

**MEMORANDUM**

**CITY OF SPRINGFIELD**

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**DATE OF HEARING:** May 18, 2010  
**TO:** Springfield Planning Commission  
**FROM:** Steve Hopkins  
**SUBJECT:** Zoning Map Amendment from LMI to HI

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**TRANSMITTAL  
MEMORANDUM**

**ISSUE:**

The applicant is requesting a zone change from LMI (Light Medium Industrial) to HI (Heavy Industrial) to resolve a Plan/Zone conflict.

**DISCUSSION:**

This is a city-sponsored Zoning Map Amendment to correct a conflict between the Metro Plan and the zoning district. The Plan/Zone conflict exists at 945 28<sup>th</sup> Street. It is a 2.5 acre property containing three vacant structures. The Metro Plan designates this area as Heavy Industrial, but the property is zoned LMI (Light Medium Industrial). There is no Refinement Plan for this area. According to the applicant, this zone change will make the property more marketable and easier to sell.

Based on comments from the service providers, the site contains adequate public infrastructure to serve the uses in the HI zone.

**ACTION REQUESTED:**

The Planning Commission shall determine whether the proposed zoning map amendment complies with the approval criteria found in Section **5.22-115** of the Springfield Development Code. The Commission may approve, approve with conditions, or deny the request.

**ATTACHMENTS:**

- Attachment 1:** Staff report containing findings of fact and conclusions law to support approval of the application.
- Attachment 2:** Order for approval of the zone change.
- Attachment 3:** Comments from Public Works Engineering received March 16, 2010.
- Attachment 4:** Comments from the Deputy Fire Marshal received March 16, 2010.
- Attachment 5:** Comments from Public Works Transportation Planning, received March 16, 2010.
- Attachment 6:** Comments from Springfield Utility Board Water Division, received March 15, 2010.
- Attachment 7:** Applicant's original submittal dated February 19, 2010.



## STAFF REPORT - ZONING MAP AMENDMENT

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**Hearing Date:** May 18, 2010

**Project Proposal:** Zoning Map Amendment

**Case Number:** ZON2010-00003

**Project Location:** 945 28<sup>th</sup> Street

**Property size:** 2.5 acres

**Map and Tax Lots:** 1702310001100; 1702310001101; 1702310001000; 1702312202300

**Base Zone:** LMI (Light Medium Industrial)

**Overlay District(s):** none

**Metro Plan Designation:** Heavy Industrial

**Refinement Plan:** none

**Application Submitted Date:** Feb 19, 2010

**Other Application(s):** none

**Staff:** Steve Hopkins, AICP, Planner II

**Applicant/Owner:** Steve Wilhelm, Brownfields Land & Development, LLC. 3122 Stahlbush Island Rd. Corvallis OR 97330.

### Summary

This is a city-sponsored Zoning Map Amendment to correct a conflict between the Metro Plan and the zoning district. The Plan/Zone conflict exists at 945 28<sup>th</sup> Street. It is a 2.5 acre property containing three vacant structures. The Metro Plan designates this area as Heavy Industrial, but the property is zoned LMI (Light Medium Industrial). There is no Refinement Plan for this area. According to the applicant, this zone change will make the property more marketable and easier to sell.

The zoning district and land use designation for this site have not changed since they were first established by adoption of the Metro Plan in 1980. At that time, the LMI zone was used to buffer the residential area from the industrial area to the east. Although the designation is Heavy Industrial, SDC 3.2-405(C) states that less intensive industrial uses that are permitted in the LMI District are also permitted in the HI district. This allowed the application of the LMI zone in an area that was designated Heavy Industrial.

The major difference between the LMI and HI zoning districts is the severity of the external impacts generated by the uses that are allowed in each district. The HI district allows uses that require more outside activity, and generate more noise and odors. These uses include, but are not limited to, asphalt batch plants and recycling centers. In addition, the HI zone allows uses that tend to use larger and heavier vehicles, but produce fewer vehicle trips. The LMI zone allows uses that tend to use smaller vehicles, but generate more frequent vehicle trips. Refer to the comments from Jon Driscoll, received on March 16, 2010.

**Comments from service providers.** Based on comments from the service providers, the site contains adequate public infrastructure to serve the uses in the HI zone.

- The Springfield Utility Board does not object to this zone change. Refer to the letter received March 15, 2010.
- The Fire Marshall does not object to this zone change. Refer to the email received March 16, 2010.
- The Engineering Division of the City Public Works Dept. does not object to this zone change. Refer to the email from Eric Walter, received March 16, 2010.
- The Transportation Planning Division of the City Public Works Dept. does not object to this zone change. Refer to the letter from Jon Driscoll received March 16, 2010.

The Commission should take public testimony and determine if the zone change is appropriate for this site. The Commission has three options:

1. approve as recommended, or
2. approve but add/modify conditions based on testimony at the hearing, or
3. deny the application.

Staff recommends approval of the Zone Change. The attached order reflects that recommendation. If the Commission chooses to deny the application, the order will need to be revised to support that decision. In that case, the Commission should close the hearing and move the item to the next public hearing (June 1). The revised order will be presented to the Commission on that date.

### **Public Comments**

No written public comments have been received as of the date of this report.

### **Procedural items**

- On March 11, 2010, mailed notice of the public hearing was sent to DLCD.
- On March 16, 2010, the City's Development Review Committee reviewed the application. City staff's review comments have been reduced to findings and conditions as necessary to demonstrate compliance with the Zoning Map Amendment Criteria of Approval contained in SDC 5.22-115.
- Notice of the public hearing was sent to adjacent property owners/occupants within 300 feet of the subject site on April 19, 2010. The applicant and parties submitting testimony at the public hearing have appeal rights and are mailed a copy of this decision for consideration.
- Notification was published in the *Register Guard* on April 26, 2010.

## **SDC 5.22-115 Zoning Map Amendment Approval Criteria**

**A. 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 C.1. through 3., 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.

**Finding:** This is a quasi-judicial Zoning Map Amendment. It involves the application of existing policy to a specific factual setting affecting a single property, and does not include a Metro Plan diagram amendment. Quasi-judicial Zoning Map amendments are reviewed using the Type III procedure (a public hearing before the Planning Commission).

**B. Legislative Zoning Map Amendments and Quasi-judicial Zoning Map Amendments Raised to a Type IV Review.** The Planning Commission or Hearings Official may make a recommendation to the City Council to approve, approve with conditions or deny Zoning Map amendments and Metro Plan diagram amendments based upon approval criteria in Subsection C. 1. through 4., below. The City Council shall make the final local decision on all Zoning Map amendments involving a Metro Plan diagram amendment.

**Finding:** This application does not involve a change to the Metro Plan diagram and is not a legislative amendment.

**C. Zoning Map amendment criteria of approval:**

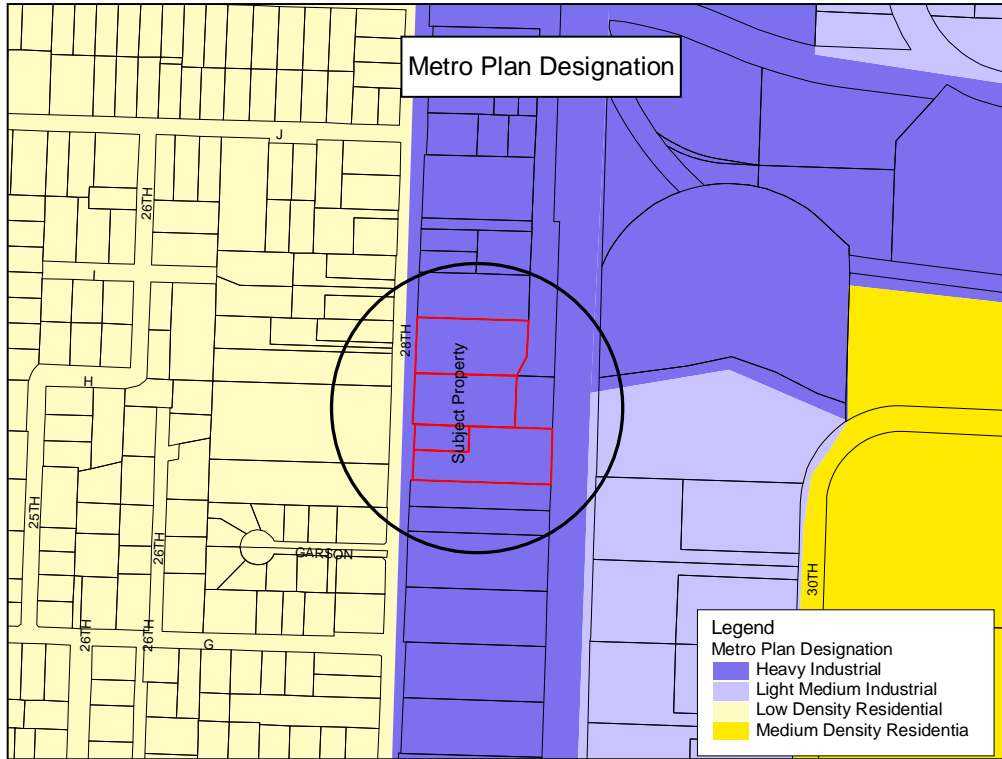
**1. Consistency with applicable Metro Plan policies and the Metro Plan diagram;**

**Finding:** The proposed zone change will not impact to the Commercial & Industrial Buildable Lands (CIBL) Inventory associated with the Springfield 2030 Plan. That inventory is based on the land use designations contained in the Metro Plan. It is not based on the zoning districts.

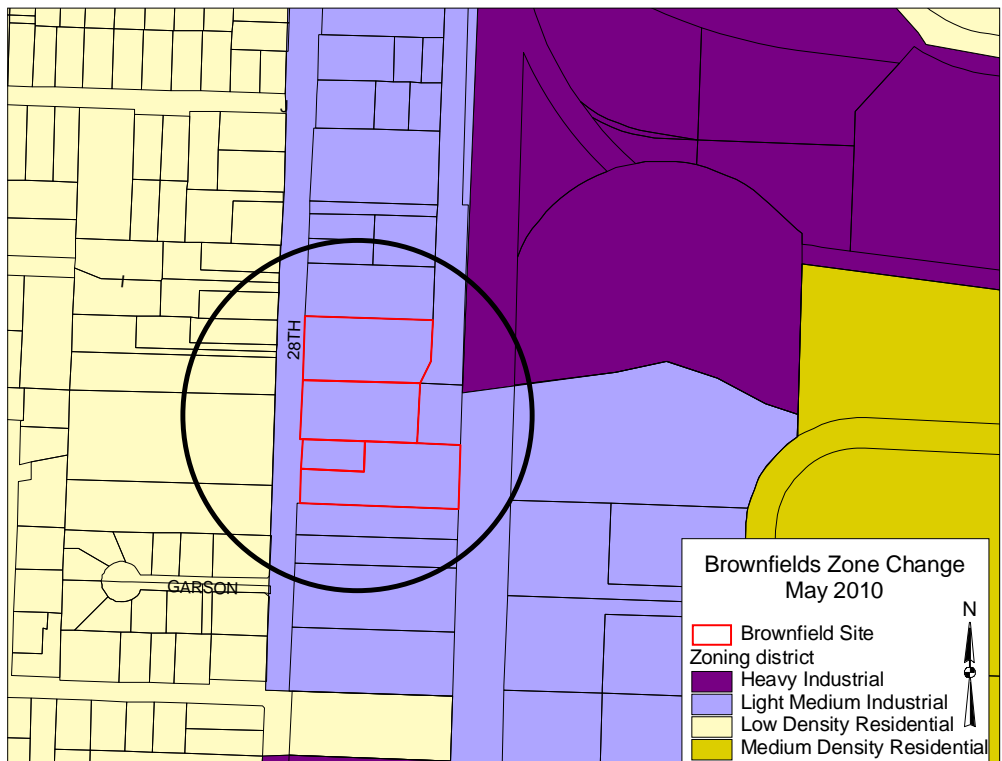
**Finding:** The Metro Plan diagram shows this area contains a mix of land use designations. Refer to Map #1.

**Finding:** The area contains a mix of zoning districts. Refer to Map #2.

Map 1: Metro Plan Designation



Map 2: Zoning Districts



**Finding:** Page II-G-6 of the Metro Plan defines the Light Medium Industrial designation as:

“This designation accommodates a variety of industries, including those involved in the secondary processing of materials into components, the assembly of components into finished products, transportation, communication and utilities, wholesaling, and warehousing. The external impact from these uses is generally less than Heavy Industrial, and transportation needs are often met by truck. Activities are generally located indoors, although there may be some outdoor storage. This designation may also accommodate supporting offices and light industrial uses, local regulations permitting.”

**Finding:** Page II-G-6 of the Metro Plan defines the Heavy Industrial designation as:

“This designation generally accommodates industries that process large volumes of raw materials into refined products and/or that have significant external impacts. Examples of heavy industry include: lumber and wood products manufacturing; paper, chemicals and primary metal manufacturing; large-scale storage of hazardous materials; power plants; and railroad yards. Such industries often are energy-intensive, and resource-intensive. Heavy industrial transportation needs often include truck and rail. This designation may also accommodate light and medium industrial uses and supporting offices, local regulations permitting.”

**Finding:** SDC 3.2-405(B) defines the LMI zone. It states:

“Light-Medium Industrial District (LMI). LMI uses are generally involved in the secondary processing of materials into components, the assembly of components into finished products, transportation, communication and utilities, wholesaling, and warehousing. The external impact from these uses is generally less than Heavy Industrial, and transportation needs are often met by truck. Activities are generally located indoors, although there may be some outdoor storage. This designation also can accommodate supporting offices and CI industrial uses.”

**Finding:** SDC 3.2-405(C) defines the HI zone. It states:

“Heavy Industrial District (HI). HI uses are generally involved in the processing of large volumes of raw materials into refined materials and/or that have significant external impacts. Heavy Industrial transportation needs often include rail and truck. Examples of these uses are: lumber and wood products; paper; chemicals and primary metal manufacturing; large-scale storage of hazardous materials; power plants; and railroad yards. Less intensive industrial uses that are permitted in the LMI District are also permitted in this district.”

**Finding:** The Metro Plan designates this area as Heavy Industrial, but the property is zoned LMI (Light Medium Industrial). Based on the definitions contained in the Springfield Development Code, the most appropriate zoning district for this site is HI (Heavy Industrial).

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

**Finding:** There are no applicable Refinement Plans, Conceptual Development Plans or functional plans for this area.

**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:** Based on the comments of the public service providers, the site is provided with adequate public facilities and services to support the uses allowed in the HI zone.

**4. Legislative Zoning Map amendments that involve a Metro Plan Diagram amendment shall:**

- a. Meet the approval criteria specified in Section 5.14-100; and
- b. Comply with Oregon Administrative Rule (OAR) 660-012-0060, where applicable.

**Finding:** This criterion is not applicable because this is a quasi-judicial Zoning Map Amendment. It involves the application of existing policy to a specific factual setting affecting a single property, and does not include a Metro Plan diagram amendment. Quasi-judicial Zoning Map amendments are reviewed using the Type III procedure (a public hearing before the Planning Commission).

**Determination:** Based on the findings of fact, conclusions of law and the evidence in the record, the Director determines the proposal complies with the Zoning Map Amendment approval criteria contained in SDC 5.22-115.

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

REQUEST FOR ZONE CHANGE ( )  
CASE NUMBER ZON2010-00003 ( )  
( )  
( )  
FINDINGS, CONCLUSION AND ORDER ( )

**NATURE OF THE APPLICATION**

Zone change from LMI (Light Medium Industrial) to HI (Heavy Industrial) for property located at 945 28<sup>th</sup> Street. The property is identified as map and tax lots 1702310001100, 1702310001101, 1702310001000 and 1702312202300.

1. The application conforms to the provisions of Section 5.22-115 of the Springfield Development Code. This is a quasi-judicial Zoning Map Amendment. It involves the application of existing policy to a specific factual setting affecting a single property, and does not include a Metro Plan diagram amendment. Quasi-judicial Zoning Map amendments are reviewed using the Type III procedure (a public hearing before the Planning Commission).
2. Timely and sufficient notice of the public hearing, pursuant to Section 5.1-135 of the Springfield Development Code was provided. On April 19, 2010, notice of the public hearing was sent to adjacent property owners/occupants within 300 feet of the subject site. On April 26, 2010, notification was published in the *Register Guard*.
3. On May 18, 2010, a public hearing on the proposed zoning map amendment was held. The Development Services staff notes, including criteria of approval, findings, and recommendations, together with the testimony and submittals of those persons testifying at the hearing or in writing, have been considered and are part of the record of this proceeding.

**CONCLUSION**

On the basis of this record, the requested zoning map amendment is consistent with the criteria of approval of Section 5.22-115 of the Development Code. This general finding is supported by the specific findings of fact and conclusion in the Staff Report that is attached hereto.

**ORDER**

It is the ORDER of the Planning Commission of Springfield that Journal Number ZON2010-00003 be approved and the zoning be amended from LMI (Light Medium Industrial) to HI (Heavy Industrial).

This **DECISION** was presented to and approved by the Planning Commission on May 18, 2010.

\_\_\_\_\_  
Planning Commission Chairperson

ATTEST:

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSENT: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_

**HOPKINS Steve**

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**From:** WALTER Eric  
**Sent:** Tuesday, March 16, 2010 9:46 AM  
**To:** HOPKINS Steve  
**Subject:** ZON2010-00003 Brownfields Land Dev.

Steve,

Public Works has no issues or comments with the zone map amendment for this application.

Thank you,

Eric Walter

*Eric Walter, P.E.  
Civil Engineer  
City of Springfield, Engineering Division  
Public Works Department  
Ph (541) 736-1034  
Fax (541) 736-1021  
[ewalter@ci.springfield.or.us](mailto:ewalter@ci.springfield.or.us)*

Date Received: 3-16-10  
Planner: SH

## HOPKINS Steve

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**From:** GORDON Gilbert  
**Sent:** Tuesday, March 16, 2010 9:20 AM  
**To:** HOPKINS Steve  
**Cc:** GERARD Alan; FECHTEL Melissa  
**Subject:** Zoning Map Amendment ZON2010-00003 Brownfields Land Development

Zoning Map Amendment #ZON2010-00003 Brownfields Land and Development  
Address: 945 28th Street  
Existing Use: Light Medium Industrial (formerly Walt's Concrete; currently vacant)  
Proposal: Change from Light Medium Industrial (LMI) to Heavy Industrial (HI) to correct zoning conflict with Metro plan.  
Planner: Steve Hopkins, Planner II

No fire department comments at this time.

Gilbert R. Gordon  
Deputy Fire Marshal  
Springfield Fire and Life Safety  
225 Fifth Street  
Springfield, OR 97477  
Phone: 541-726-2293  
E-Mail: [ggordon@ci.springfield.or.us](mailto:ggordon@ci.springfield.or.us)

Date Received: 3-16-10  
Planner: SH

**MEMORANDUM**

City of Springfield

DATE: March 5, 2010  
TO: Steve Hopkins, Planner II  
FROM: Jon Driscoll, Transportation Engineer in Training  
SUBJECT: **ZON2010-00003 Brownsfields Land & Development  
Zoning Map Amendment—Public Works Transportation Comments**

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The Transportation Division has reviewed the subject application for the possible zoning map amendment of the four tax lots located at 945 N 28<sup>th</sup> Street from currently zoned LMI to HI (Heavy Industrial). The total acreage between the lots is 110642 sq. ft. (2.54 acres). The subject property is vacant and currently not in use.

- Based on ITE Land Use Code 110 (General Light Industrial) the total trip generation from this development upon completion of the proposed development would be as follows:
  - Average Weekday = 51.80 trips/acre x 2.54 acres = 132 trips
- Based on ITE Land Use Code 120 (General Heavy Industrial) the total trip generation from this development upon completion of the proposed development would be as follows:
  - Average Weekday = 6.75 trips/acre x 2.54 acres = 18 trips
- As can be seen in this data comparison the ITE Trip Generation manual, if the zoning changed from LMI to HI, the projected change in traffic producible by the site would be a *reduction* of 114 trips per day. Consequently, from a Transportation trip impact analysis, this map amendment will increase capacity for 28<sup>th</sup> Street.
- On the other hand, the HI zone change will likely add heavier traffic it 28<sup>th</sup> Street, but I will let the Engineering Section deal with any compensatory requirements for that aspect of change. As 28<sup>th</sup> Street is presently part of our designated truck route system, no extra measures will be required Transportation's viewpoint.

In SDC 5.22-110.A.2, the code reads, "Where applicable, legislative Zoning Map amendments shall be reviewed to determine whether the application significantly affects a transportation facility, as specified in Oregon Administrative Rule (OAR) 660-012-0060.

SDC 5.22-115.C.3 states, "The property is presently provided with adequate public facilities, services and transportation networks to support the use, or these facilities,

Note: As is stated in your Development Issues Application: The Development Issues Meeting is not a land use decision and does not confer any development rights, establish any conditions, or bind the applicant or the City to any course of action. The meeting conveys the status of known development opportunities and constraints. The status may change over time as development conditions or standards change.

Date Received: \_\_\_\_\_  
Planner: SH 3-16-10

services and transportation networks are planned to be provided concurrently with the development of the property.”

OAR 660-012-0060(1) in part states that “A plan or land use regulation amendment significantly affects a transportation facility if it would... (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.”

This project would neither reduce or worsen the performance of 28<sup>th</sup> Street below acceptable standards, so Transportation has no objections to this zoning map amendment.

Note: As is stated in your Development Issues Application: The Development Issues Meeting is not a land use decision and does not confer any development rights, establish any conditions, or bind the applicant or the City to any course of action. The meeting conveys the status of known development opportunities and constraints. The status may change over time as development conditions or standards change.

Date Received: 3-16-10  
Planner: SH



SPRINGFIELD UTILITY BOARD

WATER SERVICE CENTER 202 South 18th Street Springfield, OR 97477-5240 Tel 541.726.2396 Fax 541.747.7348 www.subutil.com

March 11, 2010

Steve Hopkins  
City of Springfield  
225 N. 5th Street  
Springfield, OR 97477

Dear Steve:

SUBJECT: ZONING MAP AMENDMENT #ZON2010-00003 BROWNFIELDS LAND  
AND DEVELOPMENT  
Tax Map 17-02-31-00, Tax Lots 1000, 1100, 1101, Tax Map 17-02-31-22, Tax  
Lot 2300, 945 28<sup>th</sup> Street

Listed below are our comments for the above referenced development proposal:

1. The Springfield Utility Board Water Division Engineering Department has no objection to the proposed zoning map amendment. If there are any questions regarding service to the property, please contact Rebecca Templin at 726-2396.
2. Springfield has several wellhead protection areas. Ninety percent of Springfield's drinking water comes from wells. In every instance, care shall be taken to prevent groundwater contamination. Contractors/developers/owners shall be responsible for the safe handling and storage of chemicals, petroleum products, fertilizers, and the prevention of groundwater and storm water runoff contamination.

Special requirements may be necessary for groundwater protection at this development. Contact Amy Chinitz at Springfield Utility Board Water Division for details at 726-2396.

Sincerely,

Rebecca Templin, P.E.  
Water Engineering Supervisor - Water Division

RAT:mt

S:\SITEPLAN\945 28th Street zoning map amend 3-10-10.docx

Date Received: 3-15-10  
Planner: SH