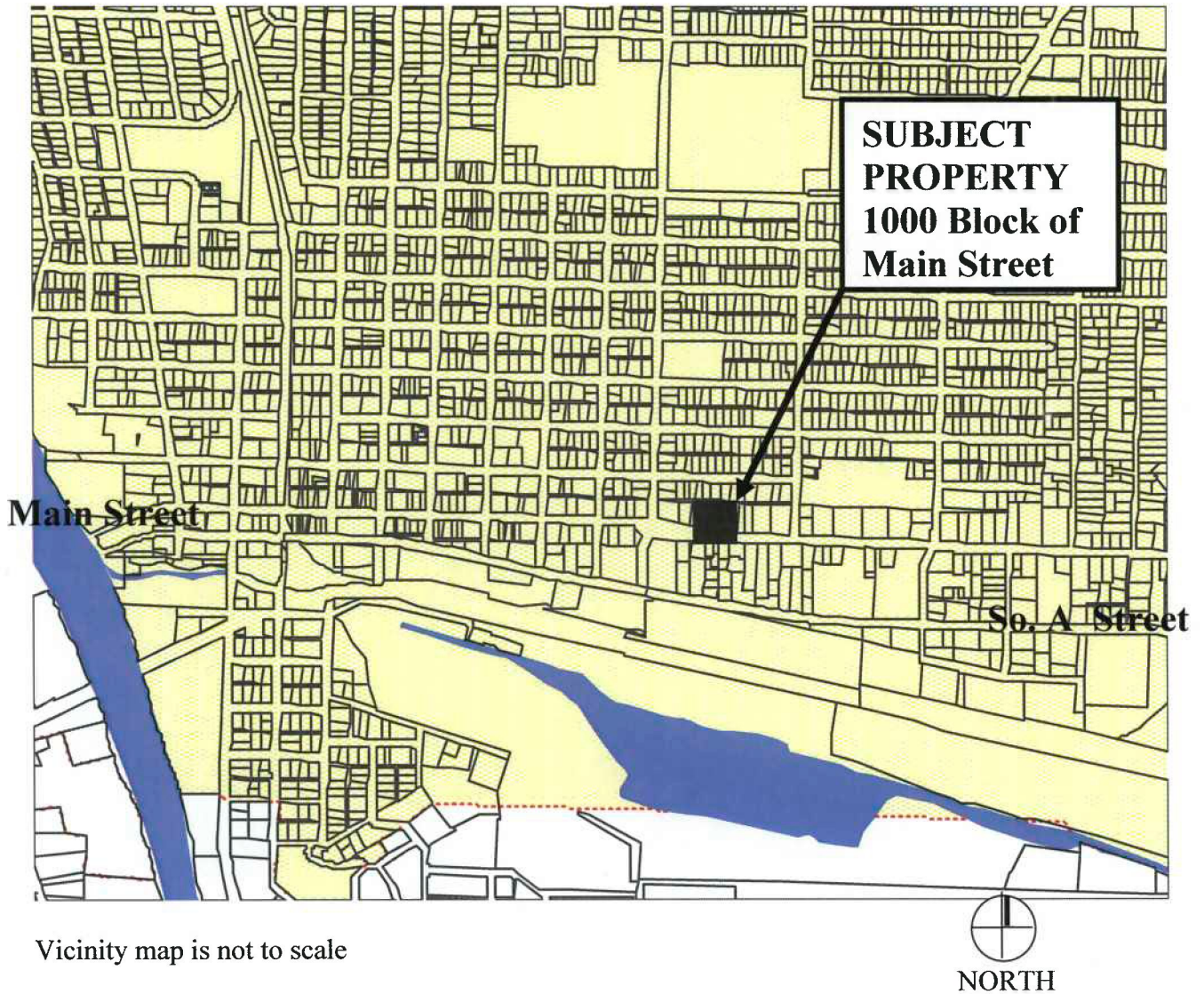


**Eugene-Springfield
Metropolitan Area
General Plan
Plan Diagram**

(The interpretation and purpose of the Plan Diagram, and descriptions of the land uses and symbols shown, are contained in Chapter II-G.)



**EXHIBIT B
SPRINGFIELD VICINITY MAP**



Vicinity map is not to scale

Subject property is east of 10th Street and includes four tax lots addressed as 1062 Main Street, 1072 Main Street, 1082 Main Street and 1096 Main Street

EXHIBIT C

ELT-1232

8233418

Legal Description

PARCEL I.

Beginning at a point which is 360 feet East of a point that is 94.57 feet South 40° 40' East from a point 105.2 feet North of the Southwest corner of the Paul Brattain Donation Land Claim No. 63, in Township 17 South, Range 3 West of the Willamette Meridian; running thence East 60 feet, more or less, to the monument which marks the Southeast corner of Block No. 7 of Brattains Addition to Springfield, Lane County, Oregon, before same was vacated; thence North 196.3 feet; thence West 60 feet, more or less to a point due North of the beginning point; thence South 196.3 feet to the place of beginning, in Lane County, Oregon. EXCEPTING therefrom that portion of the above described premises included in that certain deed wherein Paul Hadley and Pearl Hadley, husband and wife, were Grantors and the Town of Springfield, was grantee, registered in Volume 14, Page 480. of the Certificate of Registered Titles, being Instrument No. 8474. 17-03-35-41 TL 4700

PARCEL II.

Beginning at a point 420 feet East and 206.9 feet North of a point that is 94.57 feet South 40° 40' East from a point 105.2 feet North of the Southwest corner of the Paul Brattain Donation Land Claim No. 63, in Township 17 South, Range 3 West of the Willamette Meridian, in Lane County, Oregon, and running thence South parallel with the East line of Tenth Street 206.9 feet, more or less to the North line of Main Street in Springfield, Lane County, Oregon; thence Easterly along the North line of Main Street 60 feet; thence North parallel with the East line of Tenth Street 210.3 feet, more or less, to a point 60 feet East of the beginning point, and thence West 60 feet to the place of beginning. EXCEPTING THEREFROM that certain tract conveyed by Andrew J. Waffle and Stella M. Waffle, husband and wife, to City of Springfield, a municipal corporation, by instrument recorded October 21, 1940, in Lane County Oregon Deed Records, under Recorder's Reception No. 88967. 17-03-35-41 TL 4600

PARCEL III.

Beginning at a point on the South line of the alley running East and West between Main Street and "A" Street 225 feet East of the East line of Tenth Street in Springfield, Lane County, Oregon, and running thence East on the South line of said alley 75 feet; thence South parallel with the East line of Tenth Street 168.00 feet, more or less, to the North line of Main Street; thence Westerly on the North line of said Main Street 75 plus feet to a point exact), 225 feet East of the East line of Tenth Street if extended Southerly; thence North 156.05 feet, more or less, and parallel with the East line of Tenth Street to the place of beginning, in Lane County, Oregon. 17-03-35-41 TL 4900

PARCEL IV.

Beginning at a point on the South line of the alley running East and West between Main Street and "A" Street and 300 feet East of the East line of Tenth Street in Brattain's Addition to Springfield, in Lane County, Oregon, as platted and recorded in Volume 9, Page 6, Lane County Oregon Plat Records, running thence East 60 feet; thence South 180 feet, more or less, to the North line of Main Street; thence Westerly along the North line of Main Street to a point due South of the point of beginning; thence North 170 feet, more or less, to the point of beginning, in Lane County, Oregon. 17-03-35-41 TL 4800

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State OR

ZIP 97477-4671

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3 To

Recipient's

Name Plan Amendment Specialist Phone 503 373-0050

Company Department of Land Conservation & Development

Recipient's

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Dept./Floor/Suite/Room

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4a Express Package Service

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Next business morning** Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
- FedEx Standard Overnight
Next business afternoon.
Saturday Delivery NOT available.
- FedEx First Overnight
Earliest next business morning delivery to select locations.*
Saturday Delivery NOT available.
- FedEx 2Day
Second business day.* Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
- FedEx Express Saver
Third business day.*
Saturday Delivery NOT available.

* To most locations.

4b Express Freight Service

Packages over 150 lbs.

- FedEx 1Day Freight*
Next business day.** Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
- FedEx 2Day Freight
Second business day.** Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
- FedEx 3Day Freight
Third business day.**
Saturday Delivery NOT available.

** To most locations.

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- FedEx Envelope*
- FedEx Pak*
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- FedEx Box
- FedEx Tube
- Other

* Declared value limit \$500.

6 Special Handling

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- HOLD Weekday at FedEx Location
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- HOLD Saturday at FedEx Location
Available ONLY for FedEx Priority Overnight and FedEx 2Day to select locations.

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- Yes
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- Yes
Shipper's Declaration not required.
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Dry ice, 9 UN 1845 _____ kg

Dangerous goods (including dry ice) cannot be shipped in FedEx packaging.

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Total Weight

Credit Card Auth.

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8 Residential Delivery Signature Options

If you require a signature, check Direct or Indirect.

- No Signature Required
Package may be left without obtaining a signature for delivery.
- Direct Signature
Someone at recipient's address may sign for delivery. **Fee applies.**
- Indirect Signature
If no one is available at recipient's address, someone at a neighboring address may sign for delivery. **Fee applies.**

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