

**MEMORANDUM****CITY OF SPRINGFIELD**

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HEARING DATE: February 7, 2006

TO: Springfield Planning Commission

PLANNING  
COMMISSION  
TRANSMITTAL  
MEMORANDUM

FROM: Jim Donovan, Planner II

SUBJECT: Zone change request by Breeden/Moe  
(Planning File Number ZON2005-00058)

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**REQUEST**

The applicants request the Planning Commission consider and approve the proposed Zoning Map Amendment from Public Land & Open Space (PLO) to Low Density Residential (LDR) for a 1.47 acre portion of the Moe Mountain property located near V Street, between 32<sup>nd</sup> and 37<sup>th</sup> Streets, in Springfield.

**ISSUE**

The remainder of the Moe Mountain site and surrounding properties are designated LDR on the Metro Plan. The zoning map amendment is requested to remove the strip of PLO zoning to allow review of Low Density Residential development of the property.

**DISCUSSION**

The 40 foot wide by 1600 foot long strip of property was zoned PLO at the time of Metro Plan adoption on the assumption that the parcel would someday be dedicated as public right of way due to its location between two larger tracts of land and its historical use as a private road and public utility easement. The property has never been dedicated to, or accepted by any public agency as road right of way. Access to the subject site, surrounding properties and existing public utilities can be provided by existing and planned public rights of way shown on concurrent development plans; the strip of PLO zoning is no longer necessary.

**RECOMMENDATION**

Staff recommends approval of this Zone Change and removal of the PLO zoning from the private property based on findings contained in the attached staff report.

**ATTACHMENTS**

- 1: Zone Change Request Staff Report
- 2: Findings and Final Order.
3. Submittal by Applicant(s)

## **ATTACHMENT 1**

### **ZONE CHANGE REQUEST STAFF REPORT AND FINDINGS**

#### **APPLICANTS**

Breeden Brothers Inc. for Steve Moe, property owner.  
(Planning File Number ZON2005-00058)

#### **REQUEST**

The request is to change zoning from Public Land and Open Space (PLO) to Low Density Residential (LDR) for a 1.47 acre portion of the Moe Mountain property which is located near V Street, between 32<sup>nd</sup> and 37<sup>th</sup> Streets, in Springfield. The requested change is a quasi-judicial zoning map amendment pursuant to Springfield Development Code Section 12.030.

#### **SITE DESCRIPTION**

The property in question is a 1.47 acre parcel of privately owned land along the northerly boundary of the Moe Mountain property and the southerly boundary of Ambleside Subdivision, east of the intersection of 32<sup>nd</sup> and V Streets. The site is also identified as Tax Assessor's Map 17-02-30, Tax Lot 700. (Exhibit 1-1). The current use is private access; a portion of the property is encumbered with utility easements to Rainbow Water District and EWEB. The site and surrounding properties are zoned and designated Low Density Residential. The EWEB property east of the subject site is zoned PLO and designated Government and Education (public) on the Metro Plan. (Exhibit 1-2).

#### **DISCUSSION**

Approval of the requested zone change to LDR would remove any confusion created by the PLO zoning and the presumption that public rights of way would someday replace the privately owned road and utility corridor. No existing or future public right of way or utility access is affected by the proposed re-zoning. The net affect will be to remove PLO zoning from the back yards of subdivision lots shown on concurrent hillside development plans while maintaining public utility easements.

#### **WRITTEN COMMENTS**

The application required the notification of property owners/occupants within 100 feet of the subject properties. No written comments were received prior to the public hearing.

## **SPRINGFIELD DEVELOPMENT CODE (SDC) CRITERIA**

Section 12.030(1) - Quasi-judicial Zoning Map Amendments. The Planning Commission or Hearings Official may approve, approve with conditions or deny a quasi-judicial Zoning Map amendment based upon approval criteria (3)(a)-(c), below. The Planning Commission or Hearings Official shall make the final local decision on all quasi-judicial Zoning map amendments that do not include a Metro Plan diagram amendment.

SDC 12.030(3) Zoning Map amendment criteria of approval:

- (a)** Consistency with applicable Metro Plan policies and the Metro Plan diagram;
- (b)** Consistency with applicable Refinement Plans, Plan District maps, Conceptual Development Plans and functional plans; and
- (c)** 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.

## **STAFF FINDINGS**

### **(a) Consistency with the Metro Plan Text and Diagram:**

#### **I. METRO PLAN TEXT**

Discussion: Both the current PLO and proposed LDR Zoning Districts are intended to implement the LDR Metro Plan designation and allow for the extension of public facilities and are therefore consistent with the general policies of the Metro Plan text.

#### *Findings:*

1. The Metro Plan designation of the subject site is LDR. The Residential designation description assumes approximately 32 percent of residential areas will be utilized for auxiliary uses such as streets and other public utility facilities (Plan Diagram, pg. II-E-2).
2. The Public Land and Open Space Zoning District (SDC Article 23) provides zoning for publicly owned facilities in areas designated Residential on the Metro Plan Diagram (SDC 32.010(2)).
3. The existing public facilities are infrastructure (water lines, overhead electrical lines) are located within public utility easements (PUEs) on the privately owned parcel (Tax Lot 700).
4. Both the current PLO and the proposed LDR zoning districts are consistent with the Metro Plan text because both implement the Residential Plan Designation and allow for the extension of public infrastructure.

## II. METRO PLAN DIAGRAM

Discussion: The subject site and properties to the north and south are designated LDR on the Metro Plan Diagram. Adjacent properties to the east are designated consistent with the Metro Plan Diagram (Exhibit 1-2).

### *Findings:*

1. The original, non-lot specific Metro Plan Diagram was originally adopted by the City of Springfield on August 4, 1980. That plan diagram, in its 1987 Update form, is the only Metro Plan Diagram adopted by the City of Springfield.
2. The subject site is clearly in an area designated LDR on the adopted Metro Plan Diagram.
3. Approval of the requested zoning map amendment is consistent with the adopted Metro Plan Diagram. Removal of the PLO district does not create inconsistency with the Metro Plan.

Conclusion 1: Criterion 3(a) has been met because the proposed Zoning Map Amendment is consistent with the Metro Plan Diagram and applicable text.

### **(b) Consistency with applicable Refinement Plans, special area studies and functional plans:**

Discussion: The subject property is not within a refinement plan boundary. It is not within a special area study or functional plan area.

### *Findings:*

1. This criterion does not apply because the proposed LDR zoning is consistent with the Metro Plan designation and the site is not within a refinement plan boundary or special study area.

Conclusion 2: Criterion 3(b) does not apply to the requested change.

### **(c) 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.**

Discussion: The subject property is within the city limits and the minimum level of key urban facilities and services as defined by the Metro Plan are on site or available to serve future development. The existing on-site public infrastructure and easements are unaffected by the proposed re-zoning; extension of the remaining services and utilities will occur during the concurrent hillside residential subdivision application.

*Findings:*

1. The full range of key urban facilities defined by the Metro Plan (Glossary, #23, pg. V-3) are extended to the subject site and are available for design options during development review under LDR standards.
2. The applicant has submitted concurrent applications for residential development under LDR and overlay standards. The proposed plans demonstrate that existing public easements and facilities are preserved and protected; proposed public rights of ways and utility easements are provided for the extension of new public facilities (Exhibit 3-1).
3. Because a full range of key urban facilities and services exist or can be provided during the concurrent development review, this criterion has been met.

Conclusion 3: Criterion 3c. has been met because the subject site is developed and is served by a full range of key urban facilities as defined by the Metro Plan.

## **CONCLUSION AND RECOMMENDATION**

The site is designated Low Density Residential on the Metro Plan Diagram and PLO on the Official Zoning Map. The above findings lead to the conclusion that the proposed rezoning request allows for the full development of the privately owned property to LDR standards and does not affect the existing public utility easements and infrastructure.

The application to rezone Tax Lot 700 on Assessor's Map 17-02-30 from PLO to LDR, meets all of the criteria of approval indicated in SDC 12.030. Staff recommends approval of the request to re-zone the property.

### **PREPARED BY**

Jim Donovan, Planner II

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

**REQUEST OF ZONE CHANGE  
FILE NO. ZON2005-00058**

**FINDINGS,  
CONCLUSION  
AND ORDER**

**NATURE OF THE APPLICATION**

Zone change from Public Land & Open Space (PLO) to Low Density Residential (LDR) for Tax Lot 700, Assessor's Map 17-02-30, Steve Moe owner.

1. On November 15, 2005 the following application for a Zone Change was accepted: Rezone approximately 1.47 acres of land from Public Land & Open Space to Low Density Residential, Planning File ZON2005-00058, Breeden Brothers Inc., applicant; Steve Moe, owner.
2. The application was submitted and completed in accordance with Section 3.050 of the Springfield Development Code. Timely and sufficient notice of the public hearing, pursuant to Section 14.030 of the Springfield Development Code, has been provided.
3. On February 7, 2006, a public hearing on the zone change request was held before the Springfield Planning Commission. The Development Services Department staff notes including 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.

**CONCLUSION**

On the basis of this record, the requested zone change application is consistent with the criteria of Section 12.030 of the Springfield Development Code. This general finding is supported by the specific findings of fact and conclusions in the attached staff report (Attachment 1).

**FINAL ORDER**

It is ORDERED by the Planning Commission of Springfield that Planning File ZON2005-00058, Zone Change Request, be approved.

This ORDER was presented to and approved by the Planning Commission on February 7, 2006.

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Planning Commission Chairperson

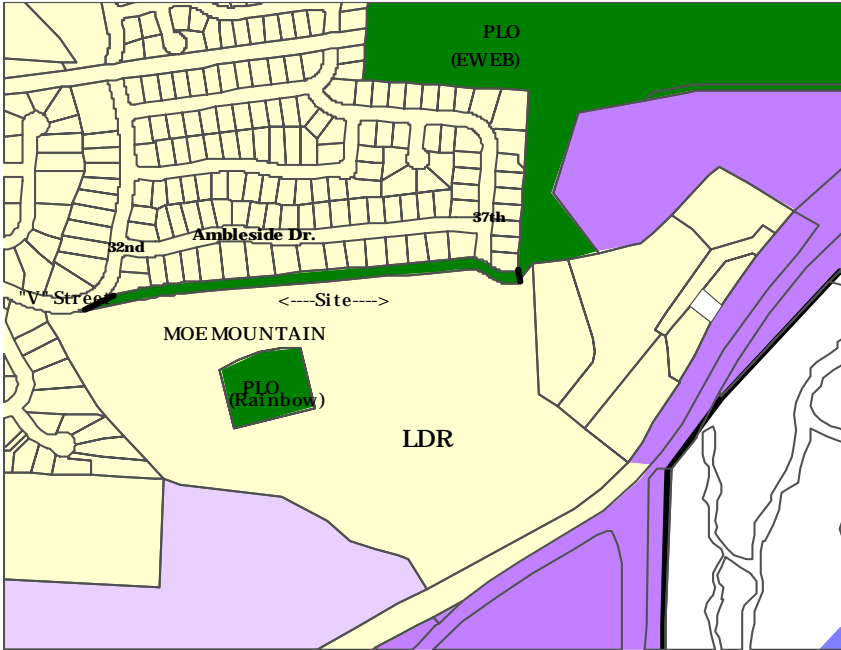
**ATTEST**

AYES:

NOES:

ABSENT:

ABSTAIN:



CITY OF SPRINGFIELD ZONING

METRO PLAN DESIGNATIONS

