



# Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

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## NOTICE OF ADOPTED AMENDMENT

1/29/2010

**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 010-09

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.

Appeal Procedures\*

**DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL:** Thursday, February 11, 2010

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  
Angela Lazarean, DLCD Urban Planner

<paa> YA



FORM **2**

**DLCD**

# Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person  electronic  mailed

**DATE STAMP**

**DEPT OF**

**JAN 22 2010**

**LAND CONSERVATION AND DEVELOPMENT**

For Office Use Only

Jurisdiction: **City of Springfield**

Local file number: **ZON2009-00023**

Date of Adoption: **1/20/2010**

Date Mailed: **1/21/2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 11/5/2009

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".

The Springfield Zoning Map was amended by expanding the eastern boundary of Springfield Memorial Gardens Cemetery to accommodate an existing mausoleum building and burial plots. Approximately 2.95 acres of Low Density Residential (LDR) land was rezoned to Public Land and Open Space (PLO). Cemeteries and associated structures are listed uses in the PLO District, but not in the LDR District.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from:

to:

Zone Map Changed from: **LDR**

to: **PLO**

Location: **7390 McKenzie Highway, Springfield**

Acres Involved: **3**

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

New: **N/A**

Applicable statewide planning goals:

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

**DATE OF HEARING:** January 20, 2010

**TO:** Springfield Planning Commission  
**FROM:** Andy Limbird, AIC Planner III  
**SUBJECT:** Request for Zone Change Approval  
Springfield Cemetery Acquisition, Applicant

**PLANNING COMMISSION  
TRANSMITTAL  
MEMORANDUM**

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**ISSUE**

The Planning Commission is requested to conduct a public hearing and decide whether or not to approve a Zone Change request from Low Density Residential (LDR) to Public Land and Open Space (PLO). The current residential zoning for the eastern portion of the Springfield Memorial Gardens Cemetery is not consistent with provisions of the Development Code, because cemeteries and related facilities are not a listed use in the LDR district.

**DISCUSSION**

The applicant is requesting the Zone Change for approximately 2.95 acres along the eastern edge of the Springfield Memorial Gardens Cemetery located at 7390 McKenzie Highway. The current zoning for the subject area is Low Density Residential (LDR), and the property is designated LDR in the adopted *Metro Plan*. The applicant requests a Zone Change to Public Land and Open Space (PLO) to accommodate existing and planned cemetery facilities and burial plots. The rezoning also will accommodate a portion of the existing mausoleum building that encroaches beyond the PLO zoning into adjoining LDR zoning. In accordance with Section 3.2-705 of the Springfield Development Code (SDC), privately owned cemeteries are a listed use in the PLO District. Additionally, PLO zoning is allowable in any *Metro Plan* land use designation including Low Density Residential (ref. SDC 3.7-705.B).

**RECOMMENDATION:** Staff recommends approval based on findings contained in the attached Staff Report.

**ACTION REQUESTED:** Planning Commission approval of this Zone Change request (ZON2009-00023) by motion.

**ATTACHMENTS**

- Attachment 1: Staff Report and Findings
- Attachment 2: Current and Proposed Zoning of Subject Site and Vicinity
- Attachment 3: Applicant's Zone Change Request
- Attachment 4: Planning Commission Final Order

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

**Hearing Date: January 20, 2010**

**Case Number: ZON2009-00023**

**Applicant: Springfield Cemetery Acquisition LLC**

**Site: 7390 McKenzie Highway (Map 17-02-35-00, Tax Lots 3704, 3705 & 3706)**

**Request**

The application was submitted on October 30, 2009 and the public hearing on the matter of the Zone Change request is scheduled for January 20, 2010. The City conducted a Development Review Committee meeting on the Zone Change request on December 1, 2009.

**Site Information/Background**

The property that is the subject of the Zone Change request is located on the south side of Main Street where it transitions to McKenzie Highway at the eastern City limits. The Assessor's description of the affected property is Map 17-02-35-00, Tax Lots 3704, 3705 and 3706. Overall, the Springfield Memorial Gardens cemetery comprises approximately 31 acres and contains rows of burial plots with associated facilities including internal driveways, a mausoleum, office building, and several accessory buildings. Access to the site is provided by a developed driveway onto Main Street at the northwest corner of the site. Current zoning for the cemetery property is a combination of Public Land and Open Space (PLO) and Low Density Residential (LDR) along the eastern edge of the site. Most of the cemetery land area is designated Parks and Open Space in the adopted *Metro Plan* diagram. However, the eastern edge of the land holding is zoned and designated LDR. In accordance with SDC 3.2-705.B, the PLO District is permitted on properties designated for other land uses, including residential.

The existing mausoleum building and other cemetery improvements encroach beyond the eastern edge of the PLO zoning area into the adjoining LDR District. However, the current LDR zoning for a portion of the operating cemetery area is incompatible with provisions of the Springfield Development Code, because cemeteries and related facilities are not a listed use in residential districts. To accommodate the existing and planned cemetery facilities, the applicant is requesting a Zone Change for a 2.95 acre strip of land along the eastern edge of the cemetery; the eastern edge landholding will retain the LDR zoning. The current Zone Change request is being processed as a Type III Zoning Map amendment.

**Notification and Written Comments**

Notification of the January 20<sup>th</sup> Planning Commission public hearing was sent to all property owners and residents within 300 feet of the site on December 29, 2009. Notification was also published in the January 4<sup>th</sup> and 11<sup>th</sup> editions of *The Register Guard*. 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;
2. Consistency with applicable Refinement Plans, Plan District maps, Conceptual Development Plans and functional plans; and
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.
4. Legislative Zoning Map amendments that involve a Metro Plan Diagram amendment shall:
  - a. Meet the approval criteria specified in Section 5.14-100; and
  - b. Comply with Oregon Administrative Rule (OAR) 660-012-0060, where applicable.

**Proposed Findings In Support of Zone Change Approval**

**Criterion: Zoning Map amendment criteria of approval:**

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

Finding: The proposed zone change is consistent with the Metro Plan text and diagram, which designates the majority of the cemetery area as Parks and Open Space.

Finding: The Metro Plan does not contain specific policies for public or private cemeteries. However, in accordance with Policy H.2, park [and open space] standards adopted by the applicable city and incorporated into the city's development code shall be used in local development processes.

Finding: In accordance with SDC 3.2-705.A.3, privately owned cemeteries are allowable in the PLO District.

Finding: In accordance with SDC 3.2-705.B, the PLO District is permitted on properties designated other than Public and Semi-Public on the Metro Plan. The area requested for Zone Change is designated LDR on the Metro Plan.

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

Finding: There are no Refinement Plans or Conceptual Development Plans that are adopted for this area of Springfield. Therefore, the Metro Plan diagram remains the prevailing land use plan diagram for this site. This criterion is not applicable.

**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: The site requested for Zone Change is already provided with the full range of public utilities and services, and a fully developed transportation network (state highway) along the property frontage. Future development of the eastern edge of the site (remaining LDR portion) will be subject to a separate land use action.

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

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

Finding: The requested Zone Change would bring the site into compliance with provisions of the adopted *Metro Plan* and the City's Development Code. Because PLO Zoning is allowable in all *Metro Plan* land use designations, a *Metro Plan* diagram amendment is not required or warranted. Therefore, this criterion is not applicable.

**Conclusion:** Staff has reviewed the application and supporting evidence submitted by the applicant for the Zone Change request. Based on the above-listed criteria, staff recommends support for the request as the proposal meets the stated criteria for Zone Change approval and would bring the property into conformity with provisions of the *Metro Plan* and the Springfield Development Code.

**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 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 on either the cemetery portion (zoned PLO) or the residential portion (zoned LDR) of the applicant's property will be subject to the provisions of the SDC for the applicable 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. This initial action will accommodate existing and planned cemetery facilities and buildings. Upon approval of the Zone Change request, the operating cemetery area will be in conformity with the *Metro Plan* and subject to the PLO District provisions of the Springfield Development Code (ref. SDC 3.7-700). Similarly, future development of the vacant LDR land on the eastern edge of the property would be reviewed in accordance with relevant provisions of the Development Code including but not limited to Sections 3.2-200 and 3.3-500, as applicable.

**CURRENT ZONING FOR SUBJECT SITE**  
**7390 MCKENZIE HIGHWAY, SPRINGFIELD (MAP 17-02-35-00, TL 3704, 3705 & 3706)**






-  Low Density Residential
-  Public Land and Open Space
-  Neighborhood Commercial



PROPOSED ZONING FOR SUBJECT SITE  
7390 MCKENZIE HIGHWAY, SPRINGFIELD (MAP 17-02-35-00, TL 3704, 3705 & 3706)



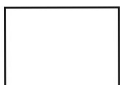
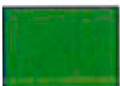
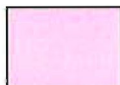
-  Low Density Residential
-  Public Land and Open Space
-  Neighborhood Commercial





PROPOSED ZONING FOR SUBJECT SITE  
7390 MCKENZIE HIGHWAY, SPRINGFIELD (MAP 17-02-35-00, TL 3704, 3705 & 3706)



-  Low Density Residential
-  Public Land and Open Space
-  Neighborhood Commercial



**ZONING MAP AMENDMENT APPLICATION**  
**WRITTEN STATEMENT:**

**Applicant:** Springfield Cemetery Acquisition, LLC  
PO Box 22210  
Eugene, OR 97402

**Property Owner:** Springfield Cemetery Acquisition, LLC  
PO Box 22210  
Eugene, OR 97402

**Property:** ~~3790~~  
3790 McKenzie Highway  
Springfield, OR 97478

Tax Lots 3704, 3705, & 3706; Map 17-02-35-00

**Applicant's Representative:** Bill Kloos  
Law Office of Bill Kloos, PC  
375 W. 4<sup>th</sup>, Suite 204  
Eugene, OR 97401

541.954.1260  
541.343.8702 fax

**I. LAND USE REQUEST**

This zone change application seeks a quasi-judicial zoning map amendment to change the zoning for 2.95 acres on three tax lots, totaling 10.23 acres in size, from Low Density Residential (LDR) zoning district to Public Land and Open Space (PLO) zoning district to expand the Springfield Memorial Gardens eastward. The purpose of the request is two-fold. First, the zone change will correct the zoning for the area under and around part of the cemetery's mausoleum, which was built over twenty years ago. Second, the zone change will provide additional area for cemetery use, especially for the expansion of the Veterans' Gardens portion of the cemetery. The application implements the existing expansion plans for Springfield Memorial Gardens and continues to reserve future expansion areas under their existing zoning.

The zone change will expand the PLO zoning of the cemetery eastward one hundred feet (100') eastward along most of the eastern boundary of the property. A portion of that zoning area will extend the new zone line one hundred and fifteen feet (115') eastward. See Exhibit A, Zoning Map Amendment survey prepared by D. Wellman Surveying L.L.C. for the exact footprint of the zone change. Approval of this application will change the zoning for all of Tax Lot 3704, and will change the zoning for portions of Tax Lots 3705 and 3706.

Following approval of the zone change application, the property owners will prepare and file applications to move the property lines and to replat the parcels so that Tax Lot 3702 will correspond to the new PLO zoning footprint and that Tax Lots 3705 and 3706 will occupy the remaining LDR-zoned area.

## II. SITE CONTEXT

Springfield Memorial Gardens is located on Main Street as it transitions to the McKenzie Highway #126 in the Thurston area. See Exhibit B, Aerial View of Subject Property, attached hereto. Springfield Memorial Gardens is an open lawn cemetery with few large structures on the property. See Exhibit C, Site Photographs, attached hereto. The two prominent buildings are the main office and the mausoleum located on eastern half of the cemetery property. As shown on Exhibit A, the mausoleum was constructed straddling the property line between tax lots 3702 and 3704. The "bump" in the new proposed zone line is to accommodate the footprint of the parking area that surrounds the mausoleum (see Exhibit C Site Photographs) and an appropriate setback.

The cemetery is approximately twenty-two (22) acres in size, not including the area located on tax lot 3704 under the mausoleum and parking lot. The proposal seeks to add 2.95 acres zoned to allow cemetery uses. The Springfield City limits runs along the eastern property line of tax lots 3705 and 3706. The Urban Growth Boundary (UGB) is approximately one-half mile south-east and east of the subject parcels.

The area around Springfield Memorial Gardens is primarily planned and zoned for low density residential use. See Exhibit E, Metro Plan Diagram Excerpt and Exhibit F, Zoning Map Excerpt, attached hereto. Immediately adjacent to the northeast corner of the cemetery is a parcel zoned for neighborhood commercial use. Within a half mile of the cemetery are several other parcels zoned for neighborhood commercial use, a fire station, a school and public parks. See Exhibit F Zoning Map Excerpt.

## III. CRITERIA FOR APPROVAL

The application must be consistent with Springfield Code, Section 5.22-100 **Zoning Map Amendments**. The applicable approval criteria are provided under SC 5.22-110.c.1 through .3 and are presented below in **bold**, with the applicant's findings and conclusions following in plain text.

### **SC 5.22-110.c.1 Consistency with applicable MetroPlan Policies and the Metro Plan diagram;**

Findings: The Metro Plan diagram shows an area designated Parks and Open Space at the location of the Springfield Memorial Gardens. See Exhibit E, Metro Plan Diagram Excerpt. The shape of that diagram appears to correspond to the current configuration of the cemetery. The proposed zone change seeks to expand cemetery uses, under a PLO zoning designation, eastward, into an area that appears to be designated for Low Density Residential use.

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The Metro Plan explicitly discusses cemetery use in the Parks and Open Space plan designation:

"This designation includes existing publicly owned metropolitan and regional scale parks and publicly and privately owned golf courses and cemeteries in recognition of their role as visual open space." Metro Plan at II-G-9.

The Metro Plan also discusses how not all parks and open space uses are or can be identified on the Metro Plan Diagram. Here, the Plan explains that these uses can also make up part of the gross allocation of residential acres. Metro Plan at II-G-9.

When discussing the Residential plan designation, the Metro Plan explains:

"This category is expressed in gross acre density ranges. Using gross acres, approximately 32 percent of the area is available for auxiliary uses, such as streets, elementary and junior high schools, neighborhood parks, other public facilities, neighborhood commercial services, and churches not actually shown on the *Metro Plan* Diagram. Such auxiliary uses shall be allowed within residential designations if compatible with refinement plans, zoning ordinances, and other local controls for allowed uses in residential neighborhoods." Metro Plan at II-G-3.

Consequently, Parks and Open Space uses are allowed in the Residential plan designation, as part of the 32 percent area for auxiliary uses, so long as the auxiliary use is compatible with refinement plans, zoning ordinances and other local controls. When falling within the above parameters, the PLO zoning designation is an implementing zone for the Residential plan designation.

Here, there are no applicable area refinement plans or relevant "other local controls." The Springfield Zoning Ordinance does not allow cemeteries in the Low Density Residential zoning district, but does allow them in Public Land and Open Space zoning district. Because the application requests a zoning map change to PLO, the proposal is compatible with the zoning ordinance and is consistent with the Metro Plan diagram and those portions of the plan that discuss land use designations.

There is also a second basis for concluding that the application is consistent with the Metro Plan diagram. The Metro Plan diagram expressly states that it is valid only when it is printed to 11x17 inch scale. See Metro Plan Diagram, Metro Plan at II-G-17. When printed at 11x17 inches, the diagram is scaled at 1 inch equals 7,000 feet (1" = 7000'). The diagram states that the current plan designation for specific parcels should be confirmed with the appropriate governmental entity. The Metro Plan explains that the diagram is parcel specific only in certain cases, which include:

- "1. Parcels shown on the Metro Plan Diagram within a clearly identified Plan designation, i.e., parcels that do not border more than one Plan designation;

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- "2. Lands outside the UGB within the Metro Plan boundary;
- "3. Parcels with parcel-specific designations adopted through the citizen-initiated Plan amendment process;
- "4. Parcels shown on a parcel-specific refinement plan map that has been adopted as an amendment to the Metro Plan Diagram." Metro Plan at G-II-2.

The parcels in question border more than one Plan designation, there is no applicable parcel-specific refinement plan map for the area, and no parcel-specific designations have been adopted for the parcels. Consequently, the Metro Plan diagram is not necessarily specific for these parcels and is subject to interpretation by the city. As the plan explains:

"[T]he boundaries of Plan designation areas in the metropolitan UGB are determined on a case-by-case basis, where no parcel-specific designation has been adopted." Metro Plan at II-G-2.

Here, it is reasonable to conclude that since the mausoleum building has been in place since at least 1987 and the latest version of the Metro Plan diagram was adopted after that date, the Parks and Open Space plan designation was intended to include those portions of the subject properties either in cemetery use or intended for cemetery use.

If that is the case, then the application request for PLO zoning is consistent with the underlying Parks and Open Space plan designation and is consistent with the Metro Plan Diagram.

This approval standard also requires consistency with Metro Plan Policies. Applicable Metro Plan policies are presented and addressed immediately below.

***Residential Land Element Policy A.2: Residentially designated land within the UGB should be zoned consistent with the Metro Plan and applicable plans and policies; however, existing agricultural zoning may be continued within the area between the city limits and the UGB until rezoned for urban uses.***

Findings: As discussed above, the Metro Plan recognizes that approximately 32 percent of the gross area designated Residential will be put to accessory uses, to include those uses that can be included in a Parks and Open Space plan designation if done consistent with the local zoning ordinance. Given this framework, the proposal requests zoning that is consistent with the Metro Plan for areas planned residential.

Conclusions: The proposal complies with this Metro Plan policy.

***Environmental Design Element Policy E5: Carefully develop sites that provide visual diversity to the urban area and optimize their visual and personal accessibility to residents.***

Findings: This proposal seeks to convert an area that would otherwise be put to low density residential use into expanded cemetery uses. The Metro Plan recognizes that cemeteries provide

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visual, open space diversity to the urban landscape. This is particularly true of open lawn cemeteries like Springfield Memorial Gardens. Given that the area surrounding the cemetery is either in residential use or will be developed with residential uses in the future, the expanded cemetery will continue to provide open space visual diversity from the surrounding residential development for residents.

Conclusion: The proposal complies with this Metro Plan policy.

***Transportation Element Policy F.14: Address the mobility and safety needs of motorists, transit users, bicyclists, pedestrians, and the needs of emergency vehicles when planning and constructing roadway system improvements.***

Findings: The proposed zoning map amendment will not provide for the type of use where additional roadways will be developed, either within the property or to support the permitted uses. Circulation within Springfield Memorial Gardens takes place on low-speed, low-traffic volume drive ways. City roadway system improvements are not needed to support expansion of the cemetery uses.

The zoning map amendment will reduce future traffic counts from those that would result from development under the current Low Density Residential zoning. Traffic volumes to Springfield Memorial Gardens should not change, as the greatest rate of vehicle trips to the cemetery arises during funerals. The increase in cemetery land area does not result in an increase in the number of funerals in any given time period, but simply provides for an increased capacity for interment in the cemetery over the long term.

Conclusion: The proposal complies with this Metro Plan policy.

**Conclusion:** Based upon the above analysis the proposal complies with SC 5.22-115.c.1.

**SC 5.22-115.c.2. Consistency with applicable Refinement Plans, Plan District maps, Conceptual Development Plans and functional plans; and**

Findings: The subject parcels are located in the Thurston area of Springfield. There is no Thurston area refinement plan or Plan District map.

The subject parcels are not subject to any conceptual development plans.

Relevant functional plans include TransPlan, the Eugene-Springfield Metropolitan Area Public Facilities and Sewer Plan, and the Willamalane 20-Year Park and Recreation Comprehensive Plan.

**TransPlan**

TransPlan is the Eugene-Springfield area's transportation system plan (TSP) and is a functional refinement plan to the MetroPlan. Policies from TransPlan have been incorporated into the

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MetroPlan. Consequently, relevant policies have been addressed above under SC 5.22-115.c.1.

Relevant TransPlan policies have been incorporated into the Metro Plan and were addressed above.

### **Eugene-Springfield Metropolitan Area Public Facilities and Services Plan**

Similar to TransPlan, the Eugene-Springfield Metropolitan Area Public Facilities and Services Plan is a functional refinement plan to the MetroPlan, which incorporates policies provided in the refinement plan.

The public facilities and services policies are generally directives to local governments to guide planning and infrastructure development decisions. They are generally not applicable to site-specific quasi-judicial decisions, especially when those proposals, like this one, will have no impacts on facilities and services and will require no improvements to the facilities and services. Consequently, none of the public facilities and services policies are relevant to this proceeding.

### **Willamalane 20-Year Park and Recreation Comprehensive Plan**

The Willamalane 20-Year Park and Recreation Comprehensive Plan ("Willamalane Plan") is the city's functional plan for providing parks and recreational facilities and services. While the plan does not address cemeteries and cemeteries are not considered recreational facilities, the MetroPlan recognizes the value of cemeteries as an open space and individuals use them for low-intensity recreational uses such as walking.

Policy A3 at page 23 of the Willamalane Plan provides:

"Work with the City to encourage the private provision of quality parks, urban plazas, trails, linear parks, rooftop open space, and other amenities in private developments, where consistent with the goals and standards of this Plan, the provisions of the Springfield Development Code, and other applicable codes and standards."

An open-lawn cemetery that is open to the public can be considered an "other amenity in private developments" used in this policy. This proposal seeks to expand the current cemetery use, to include an additional 2.95 acres, which will continue the open space character of the site.

The Willamalane Plan proposes additional recreational facilities in the general area under the designation E5 on its planning maps. The E5 area includes the properties along the city limits and within the UGB, south of the McKenzie Highway, in east Springfield. The Willamalane Plan envisions a neighborhood park and a natural park for the area. See pages 43 and 47. While the proposed use will not fulfill these needs, it will offer an open space environment in the interim period until the desired recreational facilities are developed.

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Original Submittal *QZ*

**Conclusion:** The proposal complies with SC 5.22-115.c.2.

**SC 5.22-115.c.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.**

Findings: Key urban facilities and services are defined in the Metro Plan as: wastewater service; stormwater service; transportation; water service; fire and emergency medical services; police protection; City-wide parks and recreation programs; electric service; land use controls; communication facilities; and public schools on a district-wide basis. See Metro Plan, page V-3.

The full range of key urban facilities and services listed by this standard either already serve the subject property or can be reasonably extended.

Wastewater Service: Wastewater service is already provided to the cemetery. An existing major wastewater system pipe runs along South 72<sup>nd</sup> Street. This rezone from residential to cemetery use will reduce the potential future demand for wastewater service and will only add demand for wastewater services if structures are built on the rezoned areas. No structures are anticipated at this point for those areas.

Stormwater Service: The subject parcel is within an existing system catchment basin that adequately serves the subject property. The city's Stormwater Master Plan shows stormwater lines along the McKenzie Highway and on South 72<sup>nd</sup> Street. The Stormwater Master Plan also shows proposed improvements (CIP 7, Reach #8) to the piped system that runs along the northern property line of the cemetery to increase capacity of the system to accommodate development of parcels that lie east of the cemetery.

Transportation: The area subject to the zone change application will ultimately become part of the Springfield Memorial Gardens and will be served through the cemetery's internal road network. Springfield Memorial Gardens has existing access onto the McKenzie Highway #126 (Main Street). McKenzie Highway is classified as a principal arterial in TransPlan. This transportation network is adequate to support the proposed use.

Water Service: Adequate water service to the property is already provided by SUB. The rezone from residential to cemetery uses will reduce the overall, long-term demand for public water service that would have arisen if the property had been developed for residential uses. Water service to the property is currently adequate for any expanded cemetery needs.

Fire and Emergency Medical Services: The property is served by the City of Springfield and the Springfield Department of Fire and Life Safety. A fire station is located approximately ½ mile west of the cemetery. Those facilities are adequate to support the proposed use.

Police: The City of Springfield provides police service to the property.

Date Received:

OCT 30 2009

Original Submittal *AZ*



City-Wide Parks and Recreation: The proposed zone change will reduce the demand for local and city-wide parks and recreation services and facilities due to the nature of cemetery uses. The Willamalane 20-Year Park and Recreation Comprehensive Plan, Map 6 Community Park Service Areas, shows that the subject property is well served by existing community parks. The primary neighborhood park that serves the area is the Lively Memorial Park that includes a swim center. Closer to the cemetery property is a sports park, Bob Artz Memorial Park. The closest local park is the Jessie Maine Memorial Park on South 69<sup>th</sup> Street. The subject property is presently provided with adequate parks and recreation services and facilities.

Electric Service: SUB provides electrical services to the cemetery property that are adequate to accommodate cemetery uses on the subject property.

Land Use Controls: The subject property is within the Springfield city limits and the property is subject to the city's land use controls.

Communication Facilities: Adequate telecommunication services currently serve the subject property. The uses that will arise from the proposed zone change will not increase the demand for communications facilities.

District-Wide Public Schools: The property is within the Springfield school district. Because the proposal is to rezone the property from a zone that allow residential use to one that allows cemetery use, the proposal will reduce the potential burden on public schools because of the nature of the proposed use. Consequently, the public school facilities and services are adequate given the nature of the proposed rezone.

Conclusion: The proposal complies with SC 5.22-115.c.3.

**SC 5.22-115.c.4. Legislative Zoning Map amendments that involve a Metro Plan Diagram amendment shall:**

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

Findings: This application is for a quasi-judicial zoning map amendment; it is not a legislative zoning map amendment that involves a Metro Plan Diagram amendment. Consequently, this standard is not applicable to this application.

Conclusion: The proposal complies with EC 9.8865(4).

Date Received:

OCT 30 2009

Original Submittal AJ

## **Goal 12 Transportation**

Because the zone change application will result in a change to the zoning map, caselaw has established that the proposal represents an amendment to a land use regulation. Therefore, the Goal 12 Transportation Planning Rule (TPR), OAR 660, division 12, must be addressed.

Relevant portions of **OAR 660-012-0060** provide:

**(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:**

**(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);**

**(b) Change standards implementing a functional classification system; or**

**(c) As measured at the end of the planning period identified in the adopted transportation system plan:**

**(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;**

**(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or**

**(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.**

**(2) Where a local government determines that there would be a significant effect, compliance with section (1) shall be accomplished through one or a combination of the following:**

**(a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the**

**transportation facility.**

**(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.**

**(c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.**

**(d) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.**

**(e) Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.**

Findings: This application seeks to change 2.95 acres from Low Density Residential zoning to Parks and Open Space zoning to allow cemetery uses. This represents a down-zone of the property and will result in a substantial reduction in traffic impacts that could arise from the allowed uses under the new zone.

Goal 12 and the Goal 12 rule are not implicated by this application. The uses and densities that will be allowed under the proposed Public Land and Open Space (PLO) zoning will reduce the demand for traffic facilities that would otherwise have been needed to serve the subject property if it had been developed with residential uses under Low Density Residential (LDR). This is particularly so given that the land will be converted into cemetery use and will be subject to statutory limitations regarding cemetery operations. In *Mason v. City of Corvallis*, 49 Or LUBA 199, 222 (2005), LUBA held that the Goal 12 rule is not triggered when a zone change will result in less vehicular traffic than would be generated from allowed uses under the unamended zoning. See also, *Marine Street LLC v. City of Astoria*, 37 Or LUBA 587, 594 (2000) (In circumstances where proposed changes to a land use regulation will not increase potential traffic impacts on the transportation system, such changes do not "significantly affect a transportation system" within the meaning of OAR 660-012-0060(2).).

Conclusion: The proposal is consistent with the Goal 12 rule.

Date Received:

OCT 30 2009

Original Submittal AL

**IV. CONCLUSION**

For the reasons provided above, the city should approve this zone map amendment application.

**Exhibits:**

- Exhibit A Zoning Map Amendment survey prepared by D. Wellman Surveying L.L.C.
- Exhibit B Aerial View of Subject Property
- Exhibit C Site Photographs
- Exhibit D Assessor's Map
- Exhibit E Metro Plan Diagram Excerpt
- Exhibit F Zoning Map Excerpt

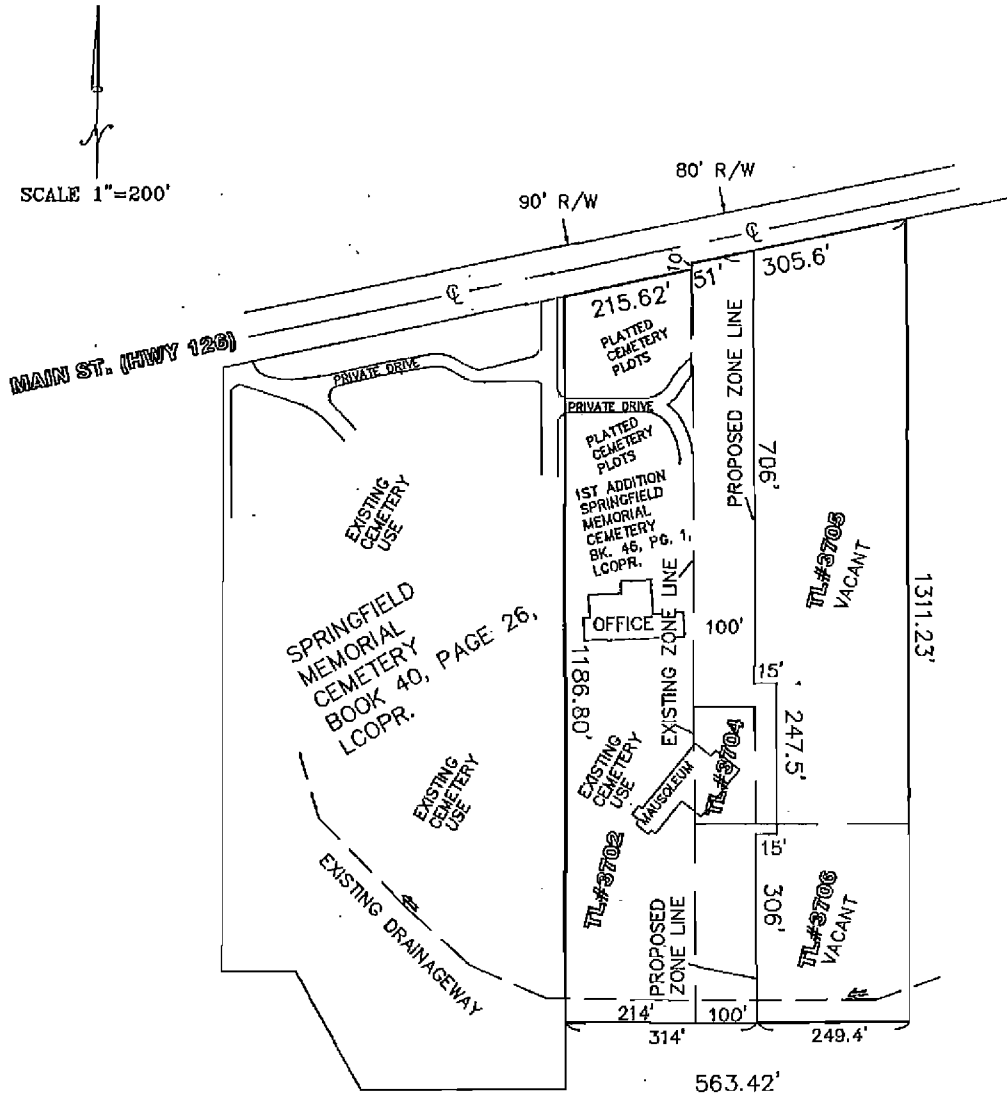
Date Received:

OCT 30 2009

Original Submittal RF

ZONING MAP AMENDMENT  
SOUTH SIDE OF MAIN ST. EAST OF 72ND STREET  
JULY 23, 2009

**EXHIBIT A**



SCALE 1"=200'

Date Received:

OCT 30 2009

Original Submittal *[Signature]*

**NOTES:**

THE PROPOSED EXISTING USE PATTERNS ENCOURAGE A CHANGE IN BOTH ZONING AND PROPERTY LINES AS SHOWN.

THE OWNERS WISH TO BOTH RECTIFY EXISTING CONFLICTING USE PATTERNS AND FURTHER DEVELOP THE AVAILABLE RESIDENTIAL PARCEL IN THE FUTURE.

THERE ARE TWO LARGE BUILDINGS ON THE SITE AS SHOWN. THE MAUSOLEUM IS ACROSS THE CURRENT SUBDIVISION/ ZONING LINE.

THE NEWLY CONFIGURED WESTERLY AREA OF FIRST ADDITION TO SPRINGFIELD MEMORIAL CEMETERY TO BE PLATTED FOR CEMETERY IN THE FUTURE.

ZONING OF FIRST ADDITION TO SPRINGFIELD MEMORIAL CEMETERY AND SPRINGFIELD MEMORIAL CEMETERY IS PARKS AND OPEN SPACE (P/O) ZONING EAST OF FIRST ADDITION TO SPRINGFIELD MEMORIAL CEMETERY IS CURRENTLY LOW DENSITY RESIDENTIAL (LDR).

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*David H. Wellman*  
OREGON  
JULY 1985  
DAVID H. WELLMAN  
2193

RENEWAL: *June 24 2010*

MAP NO. 17-02-35  
TAX LOTS 3702, 3704, 3705, & 3706

<p><b>ZONING MAP AMENDMENT</b> <b>SECTION 35, T17S, R2W, W.M.</b> <b>SPRINGFIELD, LANE COUNTY, OREGON</b></p>	
<p>CLIENT: <b>MUSGROVE HOLDINGS, LLC</b></p>	
<p>DRAWN BY: <b>KRC</b></p>	<p><b>D. WELLMAN SURVEYING L.L.C.</b> 90668 NORTHROP DRIVE</p>

Attachment 3 of 9

Aerial View of Property



Date Received:

OCT 30 2009

Original Submittal *AL*



1. Springfield Memorial Gardens - Entrance



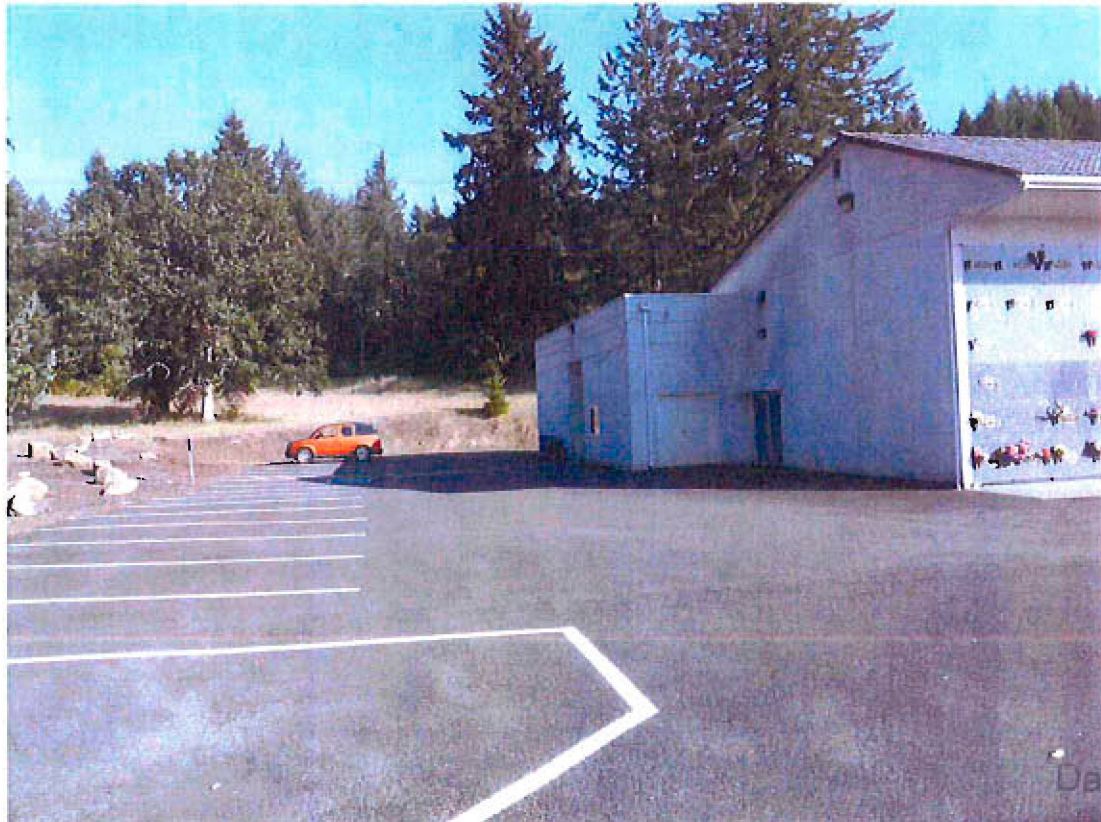
2. Springfield Memorial Gardens looking south-east.

Date Received:

OCT 30 2009



3. Main office to the left; mausoleum center behind trees.



4. East end of mausoleum. The front/side corner is on the property line.  
The part of the building in shade and the parking lot is on the adjacent parcel.

Date Received:

OCT 30 2009

Original Submittal *AL*





5. Looking north towards Veterans' Gardens along the service drive. The property line runs along the east (right) edge of the road.



6. Looking at the eastern edge of Veterans' Gardens and the groomed area proposed for cemetery expansion.

Date Received:

OCT 30 2009

Original Submittal *RL*

SECTION 35, T.17S. R.2 W.W.M.  
LANE COUNTY  
SCALE 1" = 100'

SECTION 35, T.17S. R.2 W.W.M.  
LANE COUNTY  
SCALE 1" = 100'

17 02 35  
& INDEX  
NAD 83/91

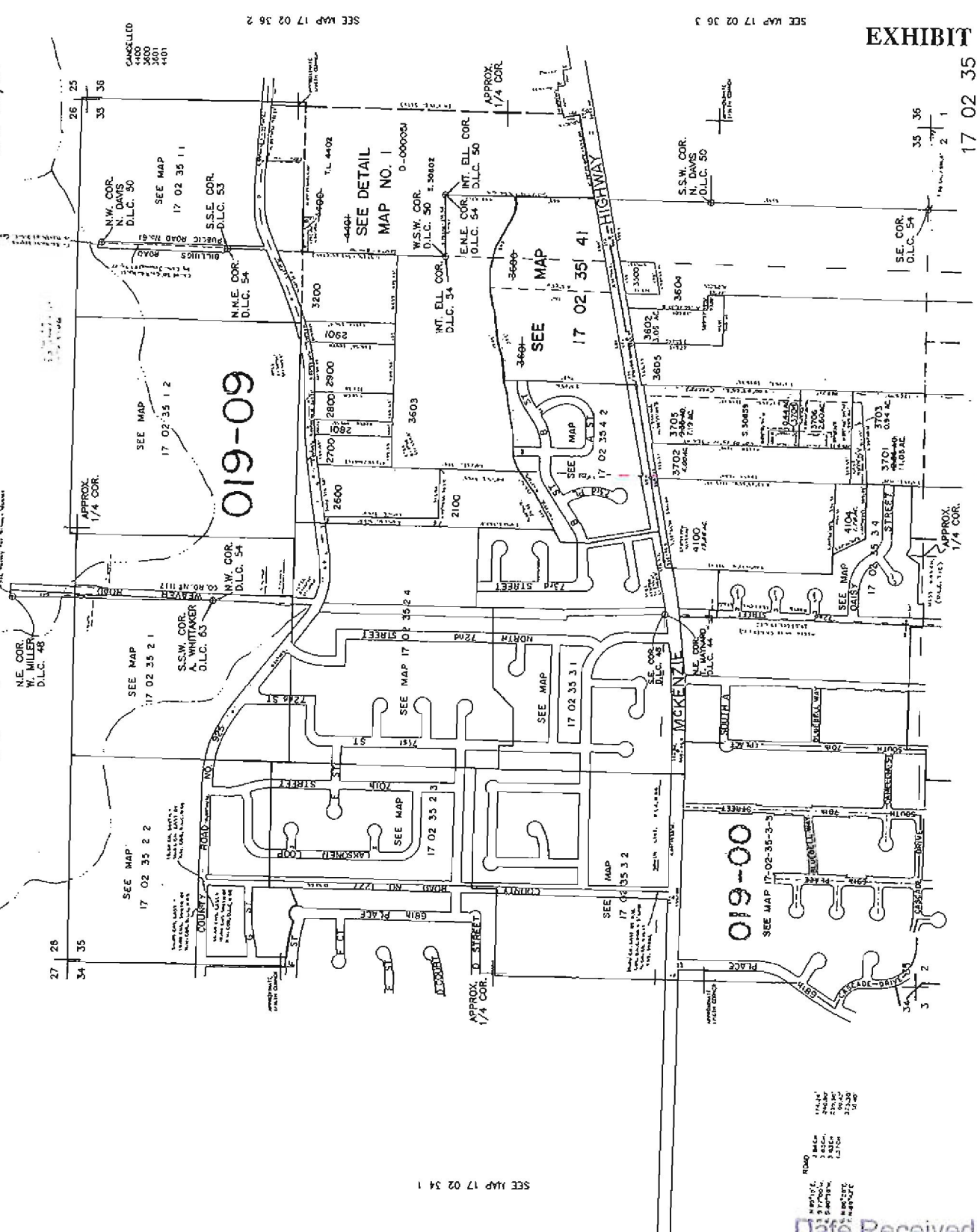


EXHIBIT D

17 02 35  
& INDEX

SEE MAP 18 02 02

SEE MAP 18 02 02 12

SEE MAP 18 02 02 21

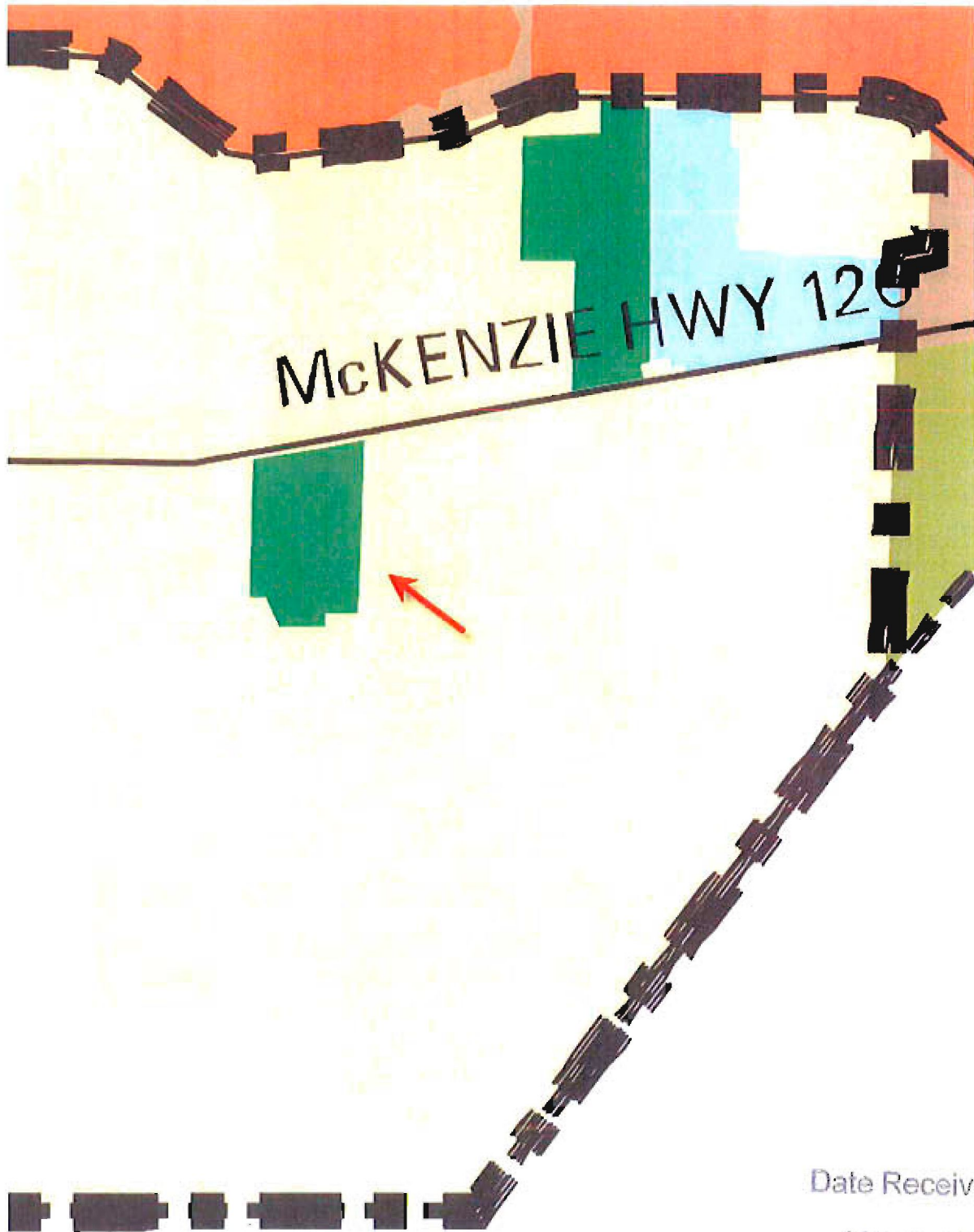
SEE MAP 18 02 02 22

Date Received:

OCT 30 2009

Original Submittal *[Signature]*

Metro Plan Diagram Excerpt – Springfield Memorial Cemetery



Date Received:

OCT 30 2009

Original Submitter: *AL*

### Zoning Map Excerpt – Springfield Memorial Gardens



Date Received:

OCT 30 2009

Original Submittal *AL*

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

**REQUEST OF ZONE CHANGE**    +  
  +  
  +

**CASE NO. ZON2009-00023  
FINDINGS, CONCLUSIONS,  
AND RECOMMENDATION**

**NATURE OF THE APPLICATION**

Zone change from Low Density Residential to Public Land and Open Space for a portion of Assessor's Map 17-02-35-00, Tax Lots 3704, 3705 & 3706, municipally addressed as 7390 McKenzie Highway.

1. On October 30, 2009 the following application for a Zone Change was accepted: Rezone approximately 2.95 acres of land from Low Density Residential to Public Land and Open Space, Case Number ZON2009-00023, Springfield Cemetery Acquisition LLC, 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 January 20, 2010 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 revised zoning diagram (Exhibit B) attached hereto.

**ORDER**

It is ORDERED by the Planning Commission of Springfield that Case Number ZON2009-00023, Zone Change Request, be approved. This ORDER was presented to and approved by the Planning Commission on January 20, 2010.

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

**ATTEST**  
AYES: 7  
NOES: 0  
ABSENT: 0  
ABSTAIN: 0

