

**FINDINGS - JOURNAL NUMBER LRP 2007-00002**  
**SPRINGFIELD DEVELOPMENT CODE AMENDMENTS**

Criteria of approval for amendments to the Springfield Development Code (SDC)

Amendments to the Springfield Development Code must comply with the following criteria of approval:

- (1) The Metro Plan;
- (2) Applicable State statutes; and
- (3) Applicable Statewide Planning Goals and Administrative Rules.

The proposed amendments establish a new class of right-of-way vacation and the criteria of approval for such a vacation. The proposed amendments will allow existing public right-of-way to be vacated and used for a different public purpose if:

- (a) The Vacation was initiated by the City Council pursuant to ORS 271.130(1);*
- (b) Notice has been given pursuant to ORS 271.130(1);*
- (c) Approval of the vacation would be consistent with provision of safe, convenient and reasonably direct routes for cyclists and pedestrians as provided in OAR 660-012-0045(3); and,*
- (d) Whether provisions have been made to ensure that the vacated property will remain in public ownership.*

**Criteria (1) Conformance with the Metro Plan**

Although the Metro Plan provides the guiding policy for all land use activities in the metro area, the variety of implementation issues and potential solutions confronted by the City on a daily basis can easily exceed the level of detail or direction addressed in what is a deliberately “long-range general plan (public policy document) of metropolitan Lane County and the cities of Eugene and Springfield.” Numerous actions/decisions are “under the radar” of the general purpose of the plan and so consideration of these lesser measures may result in a fairly short list of policies that may be reasonably applicable to the proposed action.

The proposed amendments are intended to allow the Council the opportunity to consider alternative public use of public right-of-way through the vacation process. Neither the Metro Plan nor TransPlan include any discussion regarding vacation of public right-of-way; the obvious purpose and intent of both documents is to guide the implementation of a safe, efficient multi-modal transportation system. While it may have occurred to metro-area officials and responsible state agencies that the vacation of right-of-way is a legislatively delegated responsibility of cities throughout the state and therefore should be expected, the effect of these actions on the ability to implement transportation policies apparently was not considered significant, hence no mention of vacation actions.

In the absence of policies that specifically address the proposal, the Metro Plan, at page I-4 suggests the following: “The respective jurisdictions recognize that that there are apparent conflicts and inconsistencies between and among some goals, objectives, and policies. When making decision based on the Plan, not all of the goals, objectives, and policies can be met to the same degree in every instance. Use of the Plan requires a ‘balancing’ of its various components on a case-by-case basis, as well as a selection of those goals, objectives, and policies most pertinent to the issue at hand.” Notwithstanding the dearth of policies addressing vacations per

se, the logical default for this subject must lie with the various transportation policies connected to use of public right-of-way; what public policies are served by the presence of the right-of-way, and how those policies might be affected if the right-of-way is converted to an alternate public purpose. Enumerating each potential benefit which might be reflected in the purpose of individual policies in the Metro Plan or TransPlan is not necessary to establish the authority to consider vacation actions, but rather to apply to the assessment of the *review standards* to be utilized for such vacation actions. The proposal includes four criteria; two concern compliance with state statute regarding process; one requires continued public ownership; and one requires compliance with provisions of the state transportation planning rule. It is this latter criterion that connects this type of vacation proposal to transportation policies in the Metro Plan and TransPlan.

The following Metro Plan policies are observed through the proposed criterion (c) depending on the circumstances that may exist at or nearby the proposed vacation:

The Transportation Element at pages III-F-5, III-F-7, III-F-8, III-F-10, III-F-11

- F.4 Require improvements that encourage transit, bicycles and pedestrians in new commercial, public, mixed use, and multi-unit residential development. (See also TransPlan Land Use Policy #4, Chapter 2, page 10)
- F.13 Protect and manage existing and future transportation infrastructure. (See also TransPlan TSI System-Wide Policy #1, Chapter 2, page 10)
- 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. (See also TransPlan TSI Roadway Policy #1, Chapter 2, page 10)
- F.17 Manage the roadway system to preserve safety and operational efficiency by adopting regulations to manage access to roadways and applying these regulations to decisions related to approving new or modified access to the roadway system. (See also TransPlan TSI Roadway Policy #4, Chapter 2, page 11)
- F.22 Construct and improve the region's bikeway system and provide bicycle system support facilities for both new development and redevelopment/expansion. (See also TransPlan TSI Bicycle Policy #1, Chapter 2, page 11)
- F.24 Require bikeways to connect new development with nearby neighborhood activity centers and major destinations. (See also TransPlan TSI Bicycle Policy #2, Chapter 2, page 11)
- F.26 Provide for a pedestrian environment that is well integrated with adjacent land uses and is designed to enhance the safety, comfort, and convenience of walking. (See also TransPlan TSI Pedestrian Policy #1, Chapter 2, page 12)

- F.27 Provide for a continuous pedestrian network with reasonably direct travel routes between destination points. (See TransPlan TSI Pedestrian Policy #2, Chapter 2, page 12)

### **Criteria (2) Conformance with Applicable State Statutes**

ORS 271 establishes the jurisdiction of cities to vacate public right-of-way, including setting forth the process and procedures for such action. The proposed criteria of approval implement specific provisions of ORS 271.

ORS 227 establishes the jurisdiction of cities to adopt and enforce planning, zoning and development regulations. Section 227.215 states: “A city may plan and otherwise encourage and regulate the development of land. A city may adopt an ordinance requiring that whatever land development is undertaken in the city comply with the requirements of the ordinance and be undertaken only in compliance with the terms of a development permit.”

These amendments apply to Article 9 VACATIONS of the Springfield Development Code. The Development Code is the principal document used by the City of Springfield to implement comprehensive planning policies.

### **Criteria (3) Conformance with applicable State-wide Planning Goals and Administrative Rules**

The City’s comprehensive plan and development code are acknowledged by the State of Oregon to be in compliance with all applicable statewide planning goals and administrative rules. This proposed amendment is consistent with a number of plan policies cited in previous pages and with ORS, and so, by extension, conforms to applicable statewide planning goals and administrative rules. However, the following findings are included in this record.

#### *Goal 1: Citizen Involvement*

The proposed amendments are the subject of legislative public hearings advertised in the Register-Guard on March 2, 2007. The City Council initiated these amendments on January 22, 2007 during a regular meeting. The Planning Commission conducted a public hearing on March 13, 2007. The City Council held a publicized work session and public hearing on March 19, 2007. Interested parties were invited to participate at these hearings.

#### *Goal 2: Land Use Planning*

This goal states: “All land-use plans and implementation ordinances shall be adopted by the governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan.

“Implementation Measures -- are the means used to carry out the plan. These are of two general types: (1) management implementation measures such as ordinances, regulations or project plans, and (2) site or area specific implementation measures such as permits and grants for construction, construction of public facilities or provision of services.”

These amendments provide the Council an opportunity to consider whether or not public right-of-way should be vacated but retained by the City for alternative public use. The vacation criteria invoke an analysis and findings of consistency with existing policies in the Metro Plan and provisions of OAR 660-12-0045(3).

*Goal 3: Agricultural Lands*

This goal does not apply within adopted, acknowledged urban growth boundaries. The City of Springfield does not have any agricultural zoning districts. These amendments do not apply outside the urban growth boundary.

*Goal 4: Forest Lands*

This goal does not apply within adopted, acknowledged urban growth boundaries. The City of Springfield does not have any forest zoning districts. These amendments do not apply outside the urban growth boundary.

*Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources*

These amendments do not repeal, replace or void existing Metro Plan policy or Development Code regulations with respect to any identified natural resources. No changes to supporting ordinances or policy documents adopted to comply with Goal 5 are affected by these amendments. In the unlikely event that a Goal 5 resource was discovered to exist within the public right-of-way, preventing loss of the resource through the vacation process could occur.

*Goal 6: Air, Water and Land Resources Quality*

This goal requires compliance with applicable state or federal environmental quality statutes, rules and standards, and that “discharges not exceed the carrying capacity of such resources, considering long range needs; degrade such resources; or threaten the availability of such resources.” These amendments have no affect on the City’s ability to maintain conformance with state or federal air or water quality standards. These amendments will extinguish the use of right-of-way for transportation activities but preserve public ownership for alternatives activities. Regardless of the depth or breadth of these alternative activities, the City’s responsibility to comply with all local, state and federal laws that might apply to or be impacted by the proposed alternative activities is not diminished by this proposal.

*Goal 7: Areas Subject to Natural Disasters and Hazards*

All sites within Springfield subject to these hazards (floodplain, erosion, landslides, earthquakes, weak foundation soils) are inventoried through a variety of sources. These amendments do not remove or exempt compliance with applicable Code standards that may apply to the area proposed for possible right-of-way vacation.

*Goal 8: Recreational Needs*

Willamalane Park and Recreation district provides for the recreational needs of Springfield through its own park planning. Park needs and facilities are based on existing and projected populations. These amendments have no influence on population projections because they do not

change permitted density within residential plan designations. These amendments do not influence the ability of the park district to acquire land for parks.

*Goal 9: Economic Development*

This goal is intended to preserve and enhance economic development activities, including preservation of sites for industrial and commercial use. These amendments have no affect on these objectives.

*Goal 10: Housing*

This goal states: “to provide for the housing needs of citizens of the state.” These amendments are not associated with this goal and have no affect on the provision of housing.

*Goal 11: Public Facilities and Services*

This goal states: “To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.” Urban facilities and services include the appropriate types and levels of police protection; sanitary facilities; storm drainage facilities; planning, zoning and subdivision control; health services; recreation facilities and services; energy and communication services; and community governmental services. These amendments have no affect on the provision of these services.

*Goal 12: Transportation*

This goal states: “To provide and encourage a safe, convenient and economic transportation system.” These amendments allow the City Council to vacate right-of-way, retain it, and use it for an alternative purpose. One of the tests this action must satisfy is compliance with the following criterion: “Approval of the vacation would be consistent with provision of safe, convenient and reasonably direct routes for cyclists and pedestrians as provided in OAR 660-12-0045(3).” Compliance with this administrative rule provision will result in consistency with the applicable provisions of this Goal.

*Goal 13: Energy Conservation*

This goal states: “To conserve energy.” To the extent that one form of energy conservation is a function of the City’s standards for “reasonably direct routes for cyclists and pedestrians” this proposal includes a requirement that the action of vacation will not result in the loss of reasonably direct routes for cyclists and pedestrians. These amendments are consistent with this Goal

*Goal 14: Urbanization*

This goal states: “To provide for an orderly and efficient transition from rural to urban use.” These amendments have no affect on the timing or ability of the City to convert rural uses to urban uses; this conversion occurs through annexation.

*Goal 15: Willamette River Greenway*

This goal states: “To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the

Willamette River Greenway.” These amendments do not pre-empt the City’s obligation to comply with the existing requirements for development approval within the Willamette River Greenway. The Greenway provisions allow development of permitted uses in the underlying zone, provided that all other Greenway requirements are satisfied. The City’s adopted, acknowledged Greenway ordinance will not be changed by these amendments.

*Goal 16: Estuarine Resources; Goal 17: Coastal Shorelands; Goal 18: Beaches and Dunes; and Goal 19: Ocean Resources*

These goals do not apply within the adopted, acknowledged Eugene-Springfield Metropolitan Area General Plan.

Chapter 660 of Oregon Administrative Rules establishes interpretation of a number of statewide planning goals. These rules are generally designed to provide clarity or specific instruction regarding the implementation of the goals. OAR 660-012 provides guidance and standards for a City’s transportation planning and infrastructure efforts. Because the vacation of public right-of-way could potentially influence these efforts, the proposal contains a criterion of approval that is taken directly from the Rule and applies to this process each time it is undertaken. Specifically, OAR 660-012-0045(3) requires consistency with a number of transportation standards designed to implement Goal 12 and OAR 660-012. If affirmative findings cannot be made, the vacation cannot be approved.