

CITY OF SPRINGFIELD, OREGON
ORDINANCE NO. 6378 (GENERAL)

AN ORDINANCE AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN (*METRO PLAN*) DIAGRAM BY REDESIGNATING APPROXIMATELY 1.96 ACRES OF LAND FROM LOW DENSITY RESIDENTIAL (LDR) TO MEDIUM DENSITY RESIDENTIAL (MDR); CONCURRENTLY AMENDING THE SPRINGFIELD ZONING MAP BY REZONING THE SAME APPROXIMATELY 1.96 ACRES OF LAND FROM LDR TO MDR; AMENDING THE *METRO PLAN* DIAGRAM BY REDESIGNATING APPROXIMATELY 1.39 ACRES OF LAND FROM LOW DENSITY RESIDENTIAL (LDR) TO HIGH DENSITY RESIDENTIAL (HDR); CONCURRENTLY AMENDING THE SPRINGFIELD ZONING MAP BY REZONING THE SAME APPROXIMATELY 1.39 ACRES OF LAND FROM LDR TO HDR; ADOPTING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

THE CITY COUNCIL OF THE CITY OF SPRINGFIELD FINDS THAT:

WHEREAS, Section 5.14-100 of the Springfield Development Code (SDC) sets forth procedures for *Metro Plan* diagram amendments; and

WHEREAS, Section 5.14-115.A of the SDC classifies amendments to the *Metro Plan* diagram for land inside the Springfield City limits as being Type I *Metro Plan* amendments that require approval by Springfield only; and

WHEREAS, Section 5.14-125.A of the SDC sets forth procedures for property owners to initiate a Type I *Metro Plan* diagram amendment for property under their ownership; and

WHEREAS, the applicant/owner of the subject property initiated a Type I *Metro Plan* diagram amendment for six contiguous parcels as follows:

Redesignate two parcels comprising approximately 1.78 acres that include a parcel addressed as 1993 5th Street along with an adjoining non-addressed parcel, that are identified as Assessor's Map 17-03-26-24, Tax Lots 4600 and 5000 from Low Density Residential to Medium Density Residential (Planning Case TYP417-00002); and

Redesignate four parcels comprising approximately 1.57 acres that are addressed as 1975, 1981, 1987 and 1995 5th Street and identified as Assessor's Map 17-03-26-24, Tax Lots 4601, 4700, 4800, and 4900 from Low Density Residential to High Density Residential (Planning Case TYP417-00002); and

WHEREAS, Section 5.22-110 of the SDC sets forth procedures for property owners to initiate an amendment to the Springfield Zoning Map; and

WHEREAS, Section 5.22-110.A.1 sets forth procedures for concurrent amendments to the *Metro Plan* diagram and Springfield Zoning Map through the Legislative Zoning Map amendment process; and

WHEREAS the applicant/owner of the subject property initiated the following Springfield Zoning Map amendment:

Rezone approximately 1.78 acres of property identified herein and more particularly described in **Exhibit A** to this Ordinance, from Low Density Residential to Medium Density Residential (Planning Case TYP3-00004); and

Rezone approximately 1.57 acres of property identified herein and more particularly described in **Exhibit A** to this Ordinance, from Low Density Residential to High Density Residential (Planning Case TYP3-00004); and

WHEREAS, on April 4, 2017 the Springfield Planning Commission held a public hearing on the proposed *Metro Plan* diagram amendment request and concurrent request for Zoning Map amendment. The Development & Public Works Department staff report, including criteria of approval, findings and recommendations, together with the testimony and submittals of the persons testifying at that hearing, were considered and were made a part of the record of the proceeding.

WHEREAS, the Planning Commission deliberated on both requests and voted 7 in favor and 0 opposed to forward a recommendation of approval to the City Council on the following modified Metro Plan diagram and zoning map amendments:

Redesignate and rezone three parcels comprising approximately 1.96 acres that include parcels addressed as 1993 5th Street and 1975 5th Street along with an adjoining non-addressed parcel, that are identified as Assessor's Map 17-03-26-24, Tax Lots 4600, 4601, and 5000 as generally depicted and more particularly described in **Exhibit A** to this Ordinance, from Low Density Residential to Medium Density Residential (Planning Case TYP417-00002); and

Redesignate and rezone three parcels comprising approximately 1.39 acres that are addressed as 1981, 1987 and 1995 5th Street and identified as Assessor's Map 17-03-26-24, Tax Lots 4700, 4800, and 4900, as generally depicted and more particularly described in **Exhibit B** to this Ordinance, from Low Density Residential to High Density Residential (Planning Case TYP417-00002); and

WHEREAS, on May 15, 2017 the City Council held a public hearing to receive testimony and hear comments on both proposals, and during which hearing the applicant stated its assent to the Planning Commission's recommendation to approve the modified application;

WHEREAS, on June 19, 2017, the City Council adopted Ordinance 6369 approving the application as modified in the Planning Commission's recommendation and that decision was subsequently appealed to the Land Use Board of Appeals;

WHEREAS, on January 12, 2018, the Oregon Land Use Board of Appeals issued an opinion that remanded the decision to the City of Springfield for further clarification of terms and provisions contained in the adopted *Q Street Refinement Plan*, said clarification being provided in the amended staff report and findings set forth in **Exhibit C** to this Ordinance;

WHEREAS, The City Council is now ready to take action on these proposals based upon the above recommendations of the Planning Commission and the evidence and testimony already in the record, as well as the evidence and testimony presented at the public hearings held in the matter of adopting this Ordinance amending the Metro Plan diagram and Springfield Zoning Map; and

WHEREAS, substantial evidence exists within the record and the amended findings set forth in **Exhibit C**, attached hereto and incorporated herein by reference, that the proposal meets the relevant approval criteria,

NOW, THEREFORE, BASED ON THE FOREGOING FINDINGS, THE COMMON COUNCIL OF THE CITY OF SPRINGFIELD ORDAINS AS FOLLOWS:

Section 1. The above findings and conclusions are hereby adopted.

Section 2. The staff report and recommendations, applicant narrative, and Planning Commission findings and recommendation to this Ordinance set forth in **Exhibit C**, attached hereto and incorporated herein by reference, are hereby adopted.

Section 3. The *Metro Plan* diagram designation of the subject property identified as Assessor's Map 17-03-26-24, Tax Lots 4600, 4601 and 5000, more particularly described in **Exhibit A** attached hereto and incorporated herein by reference, is hereby amended from Low Density Residential (LDR) to Medium Density Residential (MDR).

Section 4. The *Metro Plan* diagram designation of the subject property identified as Assessor's Map 17-03-26-24, Tax Lots 4700, 4800, and 4900 more particularly described in **Exhibit B** attached hereto and incorporated herein by reference, is hereby amended from Low Density Residential (LDR) to High Density Residential (HDR).

Section 5. The Springfield Zoning Map is hereby amended to rezone the subject property identified as Assessor's Map 17-03-26-24, Tax Lots 4600, 4601, and 5000, more particularly described in Exhibit A attached hereto and incorporated herein by reference, from LDR to MDR.

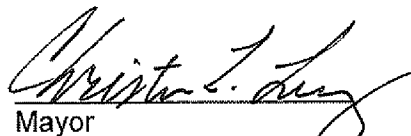
Section 6. The Springfield Zoning Map is hereby amended to rezone the subject property identified as Assessor's Map 17-03-26-24, Tax Lots 4700, 4800, and 4900, more particularly described in Exhibit B attached hereto and incorporated herein by reference, from LDR to HDR.

Section 7. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision and that holding shall not affect the validity of the remaining portion of this Ordinance.

Section 8. Notwithstanding the effective date of ordinances as provided by Section 2.110 of the Springfield Municipal Code 1997, this ordinance shall become effective 30 days from the date of passage by the City Council and approval by the Mayor or upon the date of acknowledgement as provided in ORS 197.625, whichever date is later.

ADOPTED by the City Council of the City of Springfield this 16 day of April, 2018 by a vote of 5 for and 0 against. (1 absent - VanGordon)

APPROVED by the Mayor of the City of Springfield this 16 day of April, 2018.


Mayor

ATTEST:

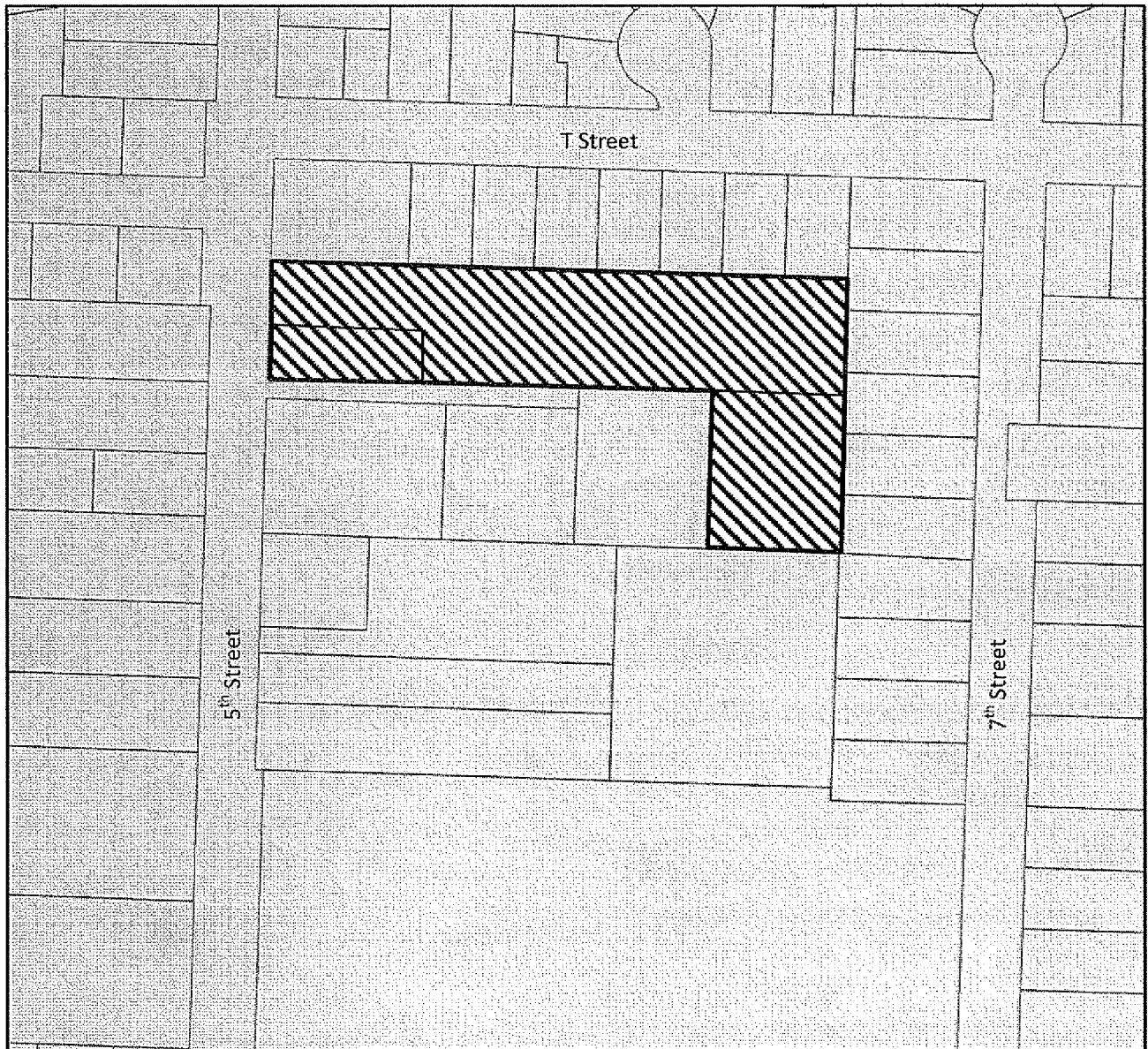


City Recorder

REVIEWED & APPROVED
AS TO FORM

DATE: 4/12/18
OFFICE OF CITY ATTORNEY

PROPERTIES REDESIGNATED AND REZONED FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL



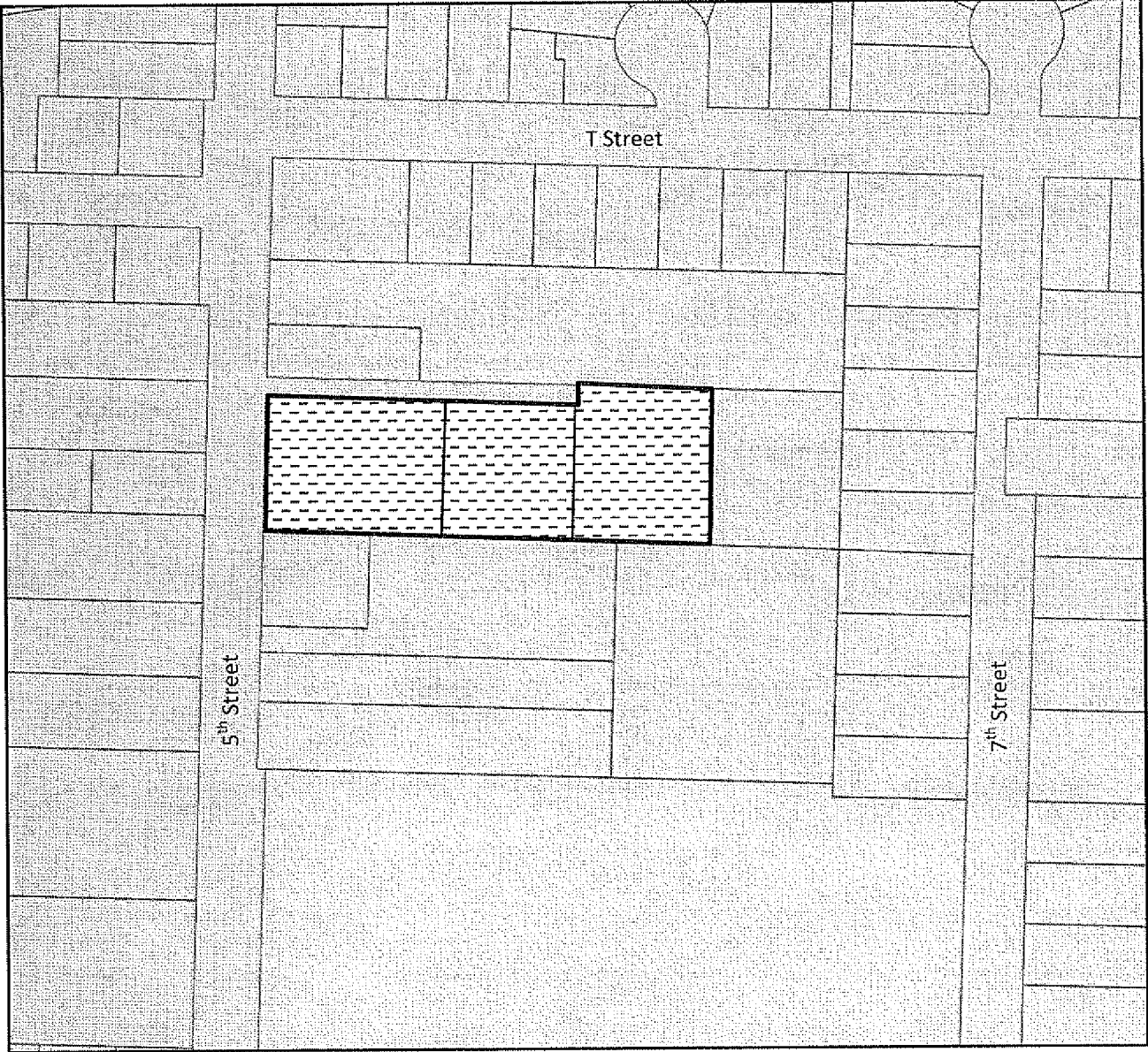
LEGAL DESCRIPTION

Parcel 1 (Tax Lot 4600): Beginning at a point 989.418 feet North of the Southeast corner of the Jacob Halstead and wife Donation Land Claim No. 47, in Section 26, Township 17 South, Range 3 West of the Willamette Meridian; running thence North 116.792 feet to the Southeast corner of the tract described in Deed No. 43434; thence West 566.33 feet, more or less, to the East line of Fifth Street, in the town of Springfield; thence South along said East line of Fifth Street, 64.792 feet; thence East 150 feet; thence South 52 feet; thence East 416.33 feet to the point of beginning, in Lane County, Oregon.

Parcel 2 (Tax Lot 5000): Beginning at a point 835.68 feet due North of the Southeast corner of the Jacob Halstead and wife Donation Land Claim No. 47, in Section 26, Township 17 South, Range 3 West of the Willamette Meridian; thence North 153.70 feet; thence West 130 feet; thence South parallel with the East line of Fifth Street in the Town of Springfield, extended 153.70 feet; thence East 130 feet to the place of beginning; all in Springfield, Lane County, Oregon.

Parcel 3 (Tax Lot 4601): Beginning at a point 989.418 feet North of the Southeast corner of the Jacob Halstead and wife Donation Land Claim No. 47, in Section 26, Township 17 South, Range 3 West of the Willamette Meridian; running thence North 116.792 feet to the Southeast corner of the tract described in Deed, Reception No. 43434; thence West 566.33 feet more or less to the East line of Fifth Street in the Town of Springfield, Oregon, extended; thence South on and along said East line, 64.792 feet to the True Point of Beginning; thence South along said East line of Fifth Street, 52.0 feet; thence East 150 feet; thence North approximately 52.0 feet to the point directly East of the True Point of Beginning; thence West 150.0 feet to the True Point of Beginning, in Lane County, Oregon.

PROPERTIES REDESIGNATED AND REZONED FROM LOW DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL



LEGAL DESCRIPTION

Parcel 4 (Tax Lot 4700): Commencing at a point 835.68 feet due North and 390 feet West of the Southeast corner of the Jacob Halstead and wife Donation Land Claim No. 47, in Section 26, Township 17 South, Range 3 West, Willamette Meridian, in Lane County, Oregon; thence North 153.70 feet; thence West 176.65 feet to the East line of Fifth Street in the Town of Springfield, Oregon, extended; thence South on and along the said East line of Fifth Street 153.70 feet; and thence East 176.81 feet; more or less, to the place of beginning, in Lane County, Oregon.

EXCEPT that portion conveyed and dedicated to the City of Springfield by instrument recorded July 6, 1978, Recorder's Reception No. 78-46741, Lane County Oregon Official Records.

Parcel 5 (Tax Lot 4800): Beginning at a point 835.68 feet due North and 260 feet West of the Southeast corner of the Jacob Halstead and wife Donation Land Claim No. 47 in Section 26, Township 17 South, Range 3 West of the Willamette Meridian, in Lane County, Oregon; thence North 153.70 feet; thence West 130 feet; thence South parallel with the East line of Fifth Street in the Town of Springfield, Oregon, extended, 153.70 feet; thence East 130 feet to the Place of Beginning, all lying in and being in what is known as the Seavey tracts lying North of Springfield, Oregon.

EXCEPTING THEREFROM the northerly 20 feet as conveyed to the City of Springfield for a public road, by document recorded April 8, 1989, Reception No. 88-13697, Lane County Oregon Records.

Parcel 6 (Tax Lot 4900): Beginning at a point 835.68 feet due North and 130 feet West of the Southeast corner of the Jacob Halstead and wife Donation Land Claim No. 47 in Section 26, Township 17 South, Range 3 West of the Willamette Meridian, in Lane County, Oregon; thence North 153.70 feet; thence West 130 feet; thence South parallel with the East line of Fifth Street in the Town of Springfield, Oregon, extended, 153.70 feet; thence East 130 feet to the place of beginning all lying in and being in what is known as the Seavey tracts lying North of Springfield, Oregon.

**AMENDED Staff Report and Findings
Springfield City Council
Type I Amendment to the Metro Plan Diagram (Remanded)**

Meeting Date: April 2, 2018

Case Number: TYP417-00002

Applicant: Rick Satre, Schirmer Satre Group on behalf of CMC Development LLC

Project Location: Six contiguous residential properties on the east side of 5th Street and south of T Street; properties are addressed as 1975 – 1995 5th Street and include one vacant, non-addressed parcel (Assessor's Map 17-03-26-24, Tax Lots 4600 – 5000).

Request

The City has received applications for a Type I *Metro Plan* diagram amendment and a concurrent Zoning Map amendment from a property owner. In accordance with SDC 5.14-115.A.1, proposals for redesignating land inside the City limits are classified as a Type I *Metro Plan* diagram amendment requiring approval by Springfield only. Although uncommon, in accordance with Springfield Development Code (SDC) Section 5.14-125.A, an amendment to the *Metro Plan* diagram can be initiated by a property owner at any time. In accordance with SDC 5.14-130, the property-owner initiated amendment to the *Metro Plan* diagram is processed as a Type IV (legislative) land use action that requires public hearings before the Springfield Planning Commission and City Council.

The proposed *Metro Plan* diagram amendment would change the plan designation for three parcels comprising 1.96 acres (Tax Lots 4600, 4601 and 5000) from Low Density Residential (LDR) to Medium Density Residential (MDR); and change the plan designation for three parcels comprising 1.39 acres (Tax Lots 4700, 4800 and 4900) from LDR to High Density Residential (HDR). The proposed amendment to the *Metro Plan* diagram would also amend the adopted *Q Street Refinement Plan* diagram, which is a refinement plan to the *Metro Plan*. Concurrent with the comprehensive plan amendment, an amendment to the Springfield Zoning Map would change the zoning of Tax Lots 4600, 4601 and 5000 from LDR to MDR; and the zoning of Tax Lots 4700, 4800 and 4900 from LDR to HDR.

The proposed plan designation and zoning would allow for duplex, four-plex, townhouse or apartment style units, or a combination thereof, as provided by SDC 3.2-200. A nursing home or group care facility also could be constructed on the property under the proposed zoning and comprehensive plan designation. According to the applicant's submittal:

"There is a change in circumstances that makes this requested change to the Metro Plan diagram necessary. Between 2010 and 2030, Springfield can expect to see a 27% increase of residents living within its city limits (RLS, ECONorthwest, pg. ii). Currently, 824 buildable acres of land are zoned Low Density Residential, which equates to 60% of Springfield's residential development capacity. Yet, only 95 buildable acres are designated as Medium Density Residential, totaling a mere 30% of residential development capacity, and 16 buildable acres are designated as High Density Residential, providing 4% of the City's residential development capacity. To accommodate growth, Springfield will need to provide 5,980 new dwelling units to accommodate population growth. While there is a total surplus of residential land, there is a 72 gross acre surplus of Low Density Residential land. But there is only a surplus of 18 gross acres of Medium Density Residential land and a deficit of 34 gross acres of

High Density Residential land. Therefore, circumstances have indeed changed greatly since the subject site was designated at Low Density Residential in the Metro Plan.”

The application was submitted on February 3, 2017 and the Springfield Planning Commission held a public hearing on the proposed *Metro Plan* diagram and Zoning Map amendments on April 4, 2017. The City Council held a public hearing on May 15, 2017 and adopted an ordinance to implement the *Metro Plan* diagram and Zoning Map amendments on June 19, 2017.

Notification and Written Comments

In accordance with the Oregon Administrative Rules (OARs) 660-018-0020, prior to adopting a change to an acknowledged comprehensive plan or land use regulation, local governments are required to notify the state Department of Land Conservation and Development (DLCD) at least 35 days prior to the first evidentiary hearing. A Notice of Proposed Amendment was transmitted to the DLCD on February 28, 2017, which is 35 days prior to the Planning Commission public hearing on the matter.

In accordance with SDC 5.2-110.B, Type IV legislative land use decisions require mailed notification as well as notice in a newspaper of general circulation. Notification of the April 4, 2017 Planning Commission public hearing was mailed to adjacent property owners and residents on March 1, 2017 and published in the legal notices section of *The Register Guard* on March 15, 2017. Staff mailed a second notification of the City Council public hearing on April 19, 2017 to adjacent residents and property owners, and persons providing written testimony to the record up to April 18, 2017. Additionally, a legal notice of the City Council public hearing was published in *The Register Guard* on May 8, 2017. Staff posted a notice of the May 15, 2017 public hearing on the subject property, in the lobby of City Hall, on the Development & Public Works office digital display, and on the City's webpage.

Over the course of the public notification process, staff responded to numerous phone calls, front counter inquiries, and requests for additional information regarding the proposal. More than two dozen written comments, including three neighborhood petitions, were received from nearby property owners and residents opposing the proposal.

Background on LUBA Appeal and Remand

The City Council adopted Ordinance No. 6369 on June 19, 2017 and the decision was subsequently appealed to the state Land Use Board of Appeals (LUBA). As a result of the appeal, LUBA remanded the City of Springfield Ordinance No. 6369, which redesignated six contiguous parcels in the Q Street Area from Low Density Residential to Medium Density Residential and from Low Density Residential to High Density Residential (Planning Case TYP417-00002). LUBA's Final Opinion and Order in *Meisenheimer v. City of Springfield*, __ Or LUBA __ (LUBA No. 2017-073, January 12, 2018), provided instructions on remand and stated:

“On remand the city council will need to consider whether the [Q Street Refinement Plan] QSRP LDR Map Criteria “clearly applies,” or “predominate[s].” In doing so it will need to explain its understanding of the terms “clearly applies” and “predominate[s],” and explain its understanding of the key term “areas,” as that term is used in all the criteria, as well as its understanding of the term “transit transfer station.” The city council should also consider adopting interpretations of any other terms that it may find are ambiguous on remand. And finally, although it has not been an issue in this appeal, if the city council ultimately finds that no set of criteria “clearly applies” or “predominate[s],” in considering other factors, the city council will need to explain what role, if any, the LDR, MDR and HDR criteria it has found to

apply here should play, along with "other factors" to determine what plan map designation should apply to the subject tax lots." Slip Op. at 18.

These findings directly address the issues remanded by LUBA in this matter. The City Council expressly adopts the findings and other materials cited in Section 2 of Ordinance 6369 to the extent they are consistent with the findings provided here on remand.

Provisions to Be Interpreted and Applied

These findings interpret key terms used in the *Q Street Refinement Plan* (QSRP), the broad application of certain QSRP provisions, the application of certain QSRP provisions to the proposal, and the City Council's ultimate decision regarding the application. The relevant language from the QSRP is:

"CRITERIA FOR PLAN DESIGNATIONS

"The Criteria for Plan Designations are the basis for assigning site specific land use designation in the Q Street Area. In areas where one set of criteria clearly applies the corresponding plan designation shall apply. In certain areas one set of criteria may not clearly predominate. If this occurs, other factors, such as metro area need for a specific type of land use shall be considered and entered into the findings which support these designations. All designations shall be consistent with Metro Plan policies." QSRP, p. 6; Rec-608.

The residential land plan designation criteria provide:

"Residential

- 1) *The Low Density Residential plan designation shall be applied where the following circumstances predominate:*
 - a) *areas that are primarily developed as single family;*
 - b) *areas that are not intermixed with community commercial development;*
 - c) *areas that are not located directly on arterial streets;*
 - d) *areas that are designated Low Density Residential on the Metro Plan Diagram.*
- 2) *The Medium Density Residential plan designation shall be applied where the following circumstances predominate:*
 - a) *areas that are primarily developed as high quality Medium Density Residential;*
 - b) *areas that are designated Medium Density Residential, or adjacent to Medium Density Residential, on the Metro Plan Diagram;*
 - c) *areas that could serve as a buffer between Low Density Residential and Community Commercial;*
 - d) *areas that are within one-half mile of a transit transfer station.*
- 3) *The High Density Residential plan designation shall be applied where the following circumstances predominate:*
 - a) *areas that are primarily developed as high quality High Density Residential;*
 - b) *areas that are designated High Density Residential, or are adjacent to High Density Residential, on the Metro Plan Diagram;*
 - c) *areas that are within one-half mile of a transit transfer station;*
 - d) *areas that are within one-half mile of large Community Commercial Centers;*
 - e) *areas which can meet the solar setback requirements and other Development Code standards;*

- f) *areas that are within one quarter mile of an arterial or collector street.*" QSRP, p. 7.
Rec-609.

Interpretation of Key Q Street Refinement Plan Provisions

Interpretation of "Areas"

Finding 1.1: The QSRP criteria for plan designations expressly use the term "areas" throughout the residential criteria for Low-, Medium-, and High Density Residential plan designation. The QSRP does not expressly define the term "areas."

Finding 1.2: The relevant plain, dictionary meaning of the term "area" is:

"**1 a** : a level or relatively level piece of unoccupied or unused ground: a clear or open space of land . . . **b** : a definitely bound piece of ground set aside for a specific use or purpose[.]"
Webster's Third New Int'l Dictionary 115 (unabridged ed 2002).

Finding 1.3: This plain language meaning of "areas" is consistent with the Springfield Development Code, Section 6.1-110, which defines "development area" as, "The area subject to any application required by this Code." The QSRP also discusses the requirements of and controlling nature of "Development Area Plans" (QSRP, p. 11-12). Consequently, the City Council interprets the term "areas" in the QSRP criteria for plan designations to mean the area of land proposed for plan designation by a land use application, and which may in the future be the subject of a Development Area Plan or Site Plan. Depending on the application, the "area" may consist of a single lot or parcel, or may consist of multiple lots or parcels. When an application consists of multiple lots or parcels, the "area" consists of the collective lots or parcels as a singular whole. The term area is somewhat analogous to the terms "subject property," "subject site," "development site," or "development area" as those terms are often used in application. In any event, the use of the term "areas" in the QSRP criteria refers to the entire area proposed for plan designation by an application.

Finding 1.4: Petitioners at LUBA argued that the criteria apply to each individual lot that makes up a development area in a proposal and requires a lot-by-lot or parcel-by-parcel analysis. The City Council's interpretation above rejects such an approach to the application of the QSRP plan designation criteria. As the relevant criteria expressly state, the criteria apply to "areas" as interpreted by the City Council, not individual lots or parcels.

Interpretation of "Clearly Applies" and "Predominate[s]"

Finding 1.5: The QSRP does not expressly define the terms "clearly applies" or "predominate[s]." Nor does the Springfield Development Code or applicable comprehensive plans.

Finding 1.6: The relevant plain, dictionary meaning of the term "clearly" is:

"**1** : in a clear manner . . . **2** : . . . without a doubt or question[.]" *Webster's Third New Int'l Dictionary* 420 (unabridged ed 2002).

Finding 1.7: The relevant plain, dictionary meaning of the term "apply" is:

“vi 1 . . . b : to have a valid connection, agreement, or analogy : have a bearing : be pertinent <the argument applies to the case>[.]” Webster’s Third New Int’l Dictionary 105 (unabridged ed 2002).

Finding 1.8: The relevant plain, dictionary meaning of the term “predominate” is:

“2 a : to exert controlling power or influence : exercise superiority . . . b : to hold advantage in numbers or quantity . . . : to exert control over[.]” Webster’s Third New Int’l Dictionary 1786 (unabridged ed 2002).

Finding 1.9: In many instances, such as with this application, criteria from different plan designations will “have a valid connection” with the present or proposed plan designation for an area, and therefore each criterion “applies” in that situation. In many instances, there can be little doubt that a particular criterion applies, which, under the dictionary definitions, means that the criterion “clearly applies.” Similarly, it is possible that multiple “sets” of different plan designation criteria apply in evaluating a proposal. The plain, dictionary language of the words “clearly” and “applies” provides little guidance for application in contexts where multiple criteria from different designations clearly apply.

Finding 1.10: The plain dictionary meaning of the term “predominate” can provide some guidance. The City Council interprets the use of the term “predominate[s]” in the QSRP as intended to express the notion of exercising superiority and exerting control over the analysis, to the exclusion of other criteria or designations. Parties to the proceeding have suggested that evaluation of the criteria is a mere exercise in counting the number of criteria satisfied under each designation and, under the “to hold advantage in numbers or quantity” definition of predominate, such designation “predominates.” The City Council did not embrace that interpretation of “predominate” in its prior deliberations and decision, and such a simplistic approach is once again rejected here.

Finding 1.11: The City Council believes two key sentences should be read together, and they provide a correct understanding of the intent of the QSRP when they are read together. The sentences are:

“In areas where one set of criteria clearly applies the corresponding plan designation shall apply. In certain areas one set of criteria may not clearly predominate.”

Finding 1.12: The QSRP’s clarification that “one set of criteria may not clearly predominate” for some areas qualifies what is meant for a set of criteria to “clearly apply” as used in the previous quoted sentence, limiting it to a more narrow meaning. As used in the QSRP, not only must there be little doubt that a set of criteria is pertinent to the area, the set of criteria must exercise such superiority that it exerts control over the plan designation analysis such that there can be little question as to the correct plan designation for an area and that the other plan designations are inappropriate. As a practical matter, it would be difficult for one to conclude that one designation clearly predominates when multiple plan designation criteria from two or more designations apply without question. However, in instances where multiple criteria from only one plan designations clearly apply, and none or one criterion of other plan designations clearly apply, then there can be little doubt that the one plan designation is correct for the area and the QSRP requires that the plan designation that corresponds to the controlling criteria be applied.

What is the Role of Criteria When One Set of Criteria Does Not “Predominate”?

Finding 1.13: LUBA mandated that on remand the City Council shall explain what role, if any, the LDR, MDR and HDR criteria it has found to apply should play when the decision maker applies “other factors” to determine what plan map designation should apply to the subject tax lots in instances where one set of criteria does not clearly predominate.

Finding 1.14: The introductory paragraph to the QSRP Criteria for Plan Designations section states, “The Criteria for Plan Designations are the basis for assigning site specific land use designations in the Q Street Area.” The City Council interprets that provision to mean that in all instances when a change in plan designation is proposed in the Q Street Area, the decision maker must consider the relevant criteria.

Finding 1.15: In some instances, one set of criteria is conclusive, and that plan designation must be applied. In other instances, no one set of criteria clearly predominates and the decision maker must consider “other factors.” However, the decision maker must always “consider” the criteria for each of the relevant plan designations in making a decision. This consideration supplements and is in addition to considering “other factors” in selecting the appropriate plan designation for an area as well as ensuring that the selected plan designation is consistent with *Metro Plan* policies. While recognizing that in these instances the choice of plan designations is a discretionary decision based upon multiple factors, the ultimate decision must generally make sense given the criteria for the plan designation[s] assigned. A decision maker does not have *carte blanche* to select just any plan designation simply because no one set of criteria clearly predominates in an instance. The decision maker must at least consider the relevant sets of criteria and make a decision that is appropriate given the criteria for the designation selected, the other factors considered, and the relevant *Metro Plan* policies.

Interpretation of “Transit Transfer Station”

Finding 1.16: The term “transit transfer station” is not defined in the QSRP, the SDC, the City of Springfield 2035 Transportation System Plan, or prior Eugene-Springfield Transportation System Plans (TransPlan). While the term “transit transfer station” is used, it is not defined. Furthermore, the City Council finds that there is an inconsistency in the use of the terms “transfer station” and “transit station” in the above documents.

Finding 1.17: The *Q Street Refinement Plan* states that it “will be used in conjunction with the *Metro Plan* and Trans Plan in making land use and public facilities decisions for the Q Street Area.” QSRP, p. 1. The QSRP states that “Transit service in the Q Street area includes a feeder route, a planned trunk route, and a minor transit station (as shown in the TransPlan).” QSRP, p. 5 (parentheses in original). The QSRP Transit System Diagram shows transit routes that run along Q Street and 5th Street, and a “Generalized Location of Proposed Minor Transfer Station” located at the intersection of Q and 5th Streets. QSRP Residential plan designation criteria 2(d) and 3(c) refer to proximity within one-half mile of a “transit transfer station.” The SDC does not define “transit,” “transfer” or “station,” or any combination of those words, although it does refer to “transit facilities” in other definitions.

Finding 1.18: Previous versions of TransPlan defined two types of transit stations – major and minor. “Minor transit station” was defined as: “Provides room for two or three buses. Minor transit stations are primarily large bus turnouts near key intersections to facilitate customer transfers (to two or four routes) or bus operations. Minor stations may include parking. Typically, a minor station is an on-street facility.” While the key terms are not explicitly defined in the City’s 2035 Transportation System Plan, the following statement appears as a footnote to Policy 3.8, Action 3, regarding coordinating with LTD on the transit network: “Transit stations are of high quality with amenities, including bicycle and pedestrian

connections to stations at end-of-trip facilities, such as bike parking. Park and rides are provided at key termini.”

Finding 1.19: The relevant plain, dictionary meaning of the term “transit” is:

“1 . . . c (1) : the conveyance or carriage of persons or things from one place to another . . . (2) : the transportation esp. of people by means of bus, subway train, or other usu. local system of public conveyance[.]” *Webster’s Third New Int’l Dictionary* 2428 (unabridged ed 2002).

Finding 1.20: The relevant plain, dictionary meaning of the term “transfer” is:

“~ vi . . . 2 : to change from one vehicle or transportation line to another <took the street-car and *transferred* to the bus – Robert Hazel>.” *Webster’s Third New Int’l Dictionary* 2427 (unabridged ed 2002).

Finding 1.21: The relevant plain, dictionary meaning of the term “station” is:

“4 : a stopping place: as a (1) : a stopping place in a transportation route (as for taking on passengers or handling freight)[.]” *Webster’s Third New Int’l Dictionary* 2229 (unabridged ed 2002).

Finding 1.22: Based on the above definitions, the City Council interprets the phrase “transit transfer station” as a stopping place on a transportation route, where persons can transfer from one type of personal conveyance to public transportation or from one public transportation line/route to another. It is, in brief, a transfer station for public transit. So, for example, this may include public transit facilities that have bicycle storage or vehicle parking facilities (park-and-ride) explicitly associated with it, or it may include public transit facilities that serve multiple public transport routes, and where a person may disembark from a bus that serves one route, and then embark on a different route from the same facility. The term “transit transfer station” does not imply any particular size of public transit facility or require that the station be located off-street or have additional buildings associated with it; the focus is on the multiple types of service aspect of the facility. A simple bus stop that serves only one route, alone, is not a transit transfer station.

Finding 1.23: The City Council recognizes that the above interpretation is very similar to, and consistent with, the definition of “transit station” – and would include both major and minor transit stations – as defined in historic TransPlans. This definition of transit transfer station is also consistent with the description of “transit stations” used in the City’s 2035 Transportation System Plan. To parties who would argue that a “transit station” must be different than a “transfer station” because it uses different words, the City Council points to the QSRP itself. The City Council concludes that the reference to “a minor transit station (as shown in the TransPlan)” at page 5 of the QSRP, and the reference to the annotation “#” for the “Generalized Location of Proposed Minor Transfer Station” on the QSRP Transit System diagram refer to the exact same transportation facility. The City Council’s interpretation of “transit transfer station” is consistent with the QSRP’s reference to the same transportation facility as both a “minor transit station” and a “minor transfer station.”

Finding 1.24: Furthermore, as discussed above, the “transfer station” language used on the Transit System diagram of the QSRP and as used in the plan designation criteria “transit transfer station” suggest that the criteria are discussing the “transfer station” actually shown on the diagram because they both use the same “transfer station” terminology. Regardless of the precise meaning of the terms, the plan designation criteria are referring to the proposed minor transfer station shown on the Transit Plan diagram. The issue is whether the “proposed minor transfer station” was ever developed.

Finding 1.25: As applied in this proceeding, the QSRP Transit System diagram “Generalized Location of Proposed Minor Transfer Station” symbol “#” and the statement from QSRP page 5 that transit service in the Q Street area includes a “minor transit” station “as shown in the TransPlan,” indicate the intention to locate a transit transfer station in the vicinity of the Q Street – 5th Street intersection. The City Council finds that the park-and-ride facility associated with the LTD stop on 5th Street at the large commercial center on the northeast block of the Q Street – 5th Street intersection meets the above definition of a transit transfer station because it is a park-and-ride facility where a person can transfer from their personal vehicle to the public transportation system. Based on our interpretation above, the Q Street LTD park-and-ride constitutes a “transit transfer station” as that term is used in the QSRP criteria for plan designations.

Application of *Q Street Refinement Plan* Criteria for Plan Designation

Finding 1.26: LUBA directed the City Council to consider whether the QSRP LDR Map Criteria “clearly applies” or “predominates” in this instance. To make that determination requires addressing each of the residential map criteria.

Finding 1.27: The City Council finds that the residential plan criteria are structured following a typical pattern. The first criterion is focused on the subject area. The second criterion looks to the subject area and adjacent properties. The remainder in each set of criteria look to external factors, both physical and planning, and may overlap somewhat with the second factor when examining comprehensive plan designations.

Low Density Residential Plan Designation Criteria

Finding 1.28: As an initial matter, the City Council notes that it does not concur with LUBA’s summary application and analysis of the low density residential factors at page 14 of its slip opinion.

Finding 1.29: The area is primarily developed as single family. The subject property was formerly developed with single family residences and is now mostly vacant. The area is consistent with criterion 1(a).

Finding 1.30: The area is intermixed with Community Commercial development. While there are no Community Commercial designated properties within the subject area, the area is adjacent to and intermixed with a large Community Commercial development to the south, and medium and high density residential properties to the west, and low density residential properties to the east and north. The area is intermixed with other plan designated properties, including Community Commercial development. The area is not consistent with criterion 1(b).

Finding 1.31: The area is located directly on an arterial street. The City Council finds that it is appropriate to use the QSRP Street Classification diagram instead of more recent City of Springfield street classification planning documents because it was the classifications and conditions provided in the

QSRP diagrams upon which the QSRP plan designation criteria were based. The QSRP Street Classifications diagram shows 5th Street as a "Minor Arterial" road. The western boundary of the subject property area fronts 5th Street. The area is not consistent with criterion 1(c).

Finding 1.32: The area is designated Low Density Residential on the *Metro Plan* diagram. The area is consistent with criterion 1(d).

Finding 1.33: The area is consistent with criteria 1(a) and 1(d) and is inconsistent with criteria 1(b) and 1(c).

Medium Density Residential Plan Designation Criteria

Finding 1.34: The area is not primarily developed with medium density residential uses. The area is not consistent with criterion 2(a).

Finding 1.35: The area is adjacent to an area designated Medium Density Residential on the *Metro Plan* diagram. The western boundary of the subject property is adjacent to Medium Density Residential designated properties on its northern portion, and to High Density Residential designated properties on its southern portion. The City Council finds that the relevant plain, dictionary meaning of the term "adjacent" is:

"1 a : not distant or far off . . . : nearby but not touching . . . b : relatively near and having nothing of the same kind intervening : having a common border : ABUTTING, TOUCHING : living nearby or sitting or standing relatively near or close together[.]" *Webster's Third New Int'l Dictionary* 26 (unabridged ed 2002).

The City Council finds that the properties to the west of the subject property area, directly across 5th Street, are adjacent to the area as defined above because the "street," which is intervening, is not of the "same kind" as the properties intended for development, which are assigned comprehensive plan designations, unlike the street. The area is consistent with criterion 2(b).

Finding 1.36: The area can serve as a buffer between Low Density Residential and Community Commercial designated properties. The evidence in the record shows that the area is between Low Density Residential designated property to the north and Community Commercial designated and developed property to the south. Consequently, the area could serve as a buffer between these two differently designated areas. The area is consistent with Criterion 2(c).

Finding 1.37: The subject area is within one-half mile of a transit transfer station. As defined and interpreted above, the park-and-ride facility on Q Street at the Community Commercial development (Fred Meyer store) immediately south of the area is a transit transfer station. Finding 39 from the original staff report and findings notes that the area is less than 500 feet from that park-and-ride facility. That finding was not challenged. The area is consistent with criterion 2(d).

Finding 1.38: The area is consistent with criteria 2(b), 2(c), and 2(d). It is not consistent with criteria 2(a).

High Density Residential Plan Designation Criteria

Finding 1.39: The area is not primarily developed with high density residential uses. The area is not consistent with criterion 3(a).

Finding 1.40: The area is adjacent to an area designated High Density Residential on the *Metro Plan* diagram. That diagram shows high density residential designated property adjacent to the southwestern edge of the area. The area is consistent with criterion 3(b).

Finding 1.41: The area is within one-half mile of a transit transfer station. As defined and interpreted above, the park-and-ride facility on Q Street at the Community Commercial development (Fred Meyer store) immediately south of the area is a transit transfer station. Finding 39 from the original staff report and findings found that the area is less than 500 feet from that park-and-ride facility. That finding was not challenged during the LUBA appeal. The area is consistent with criterion 3(c).

Finding 1.42: The area is within one-half mile of a large Community Commercial center. Finding 39 from the original staff report and findings found that the Fred Meyer store adjacent to the south is a large Community Commercial site. That finding was not challenged during the LUBA appeal. The area is consistent with criterion 3(d).

Finding 1.43: The area can meet the solar setback requirements and other Development Code standards for development within the area. Finding 39 from the original staff report and findings found that the area is sufficiently large to meet the solar setback requirements of SDC 3.2-225. That finding was not challenged. The evidence in the record further shows that the property is sufficiently large to meet all other SDC standards for development and that there are no other obstacles to development of the area consistent with code requirements. The area is consistent with criterion 3(e).

Finding 1.44: The area is within one-quarter mile of an arterial or collector street. The subject property area abuts 5th Street and is within one-quarter mile of Q Street. The QSRP Street Classifications diagram classifies 5th Street as a Minor Arterial and Q Street as a Major Arterial. The City Council further observes that the more recently adopted 2035 Transportation System Plan (2014) classifies both 5th Street and Q Street as major collectors. The area is consistent with criterion 3(f).

Finding 1.45: The area is consistent with criteria 3(b), 3(c), 3(d), 3(e) and 3(f). It is not consistent with criterion 3(a).

Analysis

Finding 1.46: To summarize the above, the City Council finds that two of the four Low Density Residential criteria are met, three of the four Medium Density Residential criteria are met, and five of the six High Density Residential criteria are met.

Finding 1.47: Consistent with the City Council's interpretation above regarding the "clearly applies" and "predominate[s]" standards, no one set of criteria clearly predominates in this instance. There is no question that multiple criteria for each of the three plan designations clearly apply in this instance. However, no one set of criteria exercise such superiority over the others as to determine the correct plan designation for the entire area or to establish the other designations as plainly inappropriate for this area. Consequently, the City Council must consider other factors.

Finding 1.48: As LUBA recognized in its footnote 5, Finding 15 from the previous staff report and findings found that the Springfield 2030 Refinement Plan Residential Land Use and Housing Element

identified a “surplus of approximately 378 gross acres of LDR designation, a surplus of approximately 76 gross acres of MDR designation, and a deficit of approximately 28 gross acres of HDR designation.” This demonstration of need would warrant designating all or part of the area as high density residential to reduce this deficit, or to designate part of the area as medium density residential to offset the significant surplus in low density residential land and provide a better balance in the types of residential land. Furthermore, this need for HDR designated land and the surplus of LDR land in the area outweigh the significance of the LDR criteria that the property is planned and partially developed with low density residential uses. Consequently, the remaining focus is on high and medium density residential lands and the appropriate mix of the designations if a mix is appropriate.

Finding 1.49: Because several of the MDR and HDR criteria overlap, such as proximity to arterial streets, transit transfer stations, and Community Commercial developments, and the analysis under both designations is the same, the focus of our analysis here is on the differences between the two designations. Primarily, the differences lie in the deficit of HDR land and its consequent need, and the express role that MDR is to play in serving as a buffer between Low Density Residential and Community Commercial development under the QSRP plan designation criteria. The first warrants including as much land as possible under the HDR designation to help meet the deficit. The second warrants including as much MDR land as possible, because the criteria recognize it as a better buffer for low density residential uses.

Finding 1.50: Given the above mix of concerns, the City Council concludes that no one plan designation is appropriate for the entire area, and that a mix of plan designations will better meet the needs of the metro area and the neighborhood.

Finding 1.51: Initially, it would appear that the applicant’s original proposal, with the southern row of lots that make up the area planned HDR and the northern row of lots planned MDR, would satisfy this mixed need. It also would be consistent with the general plan designations in the area where the properties to the west of the subject area have a HDR designation along the southern part of the western property line and a MDR designation along the northern part of the western property line. The City Council acknowledges the Planning Commission’s concerns regarding Tax Lot 5000, which is the easternmost tax lot of those that abut the Community Commercial property to the south, but that also has residential development to its east. The City Council concludes that the benefit of having Tax Lot 5000 operate as a buffer between the Community Commercial development on the south and the low density residential development to the east, outweighs the benefit to be gained in further reducing the HDR deficit at a greater neighborhood compatibility cost.

Finding 1.52: Consequently, the City Council reaches the same decision it reached previously. Tax Lots 4600, 4601 and 5000 should be designated Medium Density Residential on the applicable comprehensive plan. Tax Lots 4700, 4800 and 4900 should be designated High Density Residential on the applicable comprehensive plan.

Finding 1.53: As discussed above, these designations for the tax lots within the area are consistent with the residential plan designation criteria for MDR and HDR areas, as well as with the primary other factor: the metro area need for specific land types. As Findings 25 through 36 in the previous staff report and findings demonstrate, these plan designations will be consistent with *Metro Plan* and superseding *Residential Land Use and Housing Element* policies.

Finding 1.54: Based on the applicant’s narrative, the findings above, those adopted by Ordinance 6369 on June 19, 2017, testimony submitted prior to and at the public hearing meeting on May 15, 2017, and the criteria of SDC 5.14-135 for approving amendments to the *Metro Plan* evaluated herein, the City Council

finds the proposed *Metro Plan* diagram amendment, concurrent *Q Street Refinement Plan* amendment, and zone change from LDR to a combination of MDR and HDR is consistent with these criteria.

Criteria of Approval

Section 5.14-135 of the SDC contains the criteria of approval for the decision maker to utilize during review of *Metro Plan* diagram amendments. The Criteria of approval are:

SDC 5.14-135 CRITERIA

A Metro Plan amendment may be approved only if the Springfield City Council and other applicable governing body or bodies find that the proposal conforms to the following criteria:

A. The amendment shall be consistent with applicable Statewide Planning Goals; and

B. Plan inconsistency:

- 1. In those cases where the Metro Plan applies, adoption of the amendment shall not make the Metro Plan internally inconsistent.*
- 2. In cases where Springfield Comprehensive Plan applies, the amendment shall be consistent with the Springfield Comprehensive Plan.*

A. Consistency with Applicable State-Wide Planning Goals

Finding 2.1: Of the 19 statewide goals, 13 should be considered in general terms as “urban” goals, that is, these goals will be applicable for purposes of review to any plan map amendments in the city; however, it is the proposal and its effect on the purpose of these goals that will determine whether or not the proposed amendment is “consistent with” the applicable goals. The goals that are to be evaluated are: Goal 1 – Citizen Involvement; Goal 2 – Land Use Planning; Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces; Goal 6 Air, Water and Land Resources Quality; Goal 7 – Areas Subject to Natural Hazards; Goal 8 Recreational Needs; Goal 9 – Economic Development; Goal 10 – Housing; Goal 11 Public Facilities and Services; Goal 12 Transportation; Goal 13 Energy Conservation; Goal 14 – Urbanization; and Goal 15 Willamette River Greenway. All of the statewide goals are listed below; the narrative that accompanies each is more expostive when the discussion applies to the 13 goals identified above.

Goal 1 – Citizen Involvement

Applicant's Narrative: “The City has acknowledged provisions for citizen involvement that ensure the opportunity for citizens to be involved in all phases of the planning process. Specifically, the Springfield Development Code includes a requirement that adequate notice of the proposed amendment and public hearings is provided prior to a decision being made. The process for adopting amendments is in accordance with Statewide Planning Goal 1, as it complies with the requirements of the State's citizen involvement provisions. This proposed Metro Plan amendment does not amend the citizen involvement program.”

Finding 2.2: Goal 1 – Citizen Involvement calls for “the opportunity for citizens to be involved in all phases of the planning process”. The proposed citizen initiated amendment to the adopted *Metro Plan* diagram is subject to the City's acknowledged plan amendment process – SDC Section 5.14-100 Metro Plan Amendments and the City's public notice standards – SDC Section 5.2-115 which

requires a public hearing before the Springfield Planning Commission and a public hearing before the Springfield City Council, and includes specifications for the content, timing and dispersal of mailed notice (see description following). The Planning Commission conducted a public hearing to consider the proposed amendments on April 4, 2017. Mailed notification of the Planning Commission public hearing was provided to all property owners and residents within 300 feet of the subject property on March 1, 2017. The Planning Commission public hearing was advertised in the legal notices section of the *Register-Guard* on March 15, 2017. The recommendation of the Planning Commission was forwarded to the Springfield City Council for consideration at a public hearing meeting held on May 15, 2017. Notification of the Planning Commission and City Council public hearings was published in the *Register-Guard* newspaper at least one week prior to the meeting dates. Staff finds that the notice for this proposed *Metro Plan* diagram amendment complies with SDC 5.2-115 and is consistent with Goal 1 requirements.

Goal 2 – Land Use Planning

Applicant's Narrative: "The Eugene-Springfield Metropolitan Area General Plan (Metro Plan) is the policy tool that provides a basis for decision-making in the Eugene-Springfield area. The Metro Plan was acknowledged by the State in 1982 to be in compliance with statewide planning goals. These findings and record show that there is an adequate factual base for decisions to be made concerning the proposed amendment. Goal 2 requires plans be coordinated with the plans of affected governmental units and that opportunities be provided for review and comment by those units. To comply with the Goal 2 coordination requirement, the City will coordinate the review of the amendment with affected governmental units. Therefore, the amendment is consistent with Statewide Planning Goal 2."

Finding 2.3: Goal 2 – Land Use Planning outlines the basic procedures for Oregon's statewide planning program. In accordance with Goal 2, land use decisions are to be made in accordance with a comprehensive plan, and jurisdictions are to adopt suitable implementation ordinances that put the plan's policies into force and effect. Consistent with the City's coordination responsibilities and obligations to provide affected local agencies with an opportunity to comment, the City sent a copy of the application submittals to the following agencies: Willamalane Park & Recreation District; Springfield Utility Board (water, ground water protection, electricity and energy conservation); Lane 911; USPS; Northwest Natural Gas; Emerald People's Utility District; Rainbow Water District; Eugene Water and Electric Board – Water and Electric Departments; Springfield School District #19 Maintenance, Safe Routes to School and Financial Services; Lane County Transportation, County Sanitarian; Lane Regional Air Pollution Authority; Comcast Cable; CenturyLink; Lane Transit District; and ODOT Planning and Development, State Highway Division. Additionally, notice was provided electronically to DLCD on February 28, 2017.

Finding 2.4: The *Metro Plan* is the acknowledged comprehensive plan for guiding land use planning in Springfield. The City has adopted other neighborhood- or area-specific plans (such as Refinement Plans) that provide more detailed direction for land use planning under the umbrella of the *Metro Plan*. The subject property is within the adopted *Q Street Refinement Plan* area and the proposed amendment to the *Metro Plan* diagram would concurrently amend the adopted Refinement Plan diagram. Additionally, the City is in the process of developing and adopting the Springfield Comprehensive Plan, the final adopted version of which will replace the *Metro Plan*. The City's initial action to this end was the adoption of Ordinance #6268 on June 20, 2011, which

“establishes a separate Urban Growth Boundary for the City of Springfield as required by ORS 197.304 and a tax lot specific map of the UGB in accordance with OAR 660-024-

0020(2); and the *Springfield 2030 Refinement Plan Residential Land Use and Housing Element* and *Springfield Residential Land and Housing Needs Analysis* February 2011 attached as Exhibit A and B and incorporated here by this reference are adopted pursuant to ORS 197.304 as refinements to the *Metro Plan*.”

This action effectively replaced the *Metro Plan*’s Residential Element, including findings, objectives and policies: “**Section 3:** The prior versions of the *Metro Plan* and its diagram *superceded or replaced* by this Ordinance shall remain in full force and effect to authorize prosecution of persons in violation thereof prior to the effective date of this Ordinance.” (emphasis added) See SDC 5.14-120 Relationship to Refinement Plans, Special Area Studies or Functional Plan amendments.

Finding 2.5: The public hearing process used for amendment of the *Metro Plan* and adopted Refinement Plans is specified in Chapter IV *Metro Plan* Review, Amendments, and Refinements. The findings under Criteria B (below) demonstrate that the proposed amendment will not make the adopted *Metro Plan* internally inconsistent.

Finding 2.6: The *Springfield Development Code* is a key mechanism used to implement the goals and policies of the City’s adopted comprehensive plans, particularly the *Metro Plan*. The proposal is classified as a Type I amendment to the adopted *Metro Plan* diagram that is approved by Springfield only in accordance with SDC 5.14-115.A. The proposed *Metro Plan* diagram amendment is processed as a Type IV land use action (legislative) as described in SDC 5.1-140 and 5.14-130. The process observed for the proposed *Metro Plan* diagram amendment is consistent with the policies pertaining to Review, Amendments and Refinements. Additionally, the proposed *Metro Plan* diagram amendment has been initiated in accordance with the provisions of the City’s acknowledged Comprehensive Plan and Development Code. Staff finds the proposed *Metro Plan* diagram amendment does not affect City ordinances, policies, plans, and studies adopted to comply with Goal 2 requirements, and that notice and coordination requirements “with those local governments, state and federal agencies and special districts which have programs, land ownerships, or responsibilities within the area” that includes this proposal have been provided consistent with Goal 2.

Goal 3 – Agricultural Land

Applicant’s Narrative: “Goal 3 is not applicable to this amendment, as the subject property and proposed action is located within an acknowledged urban growth boundary and does not affect any agricultural plan designation or use. Goal 3 excludes lands inside an acknowledged urban growth boundary, Goal 3 is not relevant and the amendment does not affect the subject site’s compliance with Statewide Planning Goal 3.”

Finding 2.7: Goal 3 – As noted by the applicant in their narrative, Agricultural Land applies to areas subject to farm zoning that are outside acknowledged urban growth boundaries (UGBs): “Agricultural land does not include land within acknowledged urban growth boundaries or land within acknowledged exceptions to Goals 3 or 4.” (Text of Goal 3). The City has an acknowledged UGB and therefore consistent with the express language of the Goal, does not have farm land zoning within its jurisdictional boundary. Furthermore, the site of the proposed *Metro Plan* diagram amendment is inside the City’s acknowledged UGB and within a mature, long-developed residential neighborhood. Consequently, and as expressed in the text of the Goal, Goal 3 is not applicable.

Goal 4 – Forest Land

Applicant's Narrative: "Goal 4 is not applicable as the subject property and proposed action does not affect any forest plan designation or use. Goal 4 does not apply within urban growth boundaries and, therefore, does not apply to the subject property nor affect the area's compliance with Statewide Planning Goal 4."

Finding 2.8: Goal 4 – Forest Land applies to timber lands zoned for that use that are outside acknowledged UGBs with the intent to conserve forest lands for forest uses: "Oregon Administrative Rule 660-006-0020: Plan Designation Within an Urban Growth Boundary. Goal 4 does not apply within urban growth boundaries and therefore, the designation of forest lands is not required." The City has an acknowledged UGB and does not have forest zoning within its incorporated area. Furthermore, the site of the proposed *Metro Plan* diagram amendment is inside the City's UGB. Consequently, and as expressed in the text of the Goal, Goal 4 is not applicable.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces

Applicant's Narrative: "The subject property does not include a Goal 5 resource site. The proposed amendment does not create or amend a list of Goal 5 resources, does not amend a plan or code provision adopted to protect a significant Goal 5 resource or to address specific requirements of Goal 5, does not allow new uses that could be conflicting uses with Goal 5 resource site, and does not amend the acknowledged Urban Growth Boundary. Therefore, Statewide Planning Goal 5 does not apply to this amendment."

Finding 2.9: Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources applies to more than a dozen natural and cultural resources such as wildlife habitats and wetlands, and establishes a process for each resource to be inventoried and evaluated. The site that is subject of the proposed *Metro Plan* diagram amendment has not been identified in the City's Natural Resources inventory, Register of Historic Sites, or the Willamalane Park & Recreation District Comprehensive Plan. Additionally, the city does not have a specific zoning district which it applies to inventoried Goal 5 natural resources; the presence of these resources is completely independent of the process used to zone and designate land. Protective measures for all of the city's inventoried Goal 5 resources are applicable to the resource and are not circumscribed or altered based on zoning classification. The proposed amendment to the *Metro Plan* diagram and the *Q Street Refinement Plan* diagram does not modify or alter the City's Development Code or other *Metro Plan* policies relating to identified natural resources. The proposed diagram amendment does not make any changes to adopted Goal 5 natural resources development standards or protective measures adopted to comply with Goal 5 requirements. Therefore, this action does not alter the City's acknowledged compliance with Goal 5.

Goal 6 – Air, Water and Land Resources Quality

Applicant's Narrative: "Goal 6 addresses waste and process discharges from development and is aimed at protecting air, water, and land from impacts from those discharges. Nothing in the proposal, character of the site, or potential uses indicates a future development that would compromise air, water quality, or land resource policies. The City can reasonably expect that future development of the site complies with applicable environmental laws. Therefore, the amendment is consistent with Statewide Planning Goal 6."

Finding 2.10: Goal 6 – Air, Water and Land Resources Quality applies to local comprehensive plans and the implementation of measures consistent with state and Federal regulations on matters such as clean air, clean water, and preventing groundwater pollution. The proposed *Metro Plan* diagram amendment and concurrent *Q Street Refinement Plan* amendment does not affect City ordinances, policies, plans, and studies adopted to comply with Goal 6 requirements. Therefore, this action does not alter the City’s acknowledged compliance with Goal 6.

Goal 7 – Areas Subject to Natural Hazards

Applicant’s Narrative: “Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards such as floods, landslides, earthquakes and related hazards, tsunamis, and wildfires. The subject property is not located within known areas of natural disasters or hazards. The subject property is outside the flood zone and is not subject to hazards normally associated with steep slopes, wildfires, or tsunamis. Other hazards, such as earthquakes and severe winter storms can be mitigated at the time of development based on accepted building codes and building techniques. Therefore, this amendment is consistent with Statewide Planning Goal 7.”

Finding 2.11: Goal 7 – Areas Subject to Natural Hazards applies to development in areas such as floodplains and potential landslide areas. Local jurisdictions are required to apply “appropriate safeguards” when planning for development in hazard areas. The City has inventoried areas subject to natural hazards such as the McKenzie and Willamette River flood plains and potential landslide areas on steeply sloping hillsides. The subject site is within a mature, developed residential neighborhood and is not located within an area of known natural hazards.

Finding 2.12: The proposed *Metro Plan* diagram amendment has no effect on City ordinances, policies, plans, and studies adopted to comply with Goal 7 requirements and siting standards for development within the mapped flood hazard area of the McKenzie and Willamette Rivers. Furthermore, the site proposed for *Metro Plan* diagram amendment is not exempted from conformance with regulations affecting these hazard areas. Therefore, this action has no effect on the City’s acknowledged compliance with Goal 7.

Goal 8 – Recreational Needs

Applicant’s Narrative: “Statewide Planning Goal 8 ensures the provision of recreational facilities to Oregon citizens and is primarily concerned with the provision of those facilities in non-urban areas of the state. There are no public or private recreational facilities on or adjacent to the subject property. Therefore, the proposed amendment will not impact the provision of public recreational facilities nor will they affect access to existing or future public recreational facilities. As such, the amendment is consistent with Statewide Planning Goal 8.”

Finding 2.13: Goal 8 – Recreational Needs requires communities to evaluate their recreation areas and facilities and to develop plans to address current and projected demand. The provision of recreation services within Springfield is the responsibility of Willamalane Park & Recreation District. Willamalane has an adopted 20-Year Comprehensive Plan for the provision of park, open space and recreation services for Springfield. The proposed *Metro Plan* diagram amendment would not affect Willamalane’s adopted Comprehensive Plan or other ordinances, policies, plans, and studies adopted to comply with Goal 8 requirements. Therefore, this action has no effect on the City’s acknowledged compliance with Goal 8.

Goal 9 – Economic Development

Applicant's Narrative: "The proposed Metro Plan diagram amendment does not affect economic development, as it is not requesting to change the designation of the subject site to or from commercial. The amendment seeks to designate land currently identified as Low Density Residential to a mixture of Medium and High Density Residential. Therefore, the proposed amendment will not impact economic development or commercial land supply in any way. The amendment is consistent with Statewide Planning Goal 9."

Finding 2.14: Goal 9 – Economic Development addresses diversification and improvement of the economy. It requires local jurisdictions to conduct an inventory of commercial and industrial lands, anticipate future needs for such lands, and provide enough appropriately-zoned land to meet the projected demand over a 20-year planning horizon. The City previously completed an analysis of its employment land base and determined that a deficit existed. To address the projected deficit of commercial and industrial land, the City has undertaken a multi-year process to expand the Urban Growth Boundary (UGB) in the Gateway and South 28th Street areas. Expansion of the UGB is intended to provide sufficient employment-generating land area for the mandated 20-year planning horizon. The proposed redesignation and rezoning of the subject property from Low Density Residential to Medium and High Density Residential will not affect the amount of employment land within the City's inventory.

Goal 10 - Housing

Applicant's Narrative: "Goal 10 requires that communities plan for and maintain an inventory of buildable residential land for needed housing units. The Administrative Rule for Statewide Planning Goal 10 (OAR 660 Division 8) states:

'The mix and density of needed housing is determined in the housing needs projection. Sufficient buildable land shall be designated on the comprehensive plan map to satisfy housing needs by type and density range as determined in the housing needs projection. The local buildable lands inventory must document the amount of buildable land in each residential plan designation.'

The subject property is currently designated for Low Density Residential and the applicant wishes to redesignate the property as a mixture of Medium and High Density Residential. As mentioned in the applicant's response to SDC 5.14-105, there is a 72 acre surplus of Low Density Residential land. Yet, there is only a minor 18 acre surplus of Medium Density Residential and a 34 acre deficit of High Density Residential land."

Finding 2.15: Goal 10 – Housing applies to the planning for – and provision of – needed housing types, including multi-family and manufactured housing. As noted by the applicant's narrative, staff and third-party analysis has determined that a surplus of LDR designated land exists within the City's land inventory. Redesignation and rezoning of the subject property would have an incremental impact to the City's residential land base; arguably, the impact would be limited to a recalculation of surplus versus deficit levels for each of the Low, Medium, and High Density Residential categories. Based on the applicant's submittal, the amount of surplus Low Density Residential land would be reduced by about 3.35 acres, and the amount of surplus Medium Density Residential land would increase by about 1.96 acres. The deficit of High Density Residential land

would be reduced by about 1.39 acres. Staff observes that Findings 10 and 11 of the *Residential Land Use and Housing Element* identify a surplus of approximately 378 gross acres of LDR designation, a surplus of approximately 76 gross acres of MDR designation, and a deficit of approximately 28 gross acres of HDR designation. The *Residential Land Use and Housing Element* (Residential Finding 11, Page 11) goes on to state that the 28-acre deficit of HDR designation will be met through redevelopment in Glenwood. Staff is not certain where the applicant's numbers are derived from because no specific reference or citation is provided. The applicant's numbers depart from the calculated acreage of LDR, MDR and HDR in the adopted *Residential Land Use and Housing Element*, but still identify a surplus of LDR and MDR designation and a deficit of HDR designation.

Finding 2.16: The proposed redesignation and rezoning would change the anticipated type of housing form on the property from single-family residential homes to duplex, four-plex, attached home, townhouse, or apartment units, or a combination of these types. A congregate care facility or group care home also could be constructed on the property under the proposed MDR and HDR zoning.

Finding 2.17: The *Springfield 2030 Refinement Plan Residential Land Use and Housing Element* classifies the subject site as a combination of vacant and developed residential land. Tax Lot 4600 is identified as vacant, and the remainder of the subject site (Tax Lots 4601, 4700, 4800, 4900 and 5000) is identified as developed. Therefore, nearly one-half of the subject site is classified for further residential development or redevelopment.

Finding 2.18: The proposed comprehensive plan amendment and zone change would not affect other City ordinances, policies, plans, and studies adopted to comply with Goal 10 requirements. Therefore, this action has no adverse effect on the city's acknowledged compliance with Goal 10.

Goal 11 – Public Facilities and Services

Applicant's Narrative: "The subject site affected by the proposed Metro Plan diagram amendment is located inside the City limits. The existing level of public facilities and services is adequate to serve the needs of existing and future development. The amendment to the Metro Plan diagram does not significantly affect the planning or development of future public facilities or services. Therefore, the amendment is consistent with Statewide Planning Goal 11."

Finding 2.19: Goal 11 – Public Facilities and Services addresses the efficient planning and provision of public services such as sewer, water, law enforcement, and fire protection. In accordance with OAR 660-011-0005(5), public facilities include water, sewer and transportation facilities, but do not include buildings, structures or equipment incidental to the operation of those facilities. The proposed redesignation and rezoning will not result in permitted uses that will have an adverse effect on the demand for public facilities and services provided to the subject property and adjacent properties. This area is already planned for a combination of commercial (south of the site) and a full spectrum of residential development, and the public facilities serving this area have been designed accordingly. Therefore, the City's continued acknowledged compliance with Goal 11 is not affected by this proposal.

Goal 12 – Transportation

Applicant's Narrative: "Goal 12 is implemented through the Transportation Planning Rule (TPR), as defined in Oregon Administrative Rule OAR 660-012-0000, et. seq. The Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan) provides the regional policy framework through which the TPR is implemented at the local level. The TPR (OAR 660-012-0060) states that when land use changes, including amendments to acknowledged comprehensive plans, significantly affect an existing or planned transportation facility, the local government shall put in place measures to assure that the allowed land uses are consistent with the identified function, capacity, and performance standards of the facility. The result of this plan amendment and zone change application would increase the trip generation potential of the subject parcels, so the applicant will address the Transportation Planning Rule (TPR) to determine if there's a significant effect. The TPR looks [at] capacity and performance to be consistent with the adopted Transportation System Plan. A trip generation comparison and capacity/LOS [Level of Service] analysis is being performed at the nearby intersections at 5th Street at Q Street and 5th Street at Hayden Bridge Road. The analysis will compare the trip generation under the proposed designation with the potential trip generation under the existing designation to determine if there is an impact as defined in OAR 660-012-0060 under the planning horizon analysis year of the current TSP. A TPR Analysis will be included in the application package."

Finding 2.20: Staff has reviewed the applicant's Goal 12 analysis prepared by Branch Engineering Inc. and submitted under separate cover. Based on the findings and conclusions of the supplementary TPR analysis prepared by the applicant, the proposed Metro Plan diagram amendment and Zone Change will not have a significant adverse impact on the local transportation system. Staff concurs with the findings and conclusions of the applicant's Goal 12 analysis and no further investigation or analysis is required at this time. Therefore, the proposal will not affect the City's acknowledged compliance with Goal 12.

Goal 13 – Energy Conservation

Applicant's Narrative: "Statewide Planning Goal 13 calls for land uses to be managed and controlled 'so as to maximize the conservation of all forms of energy, based upon sound economic principles'. Goal 13 is directed at the development of local energy policies and provisions. It does not state requirements with respect to other types of land use decisions. To the extent that Goal 13 could be applied to the proposed amendment, the amendment is consistent with Goal 13. The property and proposed amendment are intended to support higher-density, clustered development so future residential housing can make efficient use of energy with direct and efficient access. Therefore, this proposal is consistent with Statewide Planning Goal 13."

Finding 2.21: Goal 13 – Energy Conservation states that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles". The proposed comprehensive plan amendment and rezoning does not affect the City's ordinances, policies, plans, or studies adopted to comply with Goal 13 requirements. Converting the 3.35 acre property from LDR to a mixture of MDR and HDR should not have an appreciable impact to energy consumption, and in fact may offer opportunities for increased energy efficiency through contemporary multi-family housing design. The developer will have an opportunity to incorporate suitable energy conservation measures into the future site development upon redesignation and rezoning of the subject property. The City's building codes comply with all Oregon State Building Codes Agency standards for energy efficiency in residential building design. The site's solar access is not compromised by surrounding development. The City's conservation measures applicable to storm water management, temporary storage, filtration

and discharge would apply to multi-family residential uses developed on this site; therefore, this action has no effect on the city's acknowledged compliance with Goal 13.

Goal 14 - Urbanization

Applicant's Narrative: "The amendment does not affect the transition from rural to urban land use, as the subject property is within the City limits. Therefore, Statewide Planning Goal 14 does not apply."

Finding 2.22: Goal 14 – Urbanization requires cities to estimate future growth rates and patterns, and to incorporate, plan, and zone enough land to meet the projected demands. The City already planned for residential land use on the subject property when completing its residential buildable land inventory. Consistent with provisions of Goal 14, the City is responding to a request from a property owner to redesignate and rezone the subject property from low density residential to a mixture of higher density residential uses. As noted in Finding 2.15 above, the proposed comprehensive plan amendment and zone change will be noted on the City's residential land inventory; similar reporting of inventory changes due to development will occur as required by ORS. However, the proposed redesignation and zone change does not affect the City's adopted ordinances, policies, plans, or studies adopted to satisfy the compliance requirements of Goal 14.

Goal 15 – Willamette River Greenway

Applicant's Narrative: "The subject property is not within the boundaries of the Willamette River Greenway. Therefore, Statewide Planning Goal 15 does not apply."

Finding 2.23: Goal 15 – Willamette River Greenway establishes procedures for administering the 300 miles of greenway that borders the Willamette River, including portions that are inside the City limits and UGB of Springfield. The subject site is not within the adopted Willamette River Greenway Boundary area so this goal is not applicable; therefore, this action has no effect on the city's acknowledged compliance with Goal 15.

Goals 16-19 Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources

Applicant's Narrative: "There are no coastal, ocean, estuarine, or beach and dune resources on or adjacent to the subject property. Therefore, these goals are not relevant and the proposed amendment will not affect compliance with Statewide Planning Goals 16 through 19."

Finding 2.24: Goals 16-19 – Estuarine Resources; Coastal Shorelands; Beaches and Dunes; and Ocean Resources; these goals do not apply to land within the Willamette Valley, including Springfield. Therefore, in the same way that Goals 3 and 4 do not apply in Springfield, Goals 16-19 do not apply in Springfield or to land use regulations adopted in Springfield.

Conclusion: Staff has concluded that the proposed *Metro Plan* diagram land use designation amendment from Low Density Residential to a combination of Medium and High Density Residential is consistent with all applicable statewide land use planning goals and the criteria for such action in SDC 5.14-135 (A): "The amendment shall be consistent with applicable Statewide Planning Goals."

B. Plan Inconsistency

1. In those cases where the *Metro Plan* applies, adoption of the amendment shall not make the *Metro Plan* internally inconsistent.
2. In cases where Springfield Comprehensive Plan applies, the amendment shall be consistent with the Springfield Comprehensive Plan.

Applicant's Narrative: "The adopted Metro Plan is the principal document that creates a framework for land use policy within the City of Springfield. The adopted Zoning Map implements the Metro Plan diagram and applicable refinement plans, which are amendments to the Metro Plan. Since the subject property is within an adopted Refinement Plan area, the Q Street Refinement Plan is the prevailing refinement plan for the subject property. When Metro Plan diagram amendments are approved, the applicable refinement plan diagram is also automatically amended. The proposed Metro Plan amendment does not make the Metro Plan internally [in]consistent. It does not affect any Metro Plan policies or text. The proposed amendment to the Metro Plan diagram also reduces the oversupply of Low Density Residential land and while slightly increasing the existing surplus of Medium Density Residential land, will decrease the deficit of High Density Residential land. Moreover, the Q Street Refinement Plan will not be made inconsistent through this amendment. The Q Street Refinement Plan will be amended automatically in conjunction with the Metro Plan amendment. There are no conflicts created by either of the proposed amendments to the residential land inventory, needed employment land inventory, nor any other land use elements of the Metro Plan or Q Street Refinement Plan. The City of Springfield also previously adopted the Residential Land Use and Housing Element of the Springfield 2030 Refinement Plan. As previously mentioned in this written statement, 824 buildable acres of land are zoned Low Density Residential. This equates to 60% of Springfield's residential development capacity. Yet, only 95 buildable acres are designated as Medium Density Residential, totaling a mere 30% of residential development capacity, and 16 buildable acres are designated as High Density Residential, which provides only 4% of the City's residential development capacity. To accommodate expected population growth, Springfield will need to provide 5,980 new dwelling units. While there is a total surplus of residential land, which includes a 72 gross acre surplus of Low Density Residential land, there is only a surplus of 18 gross acres of Medium Density Residential land and a deficit of 34 gross acres of High Density Residential land. Therefore, the proposed rezoning will not have an adverse impact on available Low Density Residential land within the urban growth boundary. The criteria in SDC 5.14-135.B is met. Based on the information contained in this written statement, the applicant believes that the requested Metro Plan amendment can be approved."

Finding 3.1: The adopted *Metro Plan* is the principal policy document that creates the broad framework for land use planning within the City of Springfield. The City's adopted Zoning Map implements the zoning designations of the *Metro Plan* diagram and localized Refinement Plans, which are adopted amendments to the *Metro Plan*. The subject property is within an adopted Refinement Plan area, the *Q Street Refinement Plan*, but as noted in Finding 2.4, adoption of Springfield Ordinance #6268 included the new *Springfield 2030 Refinement Plan Residential Land Use and Housing Element*, the policies and implementation actions of which replaced the goals, objectives and policies of the *Metro Plan's* Residential Land Use and Housing Element. This relationship therefore requires the proposed amendment to be consistent with the *Springfield Comprehensive Plan*, the prevailing Comprehensive Plan residential and land use policies for the site. Inasmuch as Ordinance #6268 identified the results of that adoption as replacing the corresponding elements of the *Metro Plan*, the amendment process for adopted plans and implementation ordinances has not changed. Therefore, the process and criteria for amending refinement plans is found in SDC 5.6-115 and as preempted in SDC 5.14-120 and 5.14-135.

Finding 3.2: In accordance with Chapter IV – *Metro Plan* Review, Amendments, and Refinements, the City’s Comprehensive Plan is not designed or intended to remain static and unyielding in its assignment of land use designations. To that end, provisions of Chapter IV, Policy 7.a, allow for property owners to initiate an amendment to the *Metro Plan* diagram to reflect a change in circumstances or need. The applicant is proposing to amend the *Metro Plan* designation for the subject property from LDR to a combination of MDR and HDR and to concurrently rezone 1.96 acres of the property to MDR and 1.39 acres of the property to HDR. There are no conflicts created by this proposed diagram amendment based on needed residential land inventories or needed employment land inventories. The development of this land with residential uses does not conflict with other land use elements in the *Metro Plan* including commercial, industrial, park and open space, or government and education. Adoption of the amendment to the Plan diagram will not result in an internal inconsistency. Therefore, Criteria B.1 will have been met.

Finding 3.3: The Residential Land and Housing Policies and Implementation Actions of the *Springfield 2030 Refinement Plan Residential Land Use and Housing Element* apply to the subject site. In accordance with Policy H.3, the City shall “support community-wide, district-wide and neighborhood-specific livability and redevelopment objectives and regional land use planning and transportation planning policies by locating higher density residential development and increasing the density of development near employment or commercial services, within transportation-efficient Mixed-Use Nodal Development centers and along corridors served by frequent transit service.”

Finding 3.4: In accordance with *Residential Land Use and Housing Element* Policy H.6, the City shall “continue to seek ways to reduce development impediments to more efficient utilization of the residential land supply inside the UGB...”

Finding 3.5: In accordance with *Residential Land Use and Housing Element* Policy H.7, the City shall “continue to develop and update regulatory options and incentives to encourage and facilitate development of more attached and clustered single-family housing types in the low density and medium density districts.”

Finding 3.6: In accordance with *Residential Land Use and Housing Element* Policy H.10, “through the updating and development of each neighborhood refinement plan, district plan or specific area plan, amend land use plans to increase development opportunities for qualify affordable housing in locations served by existing and planned frequent transit service that provides access to employment center, shopping, health care, civic, recreational and cultural services.”

Finding 3.7: In accordance with *Residential Land Use and Housing Element* Policy H.11, the City shall “continue to seek ways to update development standards to introduce a variety of housing options for all income levels in both existing neighborhoods and new residential areas that match the changing demographics and lifestyles of Springfield residents.”

Finding 3.8: In accordance with *Residential Land Use and Housing Element* Policy H.12, the City shall “continue to designate land to provide a mix of choices (eg. location, accessibility, housing types, and urban and suburban neighborhood character) through the refinement plan update process and through review of developer-initiated master plans.”

Finding 3.9: In accordance with *Residential Land Use and Housing Element* Policy H.13, the City shall “promote housing development and affordability in coordination with transit plans and in proximity to transit stations.”

Finding 3.10: In accordance with *Residential Land Use and Housing Element* Policy H.14, the City shall “continue to update existing neighborhood refinement plan policies and to prepare new plans that emphasize the enhancement of residential neighborhood identity, improved walkability and safety, and improved convenient access to neighborhood services, parks, schools, and employment opportunities.”

Finding 3.11: In accordance with *Residential Land Use and Housing Element* Policy H.15, the City shall “update residential development standards to enhance the quality and affordability of neighborhood infill development (eg. partitions, duplex developments, transitional neighborhoods, rehab housing, accessory dwelling units) and multi-family development.

Finding 3.12: In accordance with *Residential Land Use and Housing Element* Policy H.16, “as directed by the City Council in 2009, [the City shall] conduct analysis to implement ‘Heritage LDR’ development standards to address Springfield’s different historical development patterns/neighborhood scale and form, rather than a ‘one-size-fits-all’ approach when updating City development standards.”

Finding 3.13: While the *Springfield 2030 Refinement Plan Residential Land Use and Housing Element* is the prevailing Comprehensive Plan for the site, the residential land use policies of the *Q Street Refinement Plan* also pertain to the proposed development as noted in Findings 1.1 – 1.15 and 1.26 – 1.54 above.

Finding 3.15: As previously stated herein, the subject property already meets or could meet some of the above-listed criteria for Medium and High Density Residential plan designation as follows: there is existing Medium and High Density Residential designated land on the west side of 5th Street across from the subject site; the property abuts a large Community Commercial site (Fred Meyer store) to the south; the property could serve as a buffer and transitional zone between the Fred Meyer commercial site and existing single family homes along 7th Street and T Street; the property is less than 500 feet from an existing Lane Transit District park and ride station located in the Fred Meyer parking lot and a transit stop on the east side of 5th Street; the property is sufficiently large to meet the solar setback requirements of SDC 3.2-225; and the property has frontage on 5th Street, which is classified as a major collector street. Based on the foregoing, the proposal is largely consistent with the policy direction provide by the *Springfield 2030 Refinement Plan Residential Land Use and Housing Element* and provisions of the adopted *Q Street Refinement Plan* for Medium and High Density Residential plan designation.

Conclusion and Recommendation

Based on the applicant’s narrative, the amended findings herein (including supplemental findings to address issues identified in the LUBA remand), testimony submitted into the record, and the criteria of SDC 5.14-135 for approving amendments to the *Metro Plan*, staff finds the proposed *Metro Plan* diagram amendment, concurrent *Q Street Refinement Plan* amendment, and zone change from LDR to a combination of MDR and HDR is consistent with these criteria. For these reasons, staff recommends that the City Council adopts the attached Ordinance (Attachment 2).