

Appeal of the Director's Decision –Type III

Date

October 17, 2006

Case Number

ZON2006-00051

Appellant

840 Beltline Road, Suite 202
Springfield, OR 97477
Attn: Whitney Landis, CP

Applicant:

PeaceHealth Oregon Region
123 International Way
Springfield, OR 97477
Attn: Phillip Farrington, AICP

Appeals of the Director's Decision:

On September 22, 2006 the City received an Appeal of the Director's Decision which granted Tentative Plan Approval of PeaceHealth's Subdivision Major Modification application Case Number SUB2006-00044. The applicant's Subdivision was approved with conditions, in a decision mailed September 7, 2006.

Subdivision decisions are made under Type II procedures. Springfield Development Code 15.010 states that a Type III procedure shall be used to process an Appeal of the decision of the Director made under a Type II procedure. SDC 15.020 states that decisions of the Director may be appealed to the Planning Commission. SDC 14.020 states that the Director shall schedule a public hearing before the Planning Commission upon acceptance of an appeal. The public hearing will take place on October 17, 2006, at 7:00 p.m. in the Springfield City Council Chamber, Fifth and "A" Streets, Springfield, Oregon.

The appeals were filed within 15 days of the decision date, in accordance with SDC 15.030 (2).

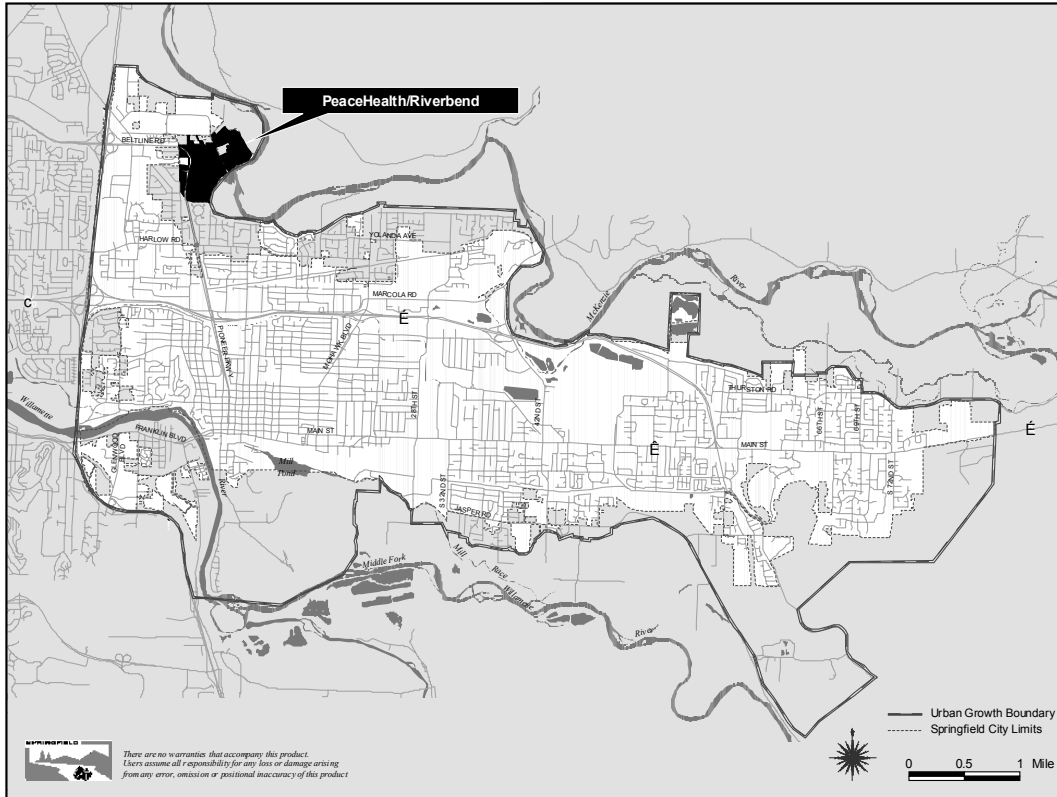
Notice:

A notice of the public hearing was mailed to the applicant, the owner of the subject property, all property owners and occupants within 300 feet of the subject property, and to other parties who previously provided comment as part of the process leading to the Director's decision. The notice was mailed on September 26, 2006, more than 20 days before the October 17th hearing. As required by SDC 14.030 (2), notice of the public hearing was published in the Register Guard on September 26, 2006.

MAPS:

SUBJECT AREA

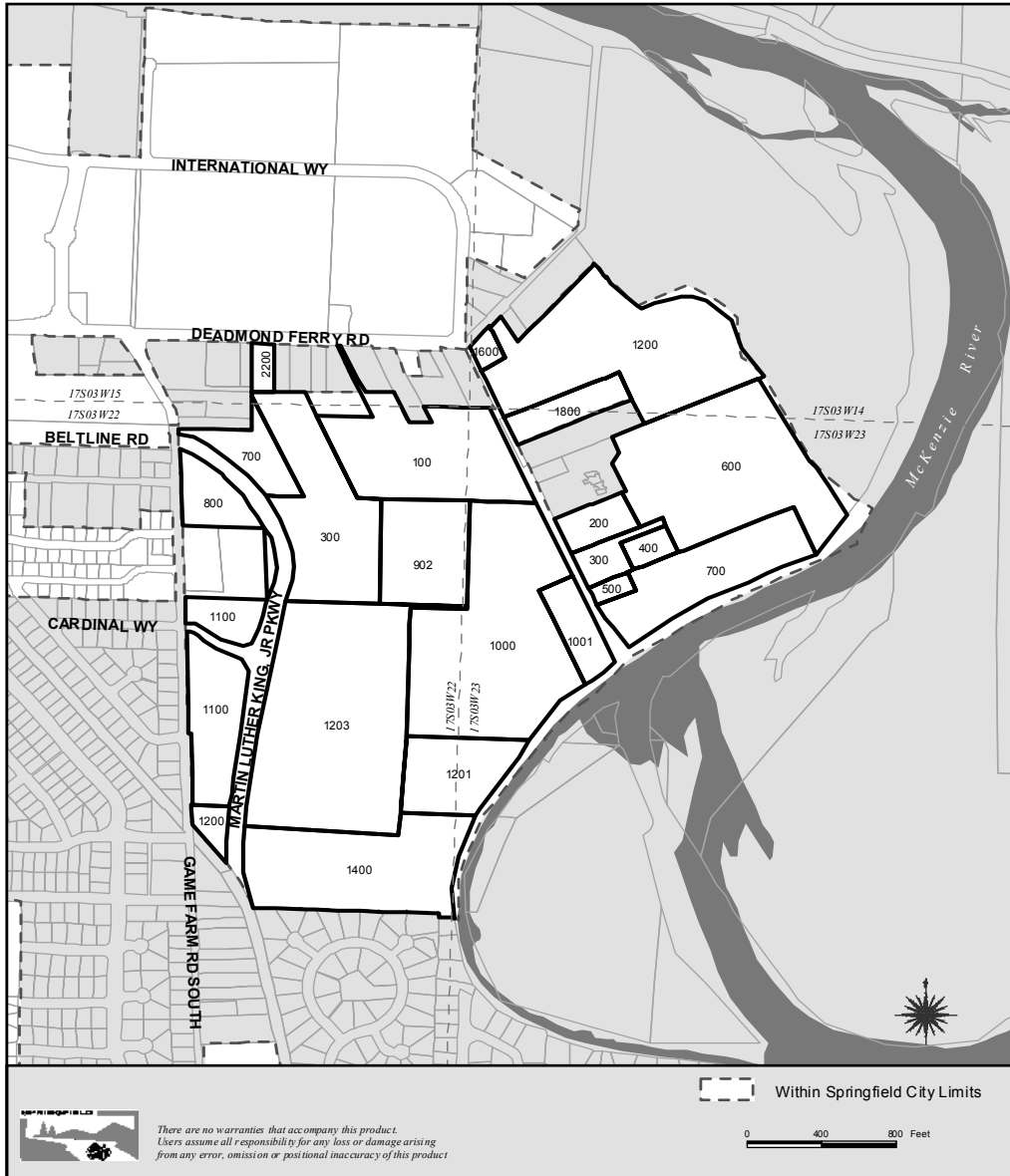
Springfield, OR



August, 2005

SUBJECT SITE

Springfield, OR



September, 2006

Appellant's Stated Basis for Appeal:

The appellant's assignments of error pertain to the City's approval of PeaceHealth's proposal to construct public streets and private improvements. The appellant intends to seek development approval for adjacent property and therefore, has an interest in the full improvement of St. Joseph Place and Baldy View Lane. The appellant desires assurance that "the connection of St. Joseph Place and Baldy View Lane will happen in a timely manner". The right-of-way dedication and improvement agreements required through conditions of approval do not require PeaceHealth to construct streets at this time.

Appellant's Assignments of Error:

The appellant alleges that the Planning Staff made the following errors in arriving at this decision:

Issue 1: Condition 6 - Timing of required street improvements

Issue 2: Unaddressed code provisions SDC 32.020 I(a) I.e. and I.d.

Condition 6 states: Execute and record Improvement Agreements against Lots 8 and 9 for paving, curb/gutter, sidewalks, storm drainage, street lighting and street trees on St. Joseph's Place and Baldy View Lane. The Improvement Agreement shall be submitted to the City Surveyor for review and recorded prior to Plat approval.

The appellant states: *"Although this condition and the required dedication of public right of way establishes the location and width of St. Joseph Place to accommodate the future street system, it does not comply with SDC 32.020(1)(a) which states: **The following street connections standards shall be used in evaluating street alignment proposals not shown on an adopted plan or that are different from the Conceptual Local Street Map...**"*. The appellant alleges that staff's decision did not address the Code provisions SDC 32.020 I(a) I.e. and I.d.

Finding: The street alignment and access proposal - as conditioned and as approved in the Applicant's Subdivision Major Modification application - is consistent with the street connections shown in the RiverBend Master Plan. The RiverBend Master Plan is an adopted plan. SDC 32.020 I(a) I.e. and I.d. are criteria to be applied to evaluate street proposals which are not shown in an adopted plan.

Finding: The right-of-way dedications required by the City through conditions of approval are consistent with the street connection standards of SDC 32.020 (1)(a)I.

Finding: The City has determined that the need to construct the extension of St. Joseph Place to Baldy View Lane and Baldy View Lane is not created by the applicant's proposal. The appellant states: *"The connection to Baldy View Lane at the Applicant's ownership is not an access point for the Applicant, nor is any portion of Baldy View Lane necessary for the Applicant in any way."* The City agrees with this statement, and thus found that the street and driveway system proposed by the applicant and as conditioned by the City, was sufficient to serve the limited capacity needs contained in the proposed development. The right-of-way dedications required by the City provide a means to achieve future street connectivity when such streets are warranted by future development. In particular, the approved Master Plan, as amended by the City Council, envisions a north-south collector link between St. Joseph's Place and Deadmond Ferry Road. This link can be achieved either by direct extension of RiverBend Drive; by connecting St. Joseph's Place with Baldy View; or a combination of these options. Requiring the dedication of St. Joseph's Place preserves one of these options. It is not necessary to improve this street now for the reasons stated above and because an alternative north-south collector may obviate the need for this section of Joseph's Place to be constructed to collector street standards.

We appreciate the concern a nearby property owner, or PeaceHealth, may have regarding the timely provision of services at a level adequate to accommodate approved development. In response to this concern, and to provide more certainty about the future full improvement of St. Joseph's Way, staff recommends the following additional language be appended to Condition #6:

“The decision to construct St. Joseph’s Place east of RiverBend Drive as a public street shall be made at such time as:

a) Construction of the street is required to meet approval criteria contained in the Springfield Development Code, in a land use action affecting the subdivision; or

b) Construction of the street is required to meet approval criteria contained in the Springfield Development Code in a land use action affecting property outside of the subdivision;

c) Construction of the street is required by separate agreement between the City and property owners a condition of annexation; or

d) Construction of the street is determined to be required by the Springfield City Council to meet requirements in Chapter 3 of the Springfield Municipal Code.