
MEMORANDUM**CITY OF SPRINGFIELD**

DATE OF HEARING: May 20, 2008**TO:** Springfield Planning Commission**FROM:** Molly Markarian, Planner II*MEM
JD***PLANNING COMMISSION
TRANSMITTAL
MEMORANDUM****SUBJECT:** Case No. ZON2008-00013, Request for City-Sponsored Zoning Map Amendment

ISSUE: The Planning Commission is asked to conduct a public hearing and decide whether or not to approve a request to amend the zoning map for a .27-acre property located at the corner of West M Street and Rainbow Drive from Low Density Residential (LDR) to Medium Density Residential (MDR) to conform to the Metro Plan designation of MDR.

DISCUSSION: The purpose of the requested action is to correct an inconsistency between the zoning and Metro Plan designation of a particular property. Since the existing LDR zoning is not consistent with the MDR plan designation as a result of the Metro Plan adoption, the Director has determined that this application qualifies to be processed as a City-sponsored zoning map amendment, as established by department policy in 2006.

Approval of zoning map amendments requires a demonstration of compliance with three criteria of approval outlined in the Springfield Development Code (SDC) section 5.22-115. The Planning Commission is asked to consider the applicant's request and the findings of fact contained in the attached staff report to confirm that the application meets these criteria of approval and that the zoning map amendment is appropriate in this case.

RECOMMENDATION: Upon review of the applicant's request, City staff finds that the proposed zoning map amendment meets the criteria of approval listed in the SDC Code and therefore recommends approval of this application.

ACTION REQUESTED: Approval of the ZON2008-00013 zoning map amendment request.

ATTACHMENTS:

Attachment 1: Staff Report

Attachment 2: Maps & Photos

Attachment 3: Legal Description

Attachment 4: Final Order

City of Springfield
 Development Services Department
 225 Fifth Street
 Springfield, OR 97477



ZONING MAP AMENDMENT Staff Report

Case Number: ZON2008-00013

Project Location: 859 West M Street, 1391 & 1395 Rainbow Drive
 Map 17-03-27-43, Tax Lot 3001

Zoning: Low Density Residential (LDR)

Overlay District(s): N/A

Applicable Refinement Plan: N/A

Metro Plan Designation: Medium Density Residential (MDR)

Application Submittal Date: February 26, 2008

Application Accepted As Complete Date: March 6, 2008

Public Hearing Date: May 20, 2008

Associated Applications: ZON2005-00046 - Development Issues Meeting (DIM), ZON2005-00054 - DIM

CITY OF SPRINGFIELD DEVELOPMENT REVIEW COMMITTEE			
POSITION	REVIEW OF	NAME	PHONE
Planner II	Land Use Planning	Molly Markarian	726-4611
Transportation Planning Engineer	Transportation	Gary McKenney	726-4585
Public Works Engineer in Training	Utilities, Sanitary & Storm Sewer	Jesse Jones	736-1036
Deputy Fire Marshal	Fire and Life Safety	Gilbert Gordon	726-2293

APPLICANT'S DEVELOPMENT TEAM	
Owner/Applicant Larry Burr 3310 Talon Street Eugene, OR 97408	Applicant's Representative JRH - Land Use Division 4765 Village Plaza Loop, Suite 201 Eugene, OR 97401

REQUEST

The applicant has requested a City-sponsored zoning map amendment to change the zoning for the subject property from Low Density Residential (LDR) to Medium Density Residential (MDR) to conform to the Metro Plan designation for the property of MDR. Approval of the applicant's request would not only bring the zoning on the property into conformance with the Metro Plan, but it would also enable the applicant to proceed with other land use applications that are contingent upon zoning and plan designation conformity. Thus, in the future, development may occur on the property in accordance with SDC 3.2-200 for MDR properties. Such development would permit a minimum of two and a maximum of five dwelling units on the .27-acre property subject to a Type II land use approval (Site Plan Review and/or Land Division).

DISCUSSION

According to State law, the local zoning designation of properties must conform to the land use designation of the Metro Plan, the region's official long-range comprehensive planning document. However, when the Metro Plan was originally adopted in 1982, zoning designations already existed in the City of Springfield, and many properties were already developed in accordance with such designations. Therefore, in some instances, rather than immediately changing the zoning of developed land (which would create existing non-conforming uses), owners were allowed to maintain the zoning on their properties with the understanding that as such properties were redeveloped over time, plan/zone conflicts would be resolved before such development proceeded.

Recognizing that a property owner should not have to pay to resolve such plan/zone conflicts resulting from the City's approach to early implementation of the Metro Plan, the City initiated a City-sponsored zoning map amendment process in 2006 for properties where the zoning and Metro Plan designation are clearly in conflict. This process allows for City-sponsored zone changes three times annually in January, May, and September. Due to the scale and non-property specific nature of the adopted Metro Plan Diagram, the City is best able to identify clear plan/zone conflicts for properties within Refinement Plan boundaries. However, there can be instances where, due to prominent identifiable geographic features on the Metro Plan Diagram, little doubt exists that a property falls within a certain designation, as well. In such instances, it is the discretion of the Director or his representative to determine if there is a clear plan/zone conflict, thus qualifying the application for a City-sponsored zone change.

During initial meetings in 2005 with City Planning staff regarding a proposed land division involving the subject property, the applicant was advised that the zoning on the property is LDR while the Metro Plan designation is MDR, and this plan/zone conflict needed to be resolved before the applicant could proceed with the land division. City staff at that time determined that prominent identifiable geographic features, including the curvature of Centennial Boulevard and the relationship of the MDR area of the Metro Plan diagram to the Community Commercial area of the diagram in this part of the city, suggest that the western boundary of the MDR designation is Rainbow Drive. Therefore, the subject property, which is located east of Rainbow Drive, would fall within the MDR designation and thus qualify for a City-sponsored zone change (see Attachments 2-1 through 2-4).

REVIEW PROCESS

This City-sponsored zoning map amendment involves the application of existing policy to one specific property and does not include a Metro Plan diagram amendment. As such, this is a Type III application requiring a quasi-judicial decision and is therefore reviewed under the procedures listed in Springfield Development Code (SDC) 5.1-135, Type III Applications, 5.2-100, Public Hearing Process, and SDC 5.22-100, Zoning Map Amendment.

Applications for Type III quasi-judicial land use decisions require newspaper notice, as well as mailed notification of the applicant and owner of record, property owners and occupants within 300 feet of the subject property, any applicable neighborhood association, and any person who submits a written request to receive notice at least 20 days prior to the date of the hearing per SDC 5.2-115. This

application was accepted as complete on March 6, 2008. Per the public notice requirements of SDC, notice of the public hearing was mailed on April 24, 2008, and was published in the *Register Guard* on April 29, 2008. No written comments were received at the time of issuing this Staff Report. In addition, per State law, notice of the application was mailed to Department of Land Conservation and Development on March 20, 2008.

For quasi-judicial decisions, the Planning Commission's decision is the City's final decision, unless appealed. Only those persons who participated either orally or in writing have standing to appeal the decision of the Planning Commission, and grounds for appeal are limited to those issues raised either orally or in writing before the close of the public record.

SITE INFORMATION

The subject property is a .27 acre (11,761 square feet), L-shaped lot at the southeast corner of Rainbow Drive and West M Street and is located inside the City limits. The property is relatively flat and currently contains a detached single family dwelling that faces and takes access from West M Street, as well as a duplex that faces and takes access from Rainbow Drive.

Property in the vicinity of the site is zoned a combination of Low Density Residential, Medium Density Residential, High Density Residential, Neighborhood Commercial, Community Commercial, and Public Land and Open Space. However, the subject property is zoned Low Density Residential, and land immediately surrounding the property to the north, south, and east is zoned Low Density Residential while property to the west is zoned both Low Density Residential and Medium Density Residential.

The MDR zoning designation requires the development of residential uses at a density of 11 to 20 dwelling units per acre. The subject property, which is approximately .27 acres and has three dwelling units, already has eleven dwelling units per acre. A maximum of five dwelling units could be developed on the property in the future.

ZONING MAP AMENDMENT – CRITERIA

SDC 5.22-115 states that the Planning Commission may approve, approve with conditions, or deny a quasi-judicial Zoning Map Amendment based upon the approval criteria listed in SDC 5.22-115 C.1. through C.3.

Criterion 1 (SDC 5.22-115 C.1.)

Consistency with applicable Metro Plan policies and the Metro Plan diagram.

Finding: Metro Plan policy A.2. states that residentially designated land within the Urban Growth Boundary should be zoned consistent with the Metro Plan and applicable plans and policies.

Finding: The subject property is zoned Low Density Residential (LDR).

Finding: The current version of the Metro Plan diagram depicts an area designated as Medium Density Residential (MDR) in the vicinity of the subject property. This MDR area extends northeast of a point on Centennial Boulevard that does not have any identifiable geographic features. However, the western boundary of this area is a hard north-south line in the middle of the diagonal section of Centennial Boulevard. There is only one street, Rainbow Drive, that extends north-south along this section of Centennial Boulevard. Therefore, City Planning staff has always interpreted this to mean that the western boundary of the MDR area is Rainbow Drive. The subject property, which is located east of Rainbow Drive and north of Centennial Boulevard therefore falls within the MDR designation on the Metro Plan.

Finding: The subject property must be rezoned from LDR to MDR in order for the zoning to be consistent with the applicable Metro Plan policies and Metro Plan diagram. Therefore, the application to resolve this plan/zone conflict is consistent with the Metro Plan policies and diagram.

Conclusion: This application satisfies Criterion 1 (SDC 5.22-115 C.1.).

Criterion 2 (SDC 5.22-115 C.2.)

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

Finding: There are no applicable Refinement Plans, Plan District maps, Conceptual Development Plans, or functional plans for this property. Therefore, Criterion 2 is not applicable.

Conclusion: This application satisfies Criterion 2 (SDC 5.22-115 C.2.).

Criterion 3 (SDC 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.

Finding: The Development Review Committee (DRC), including representatives from the City's Development Services Department, Public Works Department, and Fire and Life Safety Department reviewed the application, and their comments have been incorporated into the findings and conditions below.

Finding: Given the location and size of the property, the proposed zone change would have no significant impact on the transportation system. Impact to the transportation system will be reviewed again via the land division or site plan review process in the event that future development occurs on the property.

Finding: The proposed zone change on this property will have no affect on fire department services based on existing site conditions. However, any changes to the existing structures or increased density on the property will require an increase in the available fire flow to meet current fire code requirements, which will be enforced via the land division or site plan review process.

Finding: The Public Works Engineering Division has reviewed the proposed zone change and does not find any issues with the existing conditions with respect to the sanitary sewer or stormwater management systems. Public improvement requirements will be reviewed again via the land division or site plan review process in the event that future development occurs on the site.

Finding: The property is currently serviced with adequate public facilities and transportation networks. In the event that the property is further developed after the proposed zone change, the adequacy of public facilities for any future development will be reviewed via the land division or site plan review process.

Conclusion: This application satisfies Criterion 3 (SDC 5.22-115 C.3.).

CONDITIONS OF APPROVAL

SDC 5.22-120 authorizes the Approval Authority to attach conditions as may be reasonably necessary to a zone change approval to ensure that the application meets the approval criteria. City staff finds that the application as submitted complies with all applicable approval criteria and therefore does not recommend any conditions of approval.

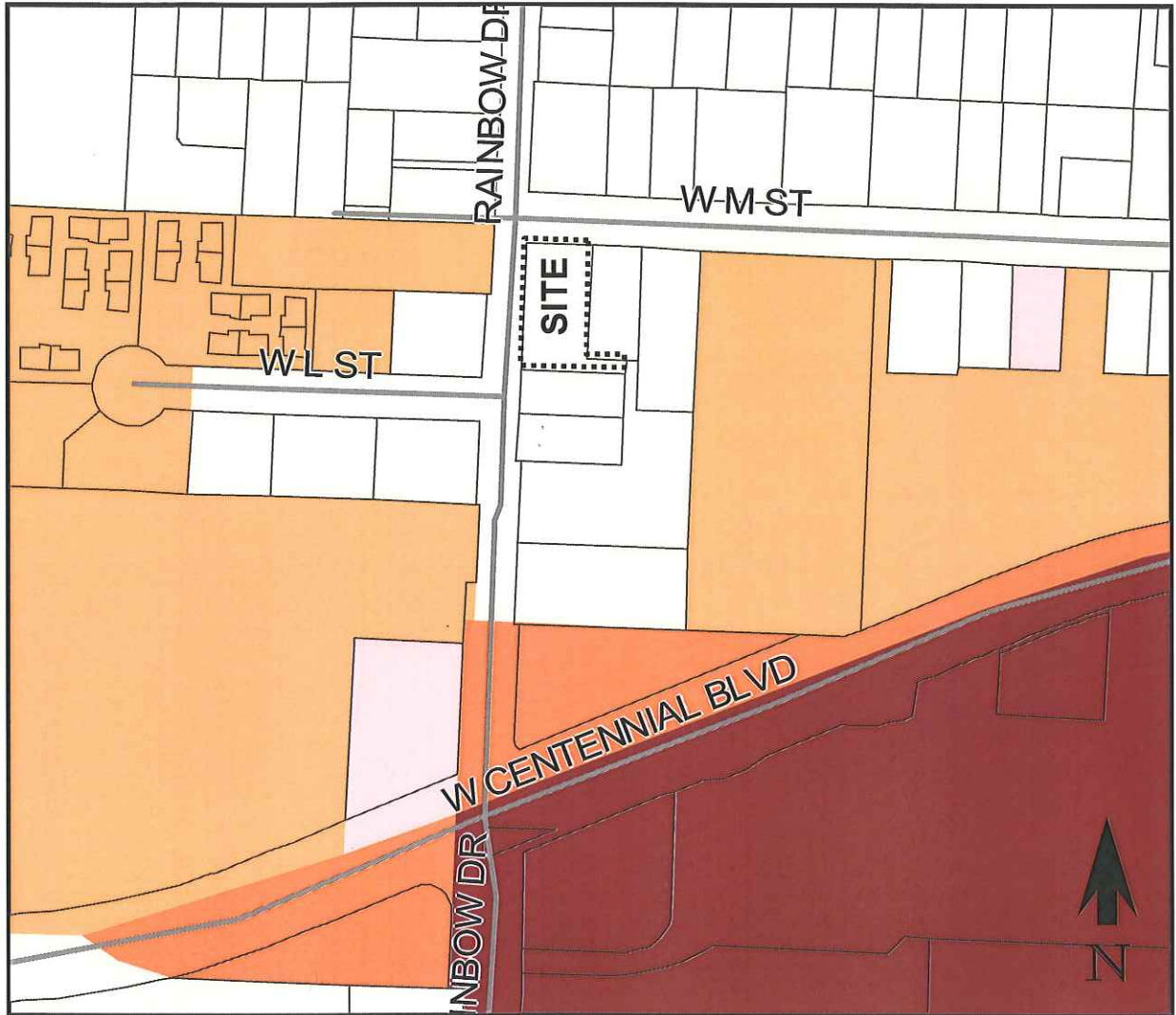
CONCLUSION & RECOMMENDATION

After reviewing this application, City staff finds that it complies with the three criteria listed in SDC 5.22-115 C.1. through C.3. Therefore, City staff recommends that the Planning Commission approve this application.






EXISTING ZONING

ZON2008-00013

859 West M Street – 17-03-27-43, TL 3001



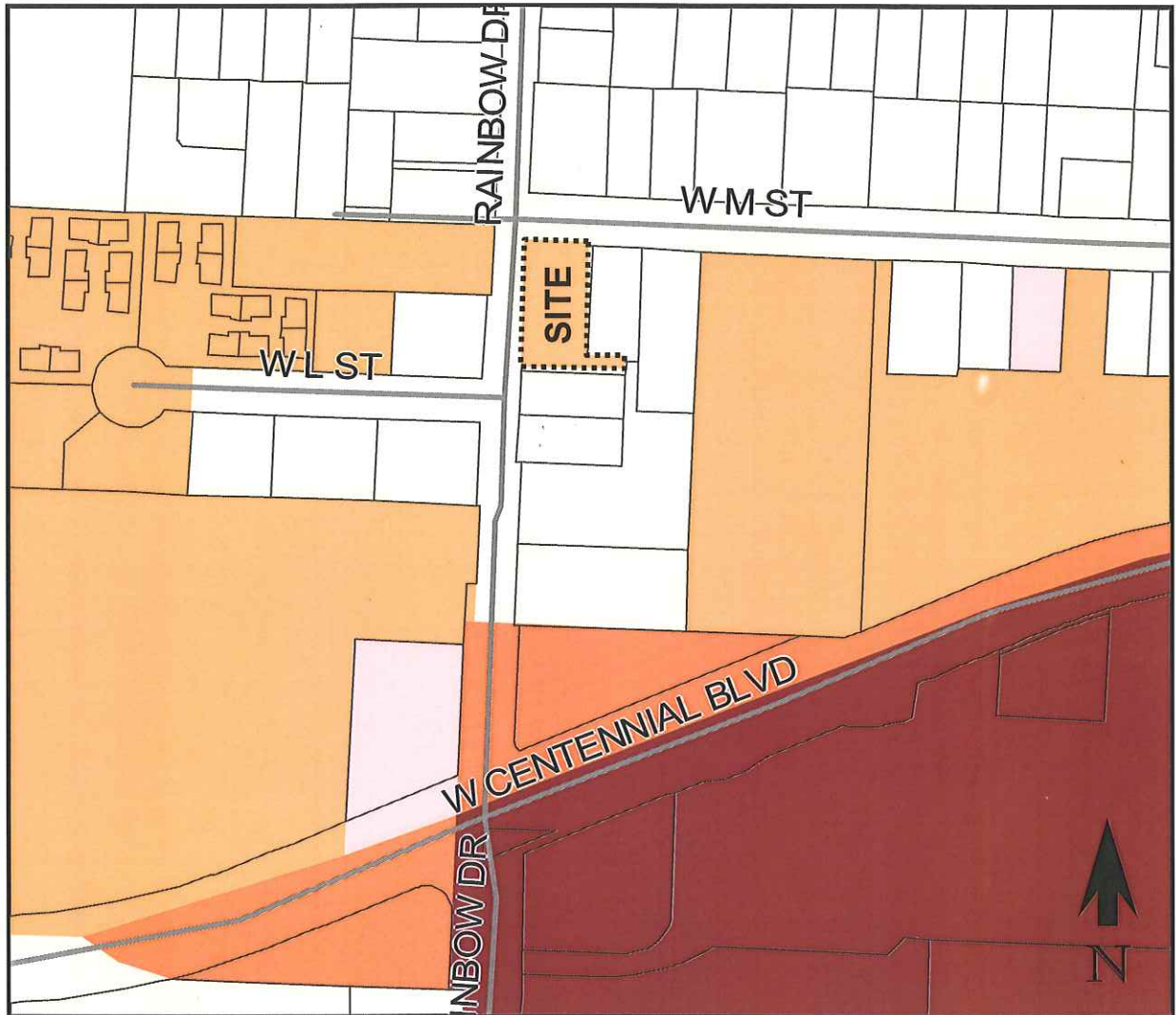
ZONING LEGEND

	Low Density Residential (LDR)
	Medium Density Residential (MDR)
	High Density Residential (HDR)
	Neighborhood Commercial (NC)
	Community Commercial (CC)






PROPOSED ZONING

ZON2008-00013

859 West M Street – 17-03-27-43, TL 3001



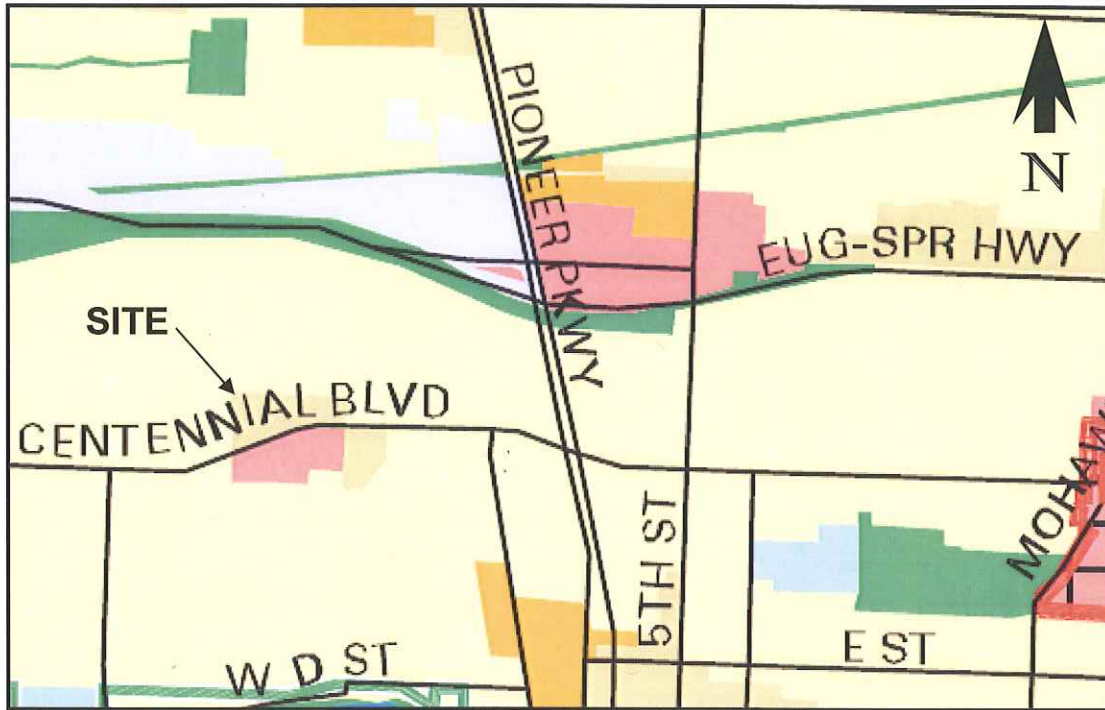
ZONING LEGEND

	Low Density Residential (LDR)
	Medium Density Residential (MDR)
	High Density Residential (HDR)
	Neighborhood Commercial (NC)
	Community Commercial (CC)

EXISTING & UNCHANGED PLAN DESIGNATION

ZON2008-00013

859 West M Street – 17-03-27-43, TL 3001



Enlargement of Plan Diagram

PLAN DESIGNATION LEGEND

	Urban Growth Boundary		Low Density Residential		Light Medium Industrial		Agriculture
	Metro Plan Boundary		Medium Density Residential		Campus Industrial		Forest Land
	Railroads		High Density Residential		University Research		Rural Residential
	Rivers and Ponds		Commercial		Government and Education		Rural Commercial
Overlays:			Major Retail Centers		Parks and Open Space		Rural Industrial
	Mixed Use Areas		Heavy Industrial		Natural Resource		Airport Reserve
	Nodal Development Area		Special Heavy Industrial		Sand and Gravel		
	Willamette Greenway						

SITE PHOTOS

ZON2008-00013

859 West M Street – 17-03-27-43, TL 3001



Existing dwelling fronting West M Street



Existing dwelling fronting Rainbow Drive

RECORDING REQUESTED BY
FIDELITY NATIONAL TITLE COMPANY OF OREGON

GRANTOR'S NAME
Douglas S. Gannon and Shiela Lynn Gannon

GRANTEE'S NAME
Larry Burr

SEND TAX STATEMENTS TO:
Mr. Larry Burr
859 West "M" Street
Springfield, OR 97477

AFTER RECORDING RETURN TO:
Mr. Larry Burr
859 West "M" Street
Springfield, OR 97477

AFTER RECORDING RETURN TO
FIDELITY NATIONAL TITLE INSURANCE
COMPANY OF OREGON
800 WILLAMETTE ST., #500
EUGENE, OR 97401

Division of Chief Dep. Clerk
Lane County Deeds and Records

2005-065327



\$31.00

08/22/2005 03:17:44 PM

RPR-DEED Cnt=1 Stn=4 CASHIER 02
\$10.00 \$11.00 \$10.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Douglas S. Gannon and Shiela Lynn Gannon, as tenants by the entirety, Grantor, conveys and warrants to

L Larry Burr, A Married Man, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Lane, State of Oregon,

SEE EXHIBIT ONE ATTACHED HERETO AND MADE A PART HEREOF

Subject to and excepting:

Convenants, Conditions, Restrictions, and Easements of Record

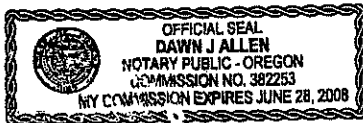
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$200,000.00 (See ORS 93.030)

DATED: August 17, 2005

*Douglas S. Gannon by
Shiela Lynn Gannon
her attorney in fact*
Douglas S. Gannon

Shiela Lynn Gannon
Shiela Lynn Gannon



Date Received:

FEB 26 2008

Original Submittal

STATE OF OREGON
COUNTY OF Lane

This instrument was acknowledged before me on

August 18, 2005
by Shiela Lynn Gannon, individually
and as attorney in fact for Douglas S. Gannon

NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES: 6/28/2008

263

map # 1703274303001 acct # 1057973

Est # 400380

EXHIBIT ONE

Beginning at a point on the South line of "M" Street if the same was produced in Springfield, Lane County, Oregon, North 89° 24' 30" West 1136.65 feet from the point on intersection of said South line of "M" Street with the East line of the Robert E. Campbell Donation Land Claim No. 59, Township 17 South, Range 3 West, Willamette Meridian, South 0° 59' West 130.0 feet; thence South 89° 24' 30" East 44.17 feet; thence South 0° 59' West 15.0 feet; thence North 89° 24' 30" West 120.0 feet; thence North 0° 59' East 145.0 feet to the South line of "M" Street; thence along said South line, South 89° 24' 30" East 75.83 feet to the Point of Beginning, in Lane County, Oregon.

Date Received:

FEB 26 2008

Original Submittal _____

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

**FINAL ORDER FOR ZONING MAP AMENDMENT
CASE NO. ZONE2008-00013**

**FINDINGS, CONCLUSIONS
AND ORDER**

NATURE OF THE APPLICATION

Zoning Map Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) to conform to the Metro Plan designation for Assessor's Map 17-03-27-43, Tax Lot 3001.

1. On March 6, 2008, the following application for a Zoning Map Amendment was accepted as complete: change the zoning on approximately .27 acre of land located at 859 West M Street and 1391& 1395 Rainbow Drive from LDR to MDR, Case No. ZON2008-00013.
2. The application was submitted in accordance with Springfield Development Code (SDC) 5.4-105. Timely and sufficient notice of the public hearing has been provided, pursuant to SDC 5.2-115.
3. On May 20, 2008, a public hearing for the Zoning Map Amendment 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 have been considered and are part of the record of this proceeding.

CONCLUSION

On the basis of this record, the requested Zoning Map Amendment application is consistent with the criteria of SDC 5.22-115. This general finding is supported by the specific findings of fact and conclusions in the attached staff report and attached hereto.

FINAL ORDER

It is ORDERED by the Planning Commission of Springfield that Case No. ZON2008-00013, Zoning Map Amendment request, be approved. This ORDER was presented to and approved by the Planning Commission on May 20, 2008.

Planning Commission Chairperson

ATTEST:

AYES: _____
NOES: _____
ABSENT: _____
ABSTAIN: _____