



# Oregon

Theodore R. Kulongoski, Governor

**Department of Land Conservation and Development  
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March 11, 2010

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Planning Manager  
City of Springfield  
225 5th Street  
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**Transmitted electronically via e-mail to [gmott@ci.springfield.or.us](mailto:gmott@ci.springfield.or.us)**

RE: Planning Commission Transmittal Memorandum of March 17, 2010 concerning January 29, 2010 DLCD comment letter on the Springfield 2030 Refinement Plan (2030 Plan); Springfield File # LRP2009-00014 – DLCD File # Springfield PAPA 012-09

Dear Mr. Mott:

The Department of Land Conservation and Development (DLCD) would like to thank you for your detailed response to our January 29, 2010 comments in the above referenced staff memorandum to the Springfield and Lane County planning commissions. Based on your comments, it appears that the City intends to affirmatively address most of our comments in a future draft of the Springfield 2030 Plan to be prepared prior to formal adoption by the Springfield City Council and Lane County Board of Commissioners. If we can be of any assistance in that regard, please feel free to contact me at your convenience.

At this time, I would like to provide the city and county with some additional comments with regard to the Department's position on Springfield's establishment of its jurisdictional UGB as required by HB 3337 (ORS 197.304); and additional analysis needed to address the remaining three areas of concern we have with the draft Springfield 2030 Refinement Plan. Please enter the following comments into the record of all hearings on any planning documents produced to comply with HB 3337.

**Establishment of a separate Urban Growth Boundary (UGB) for Springfield:**

Currently, the cities of Springfield and Eugene share a common UGB that circumscribes both jurisdictions. To support this UGB, both cities rely on the co-adopted Metro Plan, the acknowledged comprehensive plan for the Eugene-Springfield Metro Area.

In 2007, the Oregon Legislature adopted HB 3337 which was put into law in ORS 197.304 which requires Springfield and Eugene to each adopt their own UGB that contains sufficient land to meet their respective 20-year residential land needs. By December 31, 2009, both cities were required to make a determination as to whether the existing Metro UGB for their respective jurisdictional areas, contained sufficient land to meet their 20-year residential land needs. At this time, both cities have made their respective determinations as required by ORS 197.304 and are at different stages in the

process of establishing their individual UGBs. At this time it appears that Springfield will adopt its own UGB ahead of Eugene.

Because of the shared nature of the existing UGB and comprehensive plan, several procedural questions have arisen and been discussed at length both within the Department and between the Department and the cities of Springfield and Eugene, and Lane County. Because there is no precedent for this type of action, we offer the following as the department's opinion. I believe the issue of implementing separate UGBs from a shared UGB based on a shared comprehensive plan can be best articulated in the answers to the following questions:

**1. *How is the factual basis for a jurisdiction-specific UGB adopted separately and apart for any other jurisdiction when the jurisdictions share a common comprehensive plan?***

Chapter 4 of the Metro Plan states in several places that the comprehensive plan for the Metro Planning Area consist of the Metro Plan document and refinement plans adopted by both cities and Lane County. Based on this understanding, we believe the factual basis for adopting a new UGB for each of the cities can be accomplished through the adoption of a refinement plan and concurrent amendment of the Metro Plan.

In the case of Springfield adopting the 2030 Plan as a refinement to the Metro Plan and the concurrent amendment of the Metro Plan, based upon the language in ORS 197.304, we believe the adoption of Springfield's 2030 Plan and concurrent amendment of the Metro Plan, including a map of Springfield's new UGB, appears to only require action by Springfield and Lane County.

Once the 2030 Plan and map is adopted and acknowledged, the Springfield UGB will be the controlling UGB for planning purposes for the Springfield jurisdictional area as described in the Metro Plan.

**2. *Should Springfield adopt its separate UGB prior to Eugene, what effect does that have on Eugene relative to reliance on the Metro Plan and Metro UGB?***

None. At present it appears that Springfield will be adopting its jurisdictional UGB ahead of Eugene. When Springfield takes this action, we believe Eugene can continue to rely on the Metro Plan and the Metro UGB for their jurisdictional area west of I-5 Highway until they adopt their own UGB separate and apart from Springfield.

**3. *What is the correct process for adoption of separate UGBs by Springfield and Eugene?***

The process for adopting a UGB as an amendment to an acknowledged comprehensive plan is contained in ORS 197.626 and OAR 660-024-0080, which state:

*A city with a population of 2,500 or more within its UGB that amends the UGB to include more than 50 acres shall submit the amendment to the Commission in the manner provided for periodic review under ORS 197.628 to 197.650 and OAR 660-025-0175.*

In the case of Springfield and Eugene, we have interpreted this provision to mean that if either city, separately and apart from the other, establishes a new jurisdictional UGB that adds more than 50 acres to the existing Metro UGB within its jurisdictional area, then that UGB must be submitted to the Commission in the manner provided for periodic review. If, on the other hand, either city establishes a new jurisdictional UGB that adds no land or adds less than 50 acres to the existing Metro UGB for its jurisdictional area, then that UGB will be reviewed using the standard post-acknowledgment plan amendment process.

**Additional analysis needed:**

After reviewing your response to our January 29<sup>th</sup> comment letter, the department needs additional information to be able to determine compliance of the 2030 Plan with applicable Statewide Planning Program goals, statutes and administrative rules.

**1. Chapter 2 – Urbanization, Urban Holding Areas (UHA) Interim Plan Designations (Attachment 1, page 3)**

Our initial concern with the application of this tool to protect new land added to the UGB centered on its ability to protect land under this designation from development that would prohibit, or make much more problematic, its conversion to urban use and intensity consistent with the stated purpose for bringing it into the UGB. In your February 17<sup>th</sup> response you stated that you agree that the UHA must provide *“sufficient protection from development that does not match the land needs identified in the EOA and HNA.”* You go on to say that *“If we propose to maintain existing County zoning on these sites, then presumably we intend to allow use consistent with those zones; if that approach does not protect these sites for intended future urban use, then the UHA must also include a prohibition on these uses. We also agree that the Springfield Development Code, Chapter 3 Land Use Districts, and Chapter 5 Development Review Process and Applications should be amended to incorporate the relevant components of these SRP Urbanization Element Implementation Actions.”*

To ensure that the application of the E-UHA plan designation will be effective in protecting the employment land being brought into the UGB to meet Springfield’s need for large suitable sites, the E-UHA needs to include a provision that prevents any division of land under this designation, even if the proposal would meet the minimum parcel size within the underlying county zoning district. The R-UHA designation needs a minimum parcel size of 10 acres.

**2. Chapter 2 – Urbanization, Nodal Development Strategy (Attachment 1, page 4)**

Our question was how the 2030 Plan implements the City’s adopted nodal development strategy. In response, you presented a very detailed history of actions the City has taken to implement its portion of the region’s nodal development strategy. While we agree that Springfield has taken a number of actions to further its nodal development goal, we still cannot determine how the 2030 Plan as proposed has incorporated or imbedded its nodal development strategy in the refinement plan.

While you state that *“The CIBL and the RLS do recognize the City’s nodal development commitment by assigning 400-500K square feet of office, 50-70K of retail development, and 730 dwelling units in the Gateway RiverBend node; 409K*

square feet of retail and 518 dwelling units in the Marcola Meadows node; and 317 dwellings in Glenwood.” While this information is helpful, and indicates the city has been working to carry out the nodal development strategy, we are still unable to determine what percentage of forecast growth will occur in designated or planned nodes. The adopted nodal development strategy calls for 23% of new housing and 45% of new employment over the planning period to be accommodated within designated nodes. (See TransPlan, Table 7) The 2030 Plan needs to do more to clearly document that provisions for future housing and employment land are consistent with achieving these targets. We recommend that the city present this in the form of a table that provides a node-by-node estimate of the new housing units and number of employees that the city’s adopted planning actions will accommodate. This should include, for example, converting general information about planned building space (i.e. planned or expected square feet of office or retail development) into an estimate of the number of employees that the city expects will be accommodated.

**3. Chapter 4 – Residential Land and Housing Element (Attachment 1, Page 11)**

We commented on the fact that the “12/09 RLHNA concludes that Springfield has a surplus of 59 residential acres,” and that the city could “accommodate the estimated HDR deficit of 34 acres” by rezoning a portion of “the surplus 72 LDR acres and/or surplus 18 MDR acres to HDR, so that Springfield’s new UGB would not require any additional land for its 20-year residential land needs.”

You are correct that redesignating existing LDR zoned property to HDR is not Springfield’s only option to remove the 20-year HDR deficit. Please consider other options, including, but not limited to, those in ORS 197.296(9). Any action or actions for which the city can make findings that demonstrate how the HDR deficit will be accommodated within the UGB are appropriate. All of these options must be considered and analyzed before the city may conclude that land must be added to the UGB to accommodate the 20-year HDR land need.

Should the city have any questions regarding this process please do not hesitate to contact me by phone at (971) 239-9453 or by e-mail at [ed.w.moore@state.or.us](mailto:ed.w.moore@state.or.us).

Respectfully,



Ed Moore, AICP  
South Willamette Valley Regional Representative

- c. Bill Grile, Director, Springfield DSD  
Kent Howe, Planning Director, Lane County  
File: Springfield PAPA 012-09