



Oregon

Theodore R. Kubongski, 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



NOTICE OF ADOPTED AMENDMENT

11/5/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Springfield Plan Amendment
DLCD File Number 004-09

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. This amendment was submitted without a signed ordinance.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, November 27, 2009

This amendment was submitted to DLCD for review 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Andy Limbird, City of Springfield
Gloria Gardiner, DLCD Urban Planning Specialist
Ed Moore, DLCD Regional Representative

<paa> YA

FORM 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



Jurisdiction: **City of Springfield**

Local file number: **ZON2009-00014**

Date of Adoption: **October 6, 2009**

Date Mailed: **October 28, 2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 7/20/2009

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".

A residential parcel located at 5940 Main Street in Springfield has been rezoned from Low Density Residential (LDR) to Medium Density Residential (MDR) consistent with the adopted comprehensive plan (*Metro Plan*) designation for the property.

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

Plan Map Changed from:

to:

Zone Map Changed from: **LDR**

to: **MDR**

Location: **5940 Main Street, Springfield**

Acres Involved: **0.54**

Specify Density: Previous: **1-10 upa**

New: **11-20 upa**

Applicable statewide planning goals:

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

DLCD file No. 004-09 (17706) [15796]

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

ODOT

Local Contact: **Andy Limbird**

Phone: (541) 726-3784 Extension:

Address: **225 Fifth Street**

Fax Number: **541-726-3689**

City: **Springfield**

Zip: **97477-**

E-mail Address: **alimbird@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, or by emailing **larry.french@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 **larry.french@state.or.us** - **Attention: Plan Amendment Specialist**.

Updated March 17, 2009

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

REQUEST OF ZONE CHANGE	+	CASE NO. ZON2009-00014
	+	FINDINGS, CONCLUSIONS,
	+	AND RECOMMENDATION

NATURE OF THE APPLICATION

Zone change from Low Density Residential to Medium Density Residential for Assessor's Map 17-02-34-43, Tax Lot 800, municipally addressed as 5940 Main Street.


1. On May 11, 2009 the following application for a Zone Change was accepted: Rezone approximately 0.54 acres of land from Low Density Residential to Medium Density Residential, Case Number ZON2009-00014, Don Horton, applicant.
2. The application was submitted in accordance with Section 5.4-105 of the Springfield Development Code. Timely and sufficient notice of the public hearing, pursuant to Section 5.2-115 of the Springfield Development Code, has been provided.
3. On October 6, 2009 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 5.22-115 of the Springfield Development Code. This general finding is supported by the specific findings of fact and conclusions in the attached staff report (Exhibit A) and attached hereto.

ORDER

It is ORDERED by the Planning Commission of Springfield that Case Number ZON2009-00014, Zone Change Request, be approved. This ORDER was presented to and approved by the Planning Commission on October 6, 2009.



Planning Commission Chairperson

ATTEST
AYES: 6
NOES: 0
ABSENT: 1
ABSTAIN: 0

**ATTACHMENT 1
Staff Report and Findings
Planning Commission
Zone Change Request (Horton)**

Hearing Date: October 6, 2009

Case Number: ZON2009-00014

Applicant: Don Horton

Site: 5940 Main Street (Map 17-02-34-32, Tax Lot 800)

Request

The application was submitted on May 11, 2009 and the public hearing on the matter of the Zone Change request is scheduled for October 6, 2009. The City typically processes zoning requests seeking redress of plan/zone conflicts on a quarterly basis.

Site Information/Background

The property that is the subject of the Zone Change request is located on the north side of Main Street (Highway 126) opposite the intersection with South 59th Street. The Assessor's description of the property is Map 17-02-34-32, Tax Lot 800. The subject property comprises approximately 0.54 acres and contains an existing single-family residential dwelling. Access to the site is provided by a developed curb cut and paved driveway onto Main Street. Current zoning for the property is Low Density Residential (LDR); however, the *Metro Plan* designation for this property and contiguous properties to the north and east is Medium Density Residential (MDR). Some properties in the vicinity of the subject site have been zoned MDR to achieve Plan/Zone conformity. Other nearby LDR parcels could be rezoned to MDR on a case-by-case basis when application is made for more intensive development or redevelopment of the property.

To facilitate site redevelopment, the property owner is required to apply for a Zone Change for the subject parcel in accordance with provisions of the Springfield Development Code (SDC). The current Zone Change request is being processed as a Type III Zoning Map amendment. The applicant is requesting rezoning of the property to MDR in order to allow for additional dwelling units to be constructed on the property. The current LDR zoning does not permit a second detached dwelling being constructed on a single parcel.

Notification and Written Comments

Notification of the October 6th Planning Commission public hearing was sent to all property owners and residents within 300 feet of the site on September 14, 2009. Notification was also published in the September 23, 2009 edition of *The Register Guard*. Staff responded to one telephone inquiry about the proposal. No written comments were received.

Criteria of Approval

Section 5.22-100 of the SDC contains the criteria of approval for the decision maker to utilize during review of Zoning Map amendment requests. The Criteria of Zoning Map amendment approval criteria are:

SDC 5.22-115 CRITERIA

C. *Zoning Map amendment criteria of approval:*

1. *Consistency with applicable Metro Plan policies and the Metro Plan diagram;*

request as the proposal meets the stated criteria for Zone Change approval and would bring the property into conformity with the *Metro Plan* diagram.

Conditions of Approval

SDC Section 5.22-120 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 cited below:

5.22-120 CONDITIONS

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

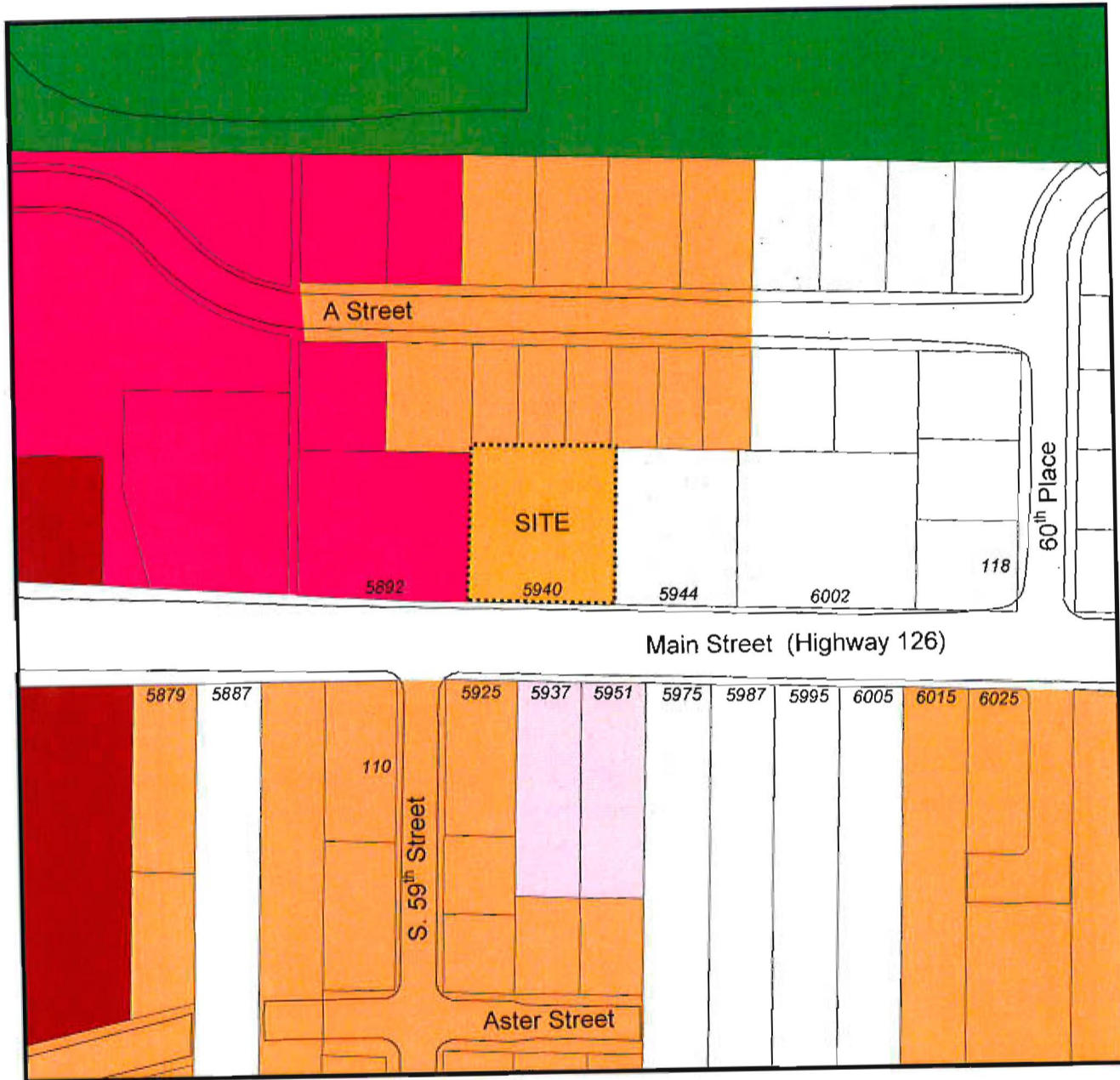
Staff has reviewed the Zone Change request and supporting information provided by the applicant, and conditions of approval are not warranted. Any future site development will be subject to the provisions of the SDC for the applicable residential zoning district.





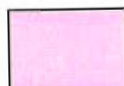

The Planning Commission may choose to apply conditions of approval as necessary to comply with the Zone Change criteria.

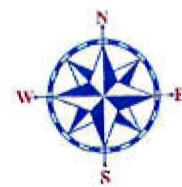
Additional Approvals

The subject application is the first step for the applicant to proceed with development plans for the subject site. Upon approval of the Zone Change request, the property will be in conformity with the *Metro Plan* diagram and subject to the MDR provisions of the Springfield Development Code. An application to place additional dwellings on the subject site then could be reviewed in accordance with relevant provisions of the Development Code including but not limited to Sections 3.2-200, 4.7-100 and 5.17-100, as applicable.

**ADOPTED ZONING FOR SUBJECT SITE
5940 MAIN STREET, SPRINGFIELD (MAP 17-02-34-32, TL 800)**



- | | | | |
|---|----------------------------|---|----------------------------|
|  | Low Density Residential |  | Community Commercial |
|  | Medium Density Residential |  | Public Land and Open Space |
|  | Neighborhood Commercial | | |
|  | General Office | | |



FedEx Express US Airbill

1 From *This portion can be removed for Recipient's records.*
Date October 28, 2011
FedEx Tracking Number 863107579159
Sender's Name Andy Lmbird Phone 541 726-3610
Company CITY OF SPRINGFIELD/DEV SVCS
Address 225 N 5TH ST
City SPRINGFIELD State OR Zip 97477-4671

2 Your Internal Billing Reference

To
Recipient's Name Plan Amendment Specialist Phone 503 373-0050
Company Department of Land Conservation and Development
Recipient's Address 635 Capitol Street NE, Suite 150
We cannot deliver to PO boxes or P.O. ZIP codes.
City Salem State OR Zip 97301-2540

Address
To retrace a package we need a specific FedEx location, print FedEx address here.
 City Salem State OR Zip 97301-2540
 0368751909



Align top of package to this area
0215
 Recipient's Copy

4a Express Package Service
 FedEx Priority Overnight
Next business morning, 7:30 a.m. delivery. Will be delivered on Monday unless Saturday Delivery is selected.
 FedEx Standard Overnight
Next business afternoon, Saturday Delivery NOT available.
 FedEx 2Day
Second business day, Monday through Friday. Saturday Delivery NOT available.
 FedEx Express Saver
Third business day, Monday through Friday. Saturday Delivery NOT available.

4b Express Freight Service
 FedEx 1Day Freight
Next business day, Monday through Friday. Delivery is guaranteed. Saturday Delivery is scheduled.
 FedEx 2Day Freight
Second business day, Monday through Friday. Delivery is guaranteed. Saturday Delivery is scheduled.
 FedEx 3Day Freight
Third business day, Monday through Friday. Delivery is guaranteed. Saturday Delivery NOT available.

5 Packaging
 FedEx Envelopes
 FedEx Pak*
 FedEx Box
 FedEx Tube
 Other

6 Special Handling
 SATURDAY Delivery
Not available for FedEx Signature, Signature Confirmation, Signature Required, or FedEx 2Day Freight.
 HOLD Weekday at FedEx Location
Not available for FedEx Priority Overnight.
 HOLD Saturday at FedEx Location
Available only for FedEx Priority Overnight.

7 Payment *Bill to:*
 Sender Recipient Third Party Credit Card Cash/Check

8 Residential Delivery Signature Options
 No Signature Required
Package may be left without attaching a signature to delivery.
 Direct Signature
Someone at recipient's address may sign for delivery for you.
 Indirect Signature
If no one is available at recipient's address, someone will attempt delivery on your behalf for you.

Total Packages Total Weight
 0368751909

