

CITY OF SPRINGFIELD

HEARING DATE: February 7, 2006

**COMMISSION
TRANSMITTAL
MEMORANDUM**

TO: Planning Commissioners

FROM: Jim Donovan, DSD Planner II

SUBJECT: Vacation of Partition Plats at Symantec Site, Planning File LRP2006-00001

ISSUE

The Planning Commission must conduct a public hearing for a request to vacate three partition plats comprising the private property at the Symantec campus in the Gateway area. After the hearing, the Planning Commission must decide whether to recommend the City Council approve, approve with conditions or deny the request.

DISCUSSION

Staff has reviewed the submitted proposal and concluded that the vacation, as proposed and conditioned herein, is consistent with the vacation criteria for approval contained in SDC 9.060.

STAFF RECOMMENDATION

Approval of this Vacation request based on the attached findings and conditions.

REQUESTED ACTION

Advise the City Council to approve the Vacation request at a public hearing by motion and signature of the attached recommendation by the Planning Commission Chairperson.

ATTACHMENTS

- 1) Tax Maps
- 2) Staff Report & Recommendation
- 3) Applicant Submittals
- 4) Draft Vacation Ordinance

Staff Report and Findings – Vacation Request

Applicant/ Owners:

Applicant’s Representatives

Symantec Corporation Attn: Zach Wilson 20330 Stevens Creek Blvd Cupertino CA 95014	Balzhiser & Hubbard Engineers Attn: Clell Goodwin PLS 100 W. 13 th Ave Eugene OR 97477
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Journal Number: LRP2006-00001

Background: The Symantec campus in the Gateway area is comprised of 3 separate partition lots identified as Parcel 2 on each of the following Partition Plats: 94-PO498, 94-PO499 and 94-PO500, as filed in the Lane County Oregon Plat Records. The owner is currently constructing a mirror image addition to the existing building and doubling the footprint of the structure (See Exhibit 1). The two main sections of the building are connected by an enclosed skyway. The proposed vacation of partition plat lines is requested to in order to meet setbacks of the main building sections from property lines as required by building codes.

Review Process: This application is reviewed under Type IV procedures listed in Springfield Development Code Section 3.100 and the Vacation criteria of approval SDC 9.030, and ORS 271.080. After presentation of staff findings and recommended conditions, the Planning Commission must vote on a recommendation to the City Council for final decision.

Procedural Finding: Applications for vacation of plat lines require the notification of property owners/occupants within 300 feet of the subject property 10 days before the first public hearing and newspaper notice before each hearing on the application in accordance with SDC Sections 3.100 and 14.030. In accordance with ORS 271.080 et seq, the site was also posted. Written comments are accepted before and between the public hearings and entered into the public record. No public comments have been received as of this writing.

Procedural Finding: The City’s Development Review Committee and the City Surveyor have reviewed the proposed plat vacation and supporting information (Tentative Map, Consent Forms, Response to Criteria and Legal Descriptions by Clell Goodwin PLS for Balzhiser & Hubbard Engineers, Plan Date December 13, 2005). City staff’s review comments have been reduced to findings and conditions only as necessary for compliance with the Vacation criteria of SDC 9.060.

Springfield Development Code Criteria:

Section 9.060 of the Springfield Development Code establishes vacation criteria that must be met in order to approve this request. The following findings address each of the criteria:

(2a.) The Vacation is in conformance with the Metro Plan, Trans Plan, the Conceptual Local Street Map and adopted Functional Plans, and applicable Refinement Plan Diagram, Plan District Map, of Conceptual Development Plan;

Finding: Trans Plan (Metro Plan TSP) , the McKenzie Gateway SLI Conceptual Development Plan (SLI CDP) and the Conceptual Local Street Map (CLSP) guide the inter-connection of streets in the Gateway area consistent with Trans Plan policies.

Finding: Site improvements were reviewed for compliance with the aforementioned zoning and transportation plans during Site Plan Review #DRC2005-00047.

Finding: The current request is for vacation of three partition parcels. There are no planned public improvements affected by the proposal.

Conclusion: The subject vacation has no affect on the zoning or access improvements approved during Site Plan Review and there are no planned improvements affected, therefore this criterion does not apply.

(2b.) The Vacation shall not conflict with the provisions of the Springfield Municipal Code 1997; and this Code, including but not limited to street connectivity standards and block lengths;

Finding: Transportation improvements were reviewed for compliance with the aforementioned transportation standards during Site Plan Review #DRC2005-00047.

Finding: The current request is for vacation of three partition parcels. The Vacation standards contained in the Springfield Municipal Code do not apply to Plat vacations.

Conclusion: The proposed plat vacation has no affect on transportation improvements and does not include public rights of way, therefore this criterion does not apply.

(2c.) There are no negative effects on access, traffic circulation, emergency service protection or any other public benefit derived from the public right of way, publicly owned land, Partition or Subdivision Plat.

Finding: As noted above, there are no negative effects on access or traffic circulation.

Finding: The Fire Marshall has reviewed the proposed plat vacation and has determined there is no impact on access, hydrants or fire flow, therefore there is no negative impact on emergency service protection.

Finding: There are no other public benefits derived from the partition plats because the land in privately owned and in compliance with all existing public facilities plans.

Conclusion: The attached findings of fact lead to the conclusion that the proposed vacation will have no negative impacts on access, traffic circulation, emergency service protection or any other legitimate public benefit derived from the right of way. This vacation request is consistent with the criteria for approval set forth in Article 9, VACATIONS, of the Springfield Development Code.

Conclusion and Recommendation:

Staff recommends approval of this request by adoption of the findings in this report and signature of the Chairperson on the attached Recommendation of Approval. The recommendation will be forwarded to the City Council in March 2006.

Jim Donovan
UPD Planner II



Exhibit 1

Before the Planning Commission

**Of the
City of Springfield**

**REQUEST TO VACATE PARTITION] RECOMMENDATION TO
PLATS AT THE SYMANTEC SITE] THE CITY COUNCIL
FILE# LRP2006-00001**

NATURE OF THE APPLICATION

Request to Vacate Parcel 2 of the following Partition Plats: 94-PO498, 94-PO499 and 94-PO500, as located at 555 International Way in the City of Springfield and filed in the Lane County Oregon Plat Records.

1. On January 9, 2006, the following vacation application was accepted:

Vacation of Parcel 2 on the following Partition Plats: 94-PO498, 94-PO499 and 94-PO500–Symantec Corporation Owner/Applicants- Planning File Number LRP2006-00001.

2. The application was initiated and submitted in accordance with Section 3.100 of the Springfield Development Code. Timely and sufficient notice of the public hearing, pursuant to Section 14.030 of the Springfield Development Code and state statutes has been provided.
3. On February 7th, 2006, a public hearing on the vacation was held. The Development Services Department staff notes and recommendation together with the testimony and submittals of the persons testifying at the hearing have been entered in the public record and have been considered during this proceeding.

CONCLUSION

On the basis of this record, the requested vacation application, as submitted, is consistent with the criteria of Section 9.030 of the Springfield Development Code. This general finding is supported by the specific findings of fact and conclusion in the attached Staff Report and Findings.

RECOMMENDATION

The Planning Commission hereby recommends to the City Council to approve the request as conditioned herein at their March 6, 2006 meeting.

ATTEST:

Planning Commission Chairperson

AYES:

NOES:

ABSTAIN:

ORDINANCE NO. _____

AN ORDINANCE VACATING PARCEL 2 ON PARTITIONS 94-PO498, 94-PO499 AND 94-PO500 IN THE CITY OF SPRINGFIELD, LANE COUNTY, OREGON.

WHEREAS, the Springfield City Council has declared its intention to vacate Parcel 2 on Partition Plats 94-PO498, 94-PO499 and 94-PO500 as located in the City of Springfield, filed in the Lane County Partition Records and described in Attachment "A" of this Ordinance; and

WHEREAS, the application for vacation was submitted in conformance with the provisions of ORS 271.080 et. seq., and with the provisions of Article 9 VACATIONS of the Springfield Development Code; and

WHEREAS, the findings and testimony submitted by the applicant and those in support of this easement vacation satisfy the criteria of approval for vacations found in Section 9.030 of the Springfield Development Code; and

WHEREAS, such vacation is in the best interest of the City in carrying out its plans and programs for the general development of the City; and

WHEREAS, lawful notice of the proposed vacation was published and posted; and

WHEREAS, the Springfield City Council met in Council Chambers, at 225 Fifth Street, on Monday, the 6th day of March, 2006, at the hour of 7:00 p.m., to hear any objections to the proposed vacation and ___ persons appeared to object;

NOW, THEREFORE, THE CITY OF SPRINGFIELD DOES ORDAIN, AS FOLLOWS:

Section 1: The Council finds that the legal notice of the hearing was lawfully published and posted; that ___ objections were made at the vacation hearing held; that the public interest will not be impaired by the vacation of these partition plat lines, and that vacation of said plat lines will be in the best interest of the public and increase the benefit of the property involved.

Section 2: The partition plat lines, as located in the City of Springfield, filed in the Lane County Office of Deeds and Records and described in Attachment A of this Ordinance, are declared to be vacated.

Section 3: The findings and conditions adopted by the City Council in support of this partial plat vacation, are hereby made part of this ordinance by reference.

Section 4: The City Recorder is directed to file certified copies of this ordinance with the Lane County Clerk, Lane County Assessor, and Lane County Surveyor.

Section 5: This partial plat vacation is subject to and explicitly reserves easement rights for any existing sewer, water main, gas main, conduit of any kind, pole, structure, or thing used for or intended for public utilities or public service. The owner of any such utility or thing is hereby reserved the right to access, maintain, continue, repair, reconstruct, renew, replace, rebuild and enlarge any and all existing facilities.

Section 6: It is further a condition of this vacation that nothing herein contained shall cause or require the removal or abandonment of any sewer, water main, gas main, conduit, pole or thing used or intended for any public service. The right is hereby reserved for the owner of any such utility or thing to access, maintain, continue, repair, reconstruct, renew, replace, rebuild and enlarge any and all such things under existing or future easements.

ADOPTED by the Common Council of the City of Springfield this 6th day of March, 2006 by a vote of ____ for and ____ against.

APPROVED by the Mayor of the City of Springfield this ____ day of March, 2006.

Mayor

ATTEST:

City Recorder