

CITY OF SPRINGFIELD, OREGON

DEVELOPMENT SERVICES DEPARTMENT

SPRINGFIELD



225 FIFTH STREET
SPRINGFIELD, OR. 97477
(541) 726-3753
FAX (541) 726-3689
www.ci.springfield.or.us

Mr. Edmund J. Spinney
Attorney At Law
175 W. B Street. Ste. B
Springfield, OR 97477

December 18, 2014

RE: Review Process for Interpretation TYP214-00024 Logan

Dear Mr. Spinney,

I am in receipt of the November 6, 2014 submittal for the above application. As of that date, the application was deemed complete per ORS 227.178.

As indicated in Gary Karp's October 2, 2014 letter, this application requires discretionary review. Accordingly, the director has determined that the application should be reviewed as a Type III. SDC 5.11-115. Pursuant to SDC 5.2-110, the Hearings Official shall hear all Type III land use requests that relate to the City's urbanizable area, including the Urbanizable Fringe Overlay District.

The Hearing is set for 1:30 p.m. on January 21, 2015 in City Council Chambers.

On September 12, 2014, you paid the \$2627.50 fee for a Type II application. The director's decision to elevate the decision from a Type II to a Type III decision does not require an additional application fee. However, Type III hearing before the Hearings Official requires a deposit of \$5,000 to cover the expense of Hearings Official review. 2014 Master Fees and Charges Schedule. The deposit will be billed only for the Hearings Official costs; any portion of the deposit remaining after the final billing by the Hearings Official is refunded to the applicant.

Please submit the Hearings Official deposit at your earliest convenience. Public notices for the hearing will be forthcoming and a staff report and recommendation to the Hearings Official will be available approximately 7 days prior to the hearing.

The Hearing is set for 1:30 p.m. on January 21, 2015 in City Council Chambers.

Thank you for your attention to these matters.

Respectfully,

James P. Donovan
City of Springfield
DPW Planning Supervisor

c: Trudy Logan, Applicant
Lauren King, City Attorney
Greg Mott, Planning Manager

WORK COPY / Replace w/AFDAV

Section 8: Planning Services

The following fees shall be charged for the Planning activities of the City:

Development Code Application Fees

(Resolution 10-51, Springfield Development Code 5.4-100)

Any applications being processed before the Hearings Official (except an appeal) shall pay an additional fee of \$5,000. Any amount not expended by the Hearings Official shall be returned to the applicant. Charges in excess of this additional fee shall be assessed to the applicant.

Note: Low Income Fee Reduction: any application fee related to the development of low income housing or facilities may be reduced pursuant to the criteria of Section 1.070(4) of the Springfield Development Code.

General Notes

Expedited Processing Fee: Any request to prioritize and expedite the review of a particular application out of the order in which applications are received, shall be approved at the discretion of the Director and shall be charged a non-refundable fee of \$11,000 or 3 times the application fee, whichever is greater; where the development area is greater than 10 acres an additional \$550 per acre will be charged.

Technology Fee: All applications will be assessed a 5% technology fee with the exception of Pre-Submittal Meeting, Development Issues Meeting, Pre-Application Report, Appeal of Type II Director's Decision, Appeal of Expedited Land Division, and certain required fees (ex: Postage/Notification Fees).

Copying Costs

First 5 copies up to 11" x 17" size are free.	
All additional copies	\$.50 each
Large print copies	\$4.00 each
<i>All special ordered maps are charged from the GIS price sheet.</i>	
Copying Fee: Staff Charge out rate	½ hour minimum

General Applications

Accessory Dwelling Unit

(SDC 5.5-100)

Type 1	City and Urban Growth Boundary:	\$742.00
	Technology fee	5%

Amendment of Development Code Text

(SDC 5.6-100)

*Ballot Measure 56 mailing & postage = staff time at hourly rate of \$75.00 plus materials and postage.

Type IV	City	\$7,568.00
	Technical Fees	5%
	Postage	\$543.00
	UGB	\$11,417.00

DONOVAN James

From: DONOVAN James
Sent: Monday, December 15, 2014 12:43 PM
To: DARNIELLE Gary L
Cc: Lauren King (LAK@emeraldslaw.com); MOTT Gregory; JONES Brenda
Subject: RE: HO Date for Code Case

That was it GD, we will put it in motion. I will have the background info sent over for you asap and start notices!

JD

-----Original Message-----

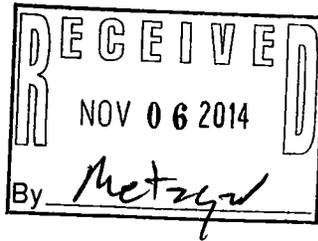
From: DARNIELLE Gary L [<mailto:GDARNIELLE@lcog.org>]
Sent: Monday, December 15, 2014 12:13 PM
To: DONOVAN James
Cc: Lauren King (LAK@emeraldslaw.com); MOTT Gregory; JONES Brenda
Subject: Re: HO Date for Code Case

To be clear: you are proposing to move the hearing scheduled for January 7 to January 21. If that is the case, I am good for that day.

Sent from my iPhone

> On Dec 15, 2014, at 10:15 AM, DONOVAN James <jdonovan@springfield-or.gov> wrote:
>
> Good morning Mr. Darnielle!
>
> After some discussion with City Attorney Lauren King regarding timelines and procedures on this case I wonder if I can pose one more request!?
>
> I would like to propose holding the hearing on January 21st if that works with your calendar.
>
> The date would:
>
> accommodate 20 day and newspaper hearing notices and holidays, allow
> more review time of background file information to be sent over this
> week, allow more time between the Type III courtesy letter to the
> applicant and counsel and the hearing date, allow us more prep time on
> the staff report,
>
> and will still be at 75 days of the 120 day limit, allowing for any extension and final decision by the city/HO.
>
> Please consider the above Gary and let me know your availability for the week of the 21st! Call me if you have any questions!
>
> Respectfully,
>
> JD
> James P. Donovan, Supervisor
> Springfield Current Development Division
> Phone- 541-726-3660 / Fax-726-3689
> jdonovan@springfield-or.gov

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



Interpretation (revised)

Interpretation of new uses, terms or phrases will be reviewed under Type II procedure, unless the Director determines that the application should be reviewed as a Type III decision by the Planning Commission or Hearings Official due to the complexity of the application or the need for discretionary review. Planning Policy issues that include, but are not limited to the Springfield Development Code, adopted refinement plans or the Metro Plan shall be reviewed under Type IV procedure.

Application Type		<i>(Applicant: check one)</i>
New Use: Type II <input checked="" type="checkbox"/> Type III <input type="checkbox"/>	Clarify Planning Policy: Type IV <input type="checkbox"/>	
Term or Phrase: Type II <input type="checkbox"/> Type III <input type="checkbox"/>		
Required Project Information <i>(Applicant: complete this)</i>		
Applicant Name: Trudy Logan	Phone: 541-517-0440	
Company: Along Came Trudy	Fax:	
Address: 3092 Hayden Bridge Road, Springfield, OR 97477		
Applicant's Rep.: Edmund J. Spinney	Phone: 541-988-9399	
Company: Attorney at Law	Fax: 541-988-9598	
Address: 175 West B Street, Suite B, Springfield, OR 97477		
Property Owner: David and Trudy Logan	Phone: 541-736-3757	
Company: n/a	Fax:	
Address: 3092 Hayden Bridge Road, Springfield, OR 97477		
ASSESSOR'S MAP NO: 12-02-19	TAX LOT NO(S): 800	
Property Address: 3092 Hayden Bridge Road, Springfield, OR 97477		
Size of Property: 0.9 acres within Urban Growth Boundary, 12.0 outside 12.9 total Acres <input checked="" type="checkbox"/> Square Feet <input type="checkbox"/>		
Description of Proposal: If you are filling in this form by hand please attach your proposal description to this application. Applicant is seeking an interpretation to consider the applicability of a new use within the zoning district that is not specifically identified in this Code. SDC 5.11-105A. This is NOT a request for an interpretation to determine whether the proposed use constitutes a "home occupation." Although a home occupation is permitted with special development standards within the zone where the property is located, Applicant concedes that her request does not satisfy all of the requirements for a home occupation. However, applicant does contend that her proposed new use is similar to a home occupation. The applicant submits the following information pursuant to SDC 5.11-120 in support of her request that her proposed use be considered to be a permitted use.		

SDC 5.11-120A.1 Description of structures and operational characteristics

Applicant desires to utilize the property as a banquet, wedding and event venue with a primary emphasis on weddings. The bulk of all activities will take place in the pavilion, an accessory building 97 - 100% of which is within the portion of the property located within the urban growth boundary of the city of Springfield. When the weather cooperates, brief ceremonies (one-half hour or less) will take place along the river or in the filbert orchard, both of which are located outside the urban growth boundary.

There is already a residence and six (6) accessory buildings on the property. No new structures have been constructed and it is not anticipated that there will be a need for any additional structures to be constructed.

The residence is occupied by the applicant and her husband. The residence will not be used in the operation of the venue activities.

The pavilion is a 2728 square foot accessory structure with a roof and open sides. Its original purpose is unknown but it may have been used as a drying shed for the filberts grown on the property. Temporary siding has been prepared for use during inclement weather. There is enough room in the pavilion to seat about 100 guests, a bar for serving beer and wine, a stage for live bands, a sound system and indoor lighting. Appropriate OLCC permits have been obtained.

The cottage was at one time a garage. It has been converted into a living quarters for family and guests of the applicant. It will not be used for overnight guests of the events. During wedding events, it will be used as a dressing and preparation room for the bride, groom and attendants.

There are two portable rest rooms that are located in a shed next to the cottage for use by guests at the events. The facilities will be serviced regularly. They do not require the use of any water or septic/sewage system.

Three other accessory structures are completely outside the urban growth boundaries.

- A shed adjacent to the shed with the toilet facilities is used to store any supplies and equipment when they are not in use. No outdoor storage of any kind will be required.
- A small shed in the back yard has been converted into a bar area to alleviate congestion at the main bar in the pavilion.
- A greenhouse at the edge of the filbert orchard is used for storage of equipment and supplies used in the filbert agricultural business.

The owners have a right of way on a driveway that leads from Hayden Bridge Road to the McKenzie River. The driveway is shared by a neighbor to the west and to a neighbor to the north who constructed his home next to the river. For most of its length the driveway is gravel. Only the area around the home near the river is paved. Applicant has cleared a parking area adjacent to the driveway in the filbert orchard where the trees were not healthy. There is room there for approximately 55 vehicles. Except during the autumn harvesting season, additional parking is available in the orchard.

SDC 5.11-120A.2 characteristics:

Use of the property as a banquet, wedding and event venue will:

- Not involve the emission of any smoke, dust, fumes, vapors, odors, or gases;
- Not involve the use, storage or disposal of flammable or explosive materials;
- Not result in any glare;
- Not involve the use of hazardous materials that may impact groundwater quality;
- Will result in noise created by normal conversations by guests, and by music either from live bands or recorded music.

Generally there will be about 60 people per event, but the facility has the capacity for up to 150

people depending on event. In the summer months there will be 4-6 events per month for a total of 240 - 900 guests per month in the summer. During the other seasons there will likely be less than one event per month.

The effect of any amplified music will be mitigated by the following:

- Only 3 residences are close enough to be impacted by amplified sound. The residence of neighbor 1 (as numbered on the site map), which is to the west of the property is 260 feet from the pavilion. It is shielded from the pavilion by a line of arborvitae trees and the cottage. There is no direct line of sight from that residence to the pavilion. Music played at a decibel level of 84 in the pavilion has a decibel level of only 50 when it reaches neighbor 1's residence. By comparison the ambient sound level in the filbert orchard is about 42. More generally, a whisper in a quiet library at 6' is approximately 30 decibels, normal conversation at 3' is about 60-65 decibels, and a telephone dial tone is 80 decibels. (<http://www.gcaudio.com/resources/howtos/loudness.html>)
- The residence of neighbor 2, the first house to the east of the property, is 135 feet from the pavilion. The area between that home and the pavilion is filled with filbert trees. Music played at a decibel level of 84 in the pavilion has a decibel level of only 55 when it reaches neighbor 2's residence.
- The residence of neighbor 3, the second house to the east of the property, is 237 feet from the pavilion. The area between that home and the pavilion is filled with filbert trees. Music played at a decibel level of 84 in the pavilion has a decibel level of only 52 when it reaches neighbor 3's residence.
- Few, if any, events will take place Monday evening through Thursday evening. No amplified sound will be used at any such event after 7:00 p.m.
- No weekend or holiday event will extend past 10:00 p.m. All amplified sound will be turned off at or prior to 10:00 p.m. Sound levels will be carefully monitored prior to that time depending on conditions such as the strength and direction of the wind.
- Applicant expects to host events primarily on weekends and primarily in the summer months. Events will generally begin no early than 3:00 p.m. and will end at or before 10:00 p.m. All parking will be on the property. The amount of traffic will vary with the size of the event but generally will result in fewer than 50 vehicles, all of which will enter within approximately one hour of the start of the event and gradually dissipate as the event progresses. The traffic will consist only of passenger vehicles with the possible exception of a single small delivery vehicle once per week.

SDC 5.11-120B criteria:

The proposed use has the characteristics of "home occupation" which is listed as a permitted use in both LDR and UF-10 zoning districts, "subject to special locational and/or siting standards as specified in Section 4.7-100" of the Springfield Development Code. It is similar to a "home occupation" in operational characteristics, including traffic generation and parking. It is consistent with all land use policies in the Springfield Development Code which are applicable to LDR and UF-10 zoning districts.

"Home Occupation" is not defined in the Springfield Development Code. It is also not defined in the Lane Code, Oregon Revised Statutes, or Oregon Administrative Rules - a fact noted by the Land Use Appeal Board in White v. Lane County, LUBA #2013-063, page 17. In White the Board described the subject property as follows:

"The property is developed with a dwelling, a swimming pool, a garage, and a temporary hardship manufactured dwelling. In 2011, intervenors-respondents * * * constructed a gazebo on a concrete foundation, and poured a concrete slab for a dance floor, on which was erected a 1500-square foot steel-framed tent. * * *. Intervenors also poured concrete walkways connecting these structures, and leading down toward the river. * * * [Intervenors] began conducting weddings and similar events on the property." White at page 2.

The Board in that case ruled:

"The statute, rule and code do not define a 'home occupation,' but in its broadest terms it is clearly some kind of business or commercial use that is associated with a 'home' or dwelling. In zones that are not resource zones, ORS 215.448 authorizes counties to approve home occupations and associated parking subject only to whatever local criteria the county chooses to adopt. In exclusive farm use and forest zones, however, the statute imposes additional restrictions, and allows counties to approve only home occupations that meet those additional restrictions.

"The proposed event operation certainly appears to constitute as a 'home occupation' in that it is a business or commercial use associated with a home. An event business of the type proposed in this case can, potentially, be approved as a home occupation under ORS 215.448, if it meets the restrictions imposed by the statute and local implementations of the statute." White at page 17-18.

Applicants proposed use is on a much smaller scale than the one described in White. However, applicant acknowledges that her proposed use does not meet the local criteria established by SDC 4.7-165, and is applying instead for approval as a "new use" which is similar to a home occupation.

Similarity to "Home Occupation:"

The requirements of SDC 4.7-165 for home occupations apply to the applicant's proposal with only one exception, as follows:

A lawful activity carried on within a dwelling or accessory structure by a member or members of the family who occupy the dwelling.

Only lawful activities will be undertaken through the proposed use. The activity will be conducted in an accessory structure. The activity will be carried on by applicant and her husband, both of whom live in the dwelling. Applicant will employ her son and daughter on a part-time basis to assist with events. One or two other part-time employees will be required to assist in events, including an OLCC- certified bartender.

The primary use of the building is a dwelling:

Applicant and her husband will continue to reside in the dwelling. The dwelling will not be used as part of the event center.

The occupation is a secondary use that does not significantly affect the residential character of the dwelling or neighborhood:

The dwelling will be used exclusively as a dwelling. Only accessory building will be used for weddings and other events. The proposed use as an "event center" will be primarily weekend evenings and, during peak usage, will be not more than two events per weekend.

There shall be no display which would indicate from the exterior that the building is being used for any purpose other than a residential dwelling.

The venue is shielded on all sides by vegetation. It is not visible from Hayden Bridge Road. Only one or two neighbors would be able to see events taking place, and would have to move outdoors into their back yards and look through the trees to see the accessory building and the guests.

There shall be no outside storage of materials visible from public property or adjacent private property.

There is ample indoor storage space in sheds and in the pavilion so that no outdoor storage is necessary at all.

Mechanical equipment, unless compatible with residential purposes, shall be prohibited.

No mechanical equipment is involved in the event center.

There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the

property line resulting from the home occupation.

The use will not create any vibration, smoke, dust, odors, heat or glare. There will be no offensive noise. Any noise created will be mitigated as previously discussed.

The home occupation shall not create hazardous traffic conditions or utilize on-street parking of nearby properties.

No on-street parking, either on applicant's property or nearby properties will be used. The use will not create hazardous traffic conditions.

If the proposed home occupation requires any modification to the dwelling or accessory structure of a nature that is not typically found in a residential district, the proposed home occupation is considered inappropriate and prohibited.

There will be no modification to the dwelling. The accessory structures that will be used are pre-existing agricultural structures that have been modified, but are not any larger, and retain their essential appearance and nature.

No merchandise, other than what is produced on-site shall be sold to the public from premises.

No merchandise will be sold to the public. Events may be catered, either by the applicant or by outside providers, but will be available to guests at the events without additional charge.

The use or storage of heavy equipment or heavy vehicles shall not be permitted. Heavy equipment and heavy vehicles shall include, but not be limited to, the use of: semi-trucks, trucks and trackers, back hoes, bob cats, refrigerator trucks, livestock trucks, commercial buses, farm tractors, garbage trucks and log trucks.

No heavy equipment will be used. The only vehicle that will be used during events is a small golf-cart-like vehicle which will be used, upon request, to transport guests from the parking area to the location of the event.

Any home occupation, which requires more than 1 vehicle for its operation shall be prohibited. The 1 vehicle permitted is limited to passenger vehicles, passenger vans or pick-up trucks.

More than 1 vehicle is not required. The one that will be used is the passenger vehicle described above.

No residence shall be used as a headquarters or dispatch center where employees or subcontractors report to the residence to be dispatched elsewhere.

The use does not involve use of the residence as a headquarters or dispatch center.

Customer access to home occupations is limited to the hours of 7 a.m. to 6 p.m.

The anticipated hours of the proposed use do not fit this restriction. The anticipated hours of operation are not earlier than 3 p.m. and not later than 10:00 p.m. Use will generally only occur on weekends and holidays.

UF-10 Overlay District Prohibits Urban Uses

SDC 3.3-815 prohibits **"URBAN USES (e.g., multiple-family or churches) NOT LISTED IN THE UF-10 OVERLAY DISTRICT."** Therefore applicant's proposed new use may not be considered a permitted use if the proposed use is an "urban use."

There is no definition of the phrase "urban use" in Oregon Revised Statutes, in Oregon Administrative Rules or in the Springfield Development Code. That fact was noted by the Oregon Supreme Court in 1986 in the case of 1000 Friends of Oregon v. LCDC (Curry County), 301 Or. 447, 456, 724 P.2d 268 (1986). The court also found that it was the province of LCDC, not the courts, to determine what the phrase means, Curry County at 470. At that point LCDC had not done so and still has not done so, as noted in Cox v. Yamhill County, LUBA No. 94-255. Riverkeeper v. Columbia Cnty. LUBA 2014-017/018 at 54. ("To our knowledge, LCDC has not adopted any rule-making that clarifies how to answer the highly problematic question of whether an industrial use is urban or rural in nature.") In subsequent cases and administrative decisions in which the issue has arisen, the deciding bodies have relied upon the limited guidance provided in Curry County. See, e.g. Baxter v. LUBA (Coos County), LUBA NO. 2007-118. In particular, courts and LUBA have relied upon the Curry County court's statement that:

"LUBA has said that among the factors considered in determining if a particular use is urban are whether it is 'appropriate for, but limited to, the needs and requirements of the rural area to be served,' and whether it is likely to become a 'magnet' attracting people from outside the rural area." Curry County at 507.

The Curry County factors are not helpful in this case. A banquet, wedding and event center is not a use that serves a particular geographic area. See e.g., Devin Oil Co. v. Morrow Cnty. LUBA No. 2010-044 (a truck stop is not "accurately viewed as serving any particular geographic area.") The second factor would seem to relate to whether commercial or industrial uses will attract people from outside the area on a permanent basis, since people merely visiting property does not change affect the future use of the property.

An analysis of the term using definitions found in any dictionary of common usage (SDC 6.1-105J.) is similarly not helpful. The word "urban" is defined as "of, relating to, characteristic of, or constituting a city." There is nothing about a wedding venue that is characteristic of a city. Weddings are hosted in any populated area, regardless of whether it is urban or rural. Two popular wedding venues locally are the Dorris Ranch and Buford Park. Dorris Ranch is in the urban growth boundary of Springfield. Buford Park is outside any city or urban growth boundary.

More helpful is SDC 3.3-815 itself. As previously indicated, that section prohibits urban uses, but makes an exception for home occupations. If home occupations, when limited as specified in that section, are not urban uses, Applicant's proposed new use, which varies only minimally from the requirements of a home occupation, cannot be considered an urban use.

PORTION OF PROPERTY OUTSIDE URBAN GROWTH BOUNDARY

Only a small portion of the property is located within the urban growth boundary. However, most of the activities related to the proposed use will be conducted on that portion within the boundary. Pending completion of this Interpretation, the applicant will file a request for Director Approval of a Home Occupation in an Exclusive Farm Use Zone through Lane County for the limited use of that portion of the property for the proposed activity. A copy of the request was attached to the initial request for interpretation and is incorporated herein by this reference.

Existing Use: Residence and Filbert Orchard
 City Zoned: Low Density Residential (LDR) with Urbanizable Fringe (U.F. - 10) overlay
 County Zoned: EFU
 The southernmost 0.9 acres is within the Springfield Urban Growth Boundary and is used primarily for residential purposes
 Remaining 12.0 acres are outside the Springfield Urban Growth Boundary, consist exclusively of a filbert orchard, and is subject to a valid farm deferral classification.

Signatures: Please sign and print your name and date in the appropriate box on the next page.

Required Project Information

(City Intake Staff: complete this section)

Associated Applications:

Signs:

Case No.:

Date:

Reviewed by:

Application Fee: \$

Technical Fee: \$

Postage Fee: \$

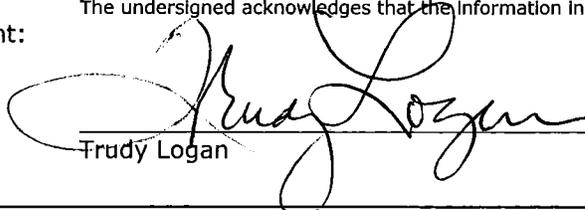
TOTAL FEES: \$

PROJECT NUMBER:

Signatures

The undersigned acknowledges that the information in this application is correct and accurate.

Applicant:


 Trudy Logan

Date: November 5
~~September 12, 2014~~

EDMUND J. SPINNEY

ATTORNEY AT LAW

175 WEST B STREET, SUITE B
SPRINGFIELD, OREGON 97477-4575

(541) 988-9399

FAX 541-988-9598 · edspinney@gmail.com

October 16, 2014

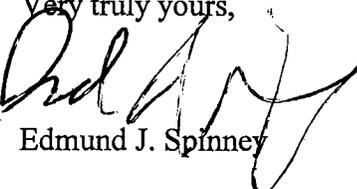
Gary M. Karp, Senior Planner
Development Services Department
City of Springfield
225 Fifth Street
Springfield, OR 97477

Re: Application No.: TYP214-00024
Applicant: Trudy E. Logan
Owners: David M. Logan & Trudy E. Logan

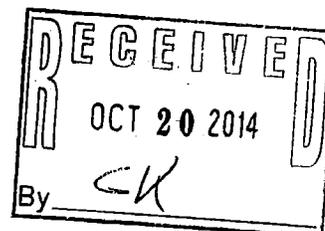
Dear Mr. Karp:

I am in receipt of your "Notice of Incomplete Application - Interpretation" dated October 2, 2014. It is our intent to submit the missing information. I understand that the application will not be considered complete until we submit the information and that the 120 days within which you must rule on the application will not start to run until the information is submitted.

Very truly yours,


Edmund J. Spinney

cc: Client



KARP Gary

From: KARP Gary
Sent: Thursday, October 09, 2014 3:44 PM
To: 'edspinney@gmail.com'
Cc: DONOVAN James
Subject: Request for Additional Time to Complete Application Number TYP214-00024

Dear Mr. Spinney.

On October 2, 2014, you were notified that Application Number TYP214-00024, requesting a formal interpretation, was deemed incomplete.

Per ORS 227.178, the application shall be deemed complete upon receipt of:

- (a) All of the missing information;
- (b) Some of the missing information and written notice from the applicant that no other information will be provided; or
- (c) Written notice from the applicant that none of the missing information will be provided.

At this time, it is our understanding that you would like additional time to complete the application. Please respond in accordance with ORS 227.178 as soon as practically possible.

Thank you,

Gary M. Karp
Senior Planner
City of Springfield
Development and Public Works Department
225 Fifth Street
Springfield, OR 97477

Phone: 541.726.3777
Fax: 541.726.3689
E-mail: gkarp@springfield-or.gov

Date Received: 10 09 14
Planner: GK

ARP Gary

From: KARP Gary
Sent: Thursday, October 09, 2014 9:42 AM
To: DONOVAN James; 'Lauren King'
Subject: Logan Application

Importance: High

I just spoke to Annette at Spinney's office. She said he's on vacation, will not be back until the 15th and would like an extension on the response. He had until 5 p.m. on the 13th. How do we want to handle this? Thanks!

Gary M. Karp
Senior Planner
City of Springfield
Development and Public Works Department
225 Fifth Street
Springfield, OR 97477

Phone: 541.726.3777
Fax: 541.726.3689
E-mail: gkarp@springfield-or.gov

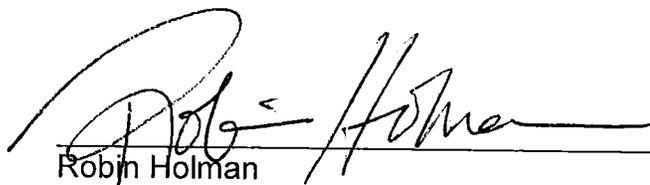
Received: 10 09 14
Planner: GK

AFFIDAVIT OF SERVICE

STATE OF OREGON }
County of Lane } ss.
}

I, Robin Holman, being first duly sworn, do hereby depose and say as follows:

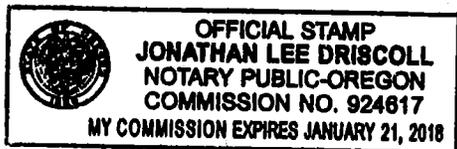
1. I state that I am an Administrative Specialist for the Planning Division of the Development Services Department, City of Springfield, Oregon.
2. I state that in my capacity as Administrative Specialist, I prepared and caused to be mailed copies of **Notice of Incomplete Application re: Logan Interpretation Application Number: TYP214-00024** (See attachment "A") on **October 2, 2014** addressed to (see Attachment "B"), by causing said letters to be placed in a U.S. mail box with postage fully prepaid thereon.



 Robin Holman
 Administrative Specialist

STATE OF OREGON, County of Lane

October 2, 2014 personally appeared the above named Robin Holman, Management Support Specialist, who acknowledged the foregoing instrument to be their voluntary act. Before me:





 My Commission Expires: 1/21/18

Date Received: 10 02 14
Planner: GK



Notice of Incomplete Application – Interpretation

Date of Letter:

Application Number:

October 2, 2014	TYP214-00024
-----------------	--------------

Applicant / Consultants:

Trudy E. Logan
3092 Hayden Bridge Road
Springfield, OR 97477

Edmund J. Spinney
175 West B Street
Suite B
Springfield, OR 97477

Owners:

David M. Logan
Trudy E. Logan
3092 Hayden Bridge Road
Springfield, OR 97477

Request: A Formal Interpretation Application was submitted to the Development and Public Works Department on September 12, 2014 for interpretation of permitted uses and home occupations in accordance with the Springfield Development Code.

Status: Incomplete.

Your application cannot be accepted as submitted. In accordance with Springfield Development Code (SDC) Sections 5.1-130 and 5.4-105, application requirements must be fully met prior to application acceptance and initiation of the ORS 120 day processing time.

Based on your submittal, it is unclear as to whether you are requesting the City address the criteria for interpretation of a new use (SDC 5.11-120), interpretation to clarify the meaning of terms or phrases found in the Code (SDC 5.11-125), or interpretation as to whether a “banquet, wedding and event venue” may be a home occupation (SDC 4.7-165). I recommend that you schedule a meeting with me to review the following:

Interpretation of new use. If the application is intended to interpret a new use of a “banquet, wedding and event venue” as described in the application under characteristics, “urban uses not listed in the UF-10 Overlay District are not permitted.” (SDC 3.3-815). The purpose of UF-10 Overlay is to effectively control the potential for urban sprawl and scattered urbanization. (SDC 3.3-805). The amended submittal should explain why the “banquet, wedding and event venue” is not an “urban use.”

Interpretation to clarify the meaning of terms or phrases found in this Code. The application discusses how the banquet, wedding and event venue is similar with a home occupation. If the applicant wishes to do an interpretation of the meaning of terms or phrases found in the Code as to the meaning of a home occupation, the submittal must apply the following criteria: “1. Shall be consistent with the purpose and intent of this Code, including any Chapter or Section to

Date Received: 10 02 14
Planner: GK



CITY OF SPRINGFIELD
DEVELOPMENT SERVICES
PLANNING DEPARTMENT
225 FIFTH STREET
SPRINGFIELD, OR 97477

David M. Logan
Trudy E. Logan
3092 Hayden Bridge Road
Springfield, OR 97477



CITY OF SPRINGFIELD
DEVELOPMENT SERVICES
PLANNING DEPARTMENT
225 FIFTH STREET
SPRINGFIELD, OR 97477

Trudy E. Logan
3092 Hayden Bridge Road
Springfield, OR 97477

Date Received: 10 02 14
Planner: GK



CITY OF SPRINGFIELD

DEVELOPMENT SERVICES

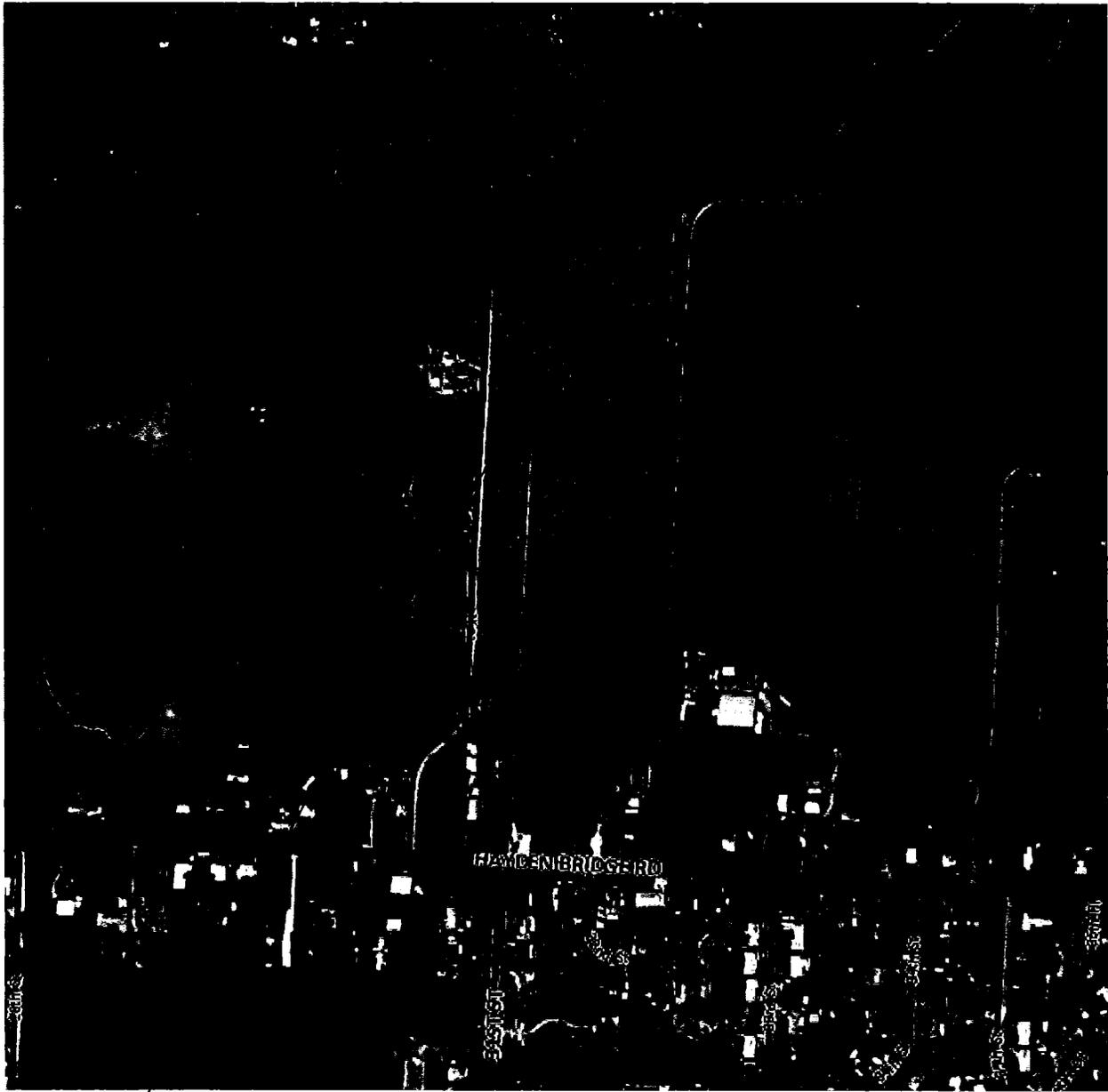
PLANNING DEPARTMENT

225 FIFTH STREET

SPRINGFIELD, OR 97477

**Edmund J. Spinney
175 West B Street
Suite B
Springfield, OR 97477**

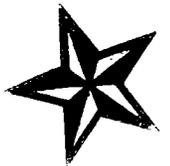
Date Received: 10 02 14
Planner: GK



SITE



VICINITY MAP
TYP214-00024 INTERPRETATION
17-02-19-00 TL 00800
3092 Hayden Bridge Road
Trudy Logan / Along Came Trudy



Date Received:

SEP 12 2014

Original Submittal BS



LAND MANAGEMENT DIVISION

DATE RECEIVED:

LAND USE APPLICATION - DIRECTOR

Home Occupation: EFU Zone

PUBLIC WORKS DEPARTMENT 3050 N. DELTA HWY, EUGENE OR 97408 Planning: 541-682-3577

For Office Use Only, FILE #

FEE:

Applicant (print name): Trudy E. Logan
Mailing address: 3092 Hayden Bridge Road, Springfield, OR 97477
Phone: 541-517-0440 Email: alongcametrudy@hotmail.com
Applicant Signature: _____

Agent (print name): Edmund J. Spinney
Mailing address: 175 West B Street, Suite B, Springfield, OR 97477-4575
Phone: 541-988-9399 Email: edspinney@gmail.com
Agent Signature: _____

Land Owner (print name): David M. Logan, Trudy E. Logan
Mailing address: 3092 Hayden Bridge Road, Springfield, OR 97477
Phone: 541-736-3757 Email: logan1956olds@gmail.com

Through applying for this application I authorize the Lane County Planning Director, designee, or hearings official to enter upon the property subject of the application to conduct a site visit necessary for processing the requested application. Lane County shall contact the Land Owner prior to the site visit to arrange an appropriate time for the site visit.

Land Owner Signatures: _____

LOCATION

07 02 19 800
12 - 02 - 19 - 800
Township - Range - Section - Taxlot

Date Received:

SEP 12 2014

3092 Hayden Bridge Road, Springfield, OR 97477
Site address

Original Submittal [Signature]

PROPOSAL: A request for Director Approval of a Home Occupation in the Exclusive Farm Use Zone, pursuant to Lane Code 16.212(4)(a).

NOTICE: The Applicant is responsible for providing enough information in this application for staff to make reasonable findings or conclusions.

ADJOINING OWNERSHIP Is any adjacent property under the same ownership as the subject property? No.
List the map and tax lot(s). n/a

SITE PLAN A site plan must be included. Refer to the handout entitled "How to prepare your plot plan".
Identify nearby driveways. Driveways spacing standards are contained in Lane Code 15.138.

ZONING: EFU

ACREAGE: 12.9 acres. 0.9 acres are in the Springfield Urban Growth Boundary and 12.0 are in the County

DESCRIBE THE ACCESS TO THE PROPERTY (circle the answer): Access to the homesite must comply with the Lane Code Chapter 15.

State Hwy County Rd Public Rd Private Easement / Private Road (submit a copy)

Road name: Hayden Bridge Road

EXISTING IMPROVEMENTS: What structures or development does the property contain?

Structures clearly within the Springfield Urban Growth Boundary:

Residence (Marked "F" on site plan)

Guest House/Cottage (G)

Structures clearly outside the Springfield Urban Growth Boundary

Greenhouse (L)

Sheds (2) (I & K)

Structures that may be partly in the Springfield Urban Growth Boundary and partly outside the boundary

Pavilion (J)

Shed (H)

Will any structure be removed/demolished? No

APPROVAL CRITERIA

Lane Code 16.212

(4) Special Uses - Director Approval. These uses are allowed after submittal of an application pursuant to LC 14.050 and after review and approval of the application pursuant to LC 14.100 with the options for the Director to elect to conduct a hearing or to provide written notice of the decision and an opportunity for appeal.

Describe the business. What will you be doing? Operating a banquet, wedding and special events venue.

Will it involve any manufacturing? No If yes, describe the process: n/a

What will be the hours of operation? Varied: on Fridays, Saturdays, and Holidays from 3:00 p.m. to 10:00 p.m.

(a) Home occupations that comply with these requirements:

(i) Shall be operated by a resident of the property on which the business is located;

Who will operate the business? (name): Trudy E. Logan

Will the person operating the business reside on the property? Yes

If you answered No, explain why: n/a

(ii) Shall employ on the site no more than five full-time or part-time persons;

How many employees are anticipated? Owners plus 2 independent contractors.

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Original Submittal 

Explain: Bartender, servers, and parking attendant will be employed during the events.

(iii) Shall be operated substantially in the dwelling, or other buildings normally associated with uses permitted by LC 16.212;

(iv) No structure shall be constructed for the home occupation use that would not otherwise be allowed by LC 16.212;

What type of structure will the Home Occupation be operated within? The dwelling will not be used as part of the venue. The Pavilion will be the main gathering area. The cottage will be used by the bridal parties for changing and otherwise preparing for the event. A shed will contain two portable toilets. Another shed will be used for storage. A third shed will be used as a supplemental bar to the main bar within the pavilion.

Will the Home Occupation be operated substantially within the structure? Yes. The Home Occupation will be operated substantially within the pavilion.

Describe any components of the Home Occupation that will not take place within a structure: Brief wedding ceremonies (30 minutes or less), at the option of the clients and the weather, will be conducted in a clearing by the river or within the confines of the filbert orchard.

(v) Shall not unreasonably interfere with uses permitted by LC 16.212 or with existing uses permitted by the zoning of nearby lands;

Note: Based on the nature of the proposed rural home business, the Director may require additional information that is not listed here.

How many customers will come to the property per week or month? Generally there will be about 60 people per event, but up to 150 people depending on event. In the summer months there will be 4-6 events per month for a total of 240 - 900 guests per month in the summer. During the other seasons there will likely be less than one event per month.

How many deliveries will occur at the property per week or month? One delivery per month.

How much off-street parking is available? (Identify this on the site plan.) Number of spaces: 55

How will the outdoor storage related to the Home Occupation be shielded from the adjoining properties? There will be no outdoor storage

Will the Home Occupation generate any noise and/or odors? The home occupation will likely generate some noise but no odors.

Will the noise and/or odors interfere with existing uses nearby? If so, how will you mitigate the impacts to nearby neighbors? Music during reception can sometimes carry to neighbor. Volume will be adjusted with hour of day.

Will the Home Occupation have any outdoor lighting? No

Will the lighting interfere with nearby existing uses? If so, how will your mitigate the impacts to nearby neighbors? n/a

Will the business increase your water usage? No. Explain: We will use portable toilets for the guests.

Will the business create a fire danger? No. Explain: n/a

Will the business require the use or handling of dangerous chemicals or other substances? No

(vi) LC 16.212(10)(f) through (g) below;

(f) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm and forest use.

Date Received:

SEP 12 2014

Explain how the proposed Home Occupation will comply with the above criterion:

The filbert orchard will be maintained in the same manner it has been used in the past. The parking area has been placed in an area where filbert trees were not healthy and were not producing well.

(g) Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.

Explain how the proposed Home Occupation will comply with the above criterion:

The Home Occupation will not interfere with the filbert orchard maintenance or harvesting in any manner.

(vii) Shall not be used as a justification for a zone change;

If this application is approved, it will not constitute evidence that justifies a zone change.

(viii) Shall comply with any additional conditions of approval established by the Approval Authority;

If approved, the Applicant will have to comply with conditions of approval.

**(ix) May include the parking of vehicles if the home occupation is located on high value farm land;
and**

Parking associated with the Home Occupation may include high value and non-high value farm soils. .

(x) Approved applications for home occupations shall be valid until December 31 of the year following the year that the application was initially approved or until December 31 of the year for which an extension of the approval was granted by the Director as provided in LC 16.212(4)(a)(x) below. Prior to December 31 of the year that the approval expires, the property owner or applicant who received initial approval, or a renewal pursuant to this section, shall provide the Director with written request for renewal of the home occupation and written information sufficient to allow the Director to determine if the conditions of approval and other approval criteria have been satisfied. The Director shall review this information for each approved home occupation to determine if it continues to comply with the conditions of approval. Home occupations which continue to comply with the conditions of approval shall receive a two-year extension of approval to December 31 of the second following year, and such extension shall be put in writing by the Director and mailed to the owner of the property upon which the home occupation is located. Home occupations which do not comply with the conditions of approval, or for which a request for renewal is not received pursuant to this section, shall not receive extended approval by the Director, and the Director shall mail written notice of the decision not to extend the approval to the owner of the property upon which the home occupation is located.

If this application is approved, it will be valid until December 31 of the year following the year of approval. If you wish to continue the business past that date, you must renew the approval.

This request for Director Approval of a Home Occupation in the Exclusive Farm Use Zone is submitted in conjunction with a request for an interpretation from the city to Springfield to allow a new use on the portion of the property within the Urban Growth Boundary. A copy of the Interpretation request is attached and incorporated into this request.

Date Received:

SEP 12 2014

Original Submittal 



TRANSACTION RECEIPT

CITY OF SPRINGFIELD

225 Fifth St
Springfield, OR 97477
541-726-3753

TYP214-00024

3092 HAYDEN BRIDGE RD

www.springfield-or.gov

permitcenter@springfield-or.gov

RECEIPT NO: 389487

RECORD NO: TYP214-00024

DATE: 09/12/2014

DESCRIPTION	ACCOUNT CODE	TRANS CODE	AMOUNT DUE
5% Technology Fee	100-00000-425605	2299	117.50
Formal Interpretation - UGB	100-00000-425002	1220	2,350.00
Type 2 Postage Fee	100-00000-425505	1299	160.00
TOTAL DUE:			2,627.50

PAYMENT TYPE	PAYOR	CASHIER/ EMPLOYEE	COMMENTS	AMOUNT PAID
Credit Card 121836	Ed Spinney		175 West B Street Springfield, OR 97477	53.55
Check 375	Along Came Trudy LLC		3092 Hayden Bridge Road Springfield, OR 97477	2,573.95
TOTAL PAID:				2,627.50

Date Received:

SEP 12 2014

Original Submittal

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



Interpretation

Interpretation of new uses, terms or phrases will be reviewed under Type II procedure, unless the Director determines that the application should be reviewed as a Type III decision by the Planning Commission or Hearings Official due to the complexity of the application or the need for discretionary review. Planning Policy issues that include, but are not limited to the Springfield Development Code, adopted refinement plans or the Metro Plan shall be reviewed under Type IV procedure.

Application Type (Applicant: check one)

New Use: Type II <input checked="" type="checkbox"/> Type III <input type="checkbox"/>	Clarify Planning Policy: Type IV <input type="checkbox"/>
Term or Phrase: Type II <input type="checkbox"/> Type III <input type="checkbox"/>	

Required Project Information (Applicant: complete this)

Applicant Name: Trudy Logan	Phone: 541-517-0440
Company: Along Came Trudy	Fax:
Address: 3092 Hayden Bridge Road, Springfield, OR 97477	
<hr/>	
Applicant's Rep.: Edmund J. Spinney	Phone: 541-988-9399
Company: Attorney at Law	Fax: 541-988-9598
Address: 175 West B Street, Suite B, Springfield, OR 97477	
<hr/>	
Property Owner: David and Trudy Logan	Phone: 541-736-3757
Company: n/a	Fax:
Address: 3092 Hayden Bridge Road, Springfield, OR 97477	

ASSESSOR'S MAP NO: 12-02-19 17-02-19	TAX LOT NO(S): 800
---	--------------------

Property Address: 3092 Hayden Bridge Road, Springfield, OR 97477

Size of Property: 0.9 acres within Urban Growth Boundary, 12.0 outside 12.9 total Acres Square Feet

Description of Proposal: If you are filling in this form by hand please attach your proposal description to this application.

SDC 5.11-120A.1 Description of structures and operational characteristics

Applicant desires to utilize the property as a banquet, wedding and event venue with a primary emphasis on weddings. The bulk of all activities will take place in the pavilion, an accessory building 97 - 100% of which is within the portion of the property located within the urban growth boundary of the city of Springfield. When the weather cooperates, brief ceremonies (one-half hour or less) will take place along the river or in the filbert orchard, both of which are located outside the urban growth boundary.

There is already a residence and six (6) accessory buildings on the property. No new structures have been constructed and it is not anticipated that there will be a need for any additional structures to be constructed.

The residence is occupied by the applicant and her husband. The residence will not be used for the operation

SEP 12 2014

Original Submitted *AY*

of the venue activities.

The pavilion is a 2728 square foot accessory structure with a roof and open sides. Its original purpose is unknown but it may have been used as a drying shed for the filberts grown on the property. Temporary siding has been prepared for use during inclement weather. There enough room in the pavilion to seat about 100 guests, a bar for serving beer and wine, and a stage for live bands, a sound system and indoor lighting. Appropriate OLCC permits have been obtained.

The cottage was at one time a garage. It has been converted into a living quarters for family and guests of the applicant. It will not be used for overnight guests of the events. It will be used as a dressing room and preparation room for the bride, groom and attendants at wedding events.

There are two portable rest rooms that are located in a shed next to the cottage for use by guests at the events. The facilities will be serviced regularly. They do not require the use of any water or septic system.

Three other accessory structures are completely outside the urban growth boundaries.

A shed adjacent to the shed with the toilet facilities is used to store any supplies and equipment when they are not in use. No outdoor storage of any kind will be required.

A small shed in the back yard has been converted into a bar area to alleviate congestion at the main bar in the pavilion.

A greenhouse at the edge of the filbert orchard is used for storage of equipment and supplies used in the filbert agricultural business.

The owners have a right of way on a driveway that leads from Hayden Bridge Road to the McKenzie River. The driveway is shared by a neighbor to the west and to a neighbor to the north who constructed his home next to the river. For most of its length the driveway is gravel. Only the area around the home near the river is paved. Applicant has cleared a parking area in the filbert orchard where the trees were not healthy. There is room there for approximately 55 vehicles. Except during the autumn harvesting season, additional parking is available in the orchard.

SDC 5.11-120A.2 characteristics:

Use of the property as an banquet, wedding and event venue will:

- Not involve the emission of any smoke, dust, fumes, vapors, odors, or gases;
- Not involve the use, storage or disposal of flammable or explosive materials;
- Not result in any glare;
- Not involve the use of hazardous materials that may impact groundwater quality;
- Will result in noise created by normal conversations by guests, and by music either from live bands or recorded music.

Generally there will be about 60 people per event, but up to 150 people depending on event. In the summer months there will be 4-6 events per month for a total of 240 - 900 guests per month in the summer. During the other seasons there will likely be less than one event per month.

The effect of any amplified music will be mitigated by the following:

- Only 3 residences are close enough to be impacted by amplified sound. The residence of neighbor 1, to the west of the property is 260 feet from the pavilion. It is shielded from the pavilion by a line of arborvitae trees and the cottage. There is no direct line of sight from that residence to the pavilion. Music played at a decibel level of 84 in the pavilion has a decibel level of only 50 when it reaches neighbor 1's residence. By comparison the ambient sound level in the filbert orchard is about 42. More

Publicly received:

SEP 12 2014

Original Submitted BY

Applicants proposed use is on a much smaller scale than the one described in White. However, applicant acknowledges that her proposed use does not meet the local criteria established by SDC 4.7-165, and is applying instead for approval as a "new use."

Similarity to "Home Occupation:"

The requirements of SDC 4.7-165 for home occupations apply to the applicant's proposal as follows:

A lawful activity carried on within a dwelling or accessory structure by a member or members of the family who occupy the dwelling.

Only lawful activities will be undertaken through the proposed use. The activity will be conducted in an accessory structure. The activity will be carried on by applicant and her husband, both of whom live in the dwelling. Applicant will employ her son and daughter on a part-time basis to assist with events. One or two other part time employees will be required to assist in events, including an OLCC-certified bartender.

The primary use of the building is a dwelling:

Applicant and her husband will continue to reside in the dwelling. The dwelling will not be used as part of the event center.

The occupation is a secondary use that does not significantly affect the residential character of the dwelling or neighborhood:

The dwelling will be used exclusively as a dwelling. Only accessory building will be used for weddings and other events. The proposed use as an "event center" will be primarily weekend evenings and, during peak usage, will be not more than two events per weekend.

There shall be no display which would indicate from the exterior that the building is being used for any purpose other than a residential dwelling.

The venue is shielded on all sides by vegetation. It is not visible from Hayden Bridge Road. Only one or two neighbors would be able to see events taking place, and would have to move outdoors and into their back yards and look through the trees to see the accessory building and the guests.

There shall be no outside storage of materials visible from public property or adjacent private property.

There is ample indoor storage space in sheds and in the pavilion so that no outdoor storage is necessary at all.

Mechanical equipment, unless compatible with residential purposes, shall be prohibited.

No mechanical equipment is involved in the event center.

There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line resulting from the home occupation.

The use will not create any vibration, smoke, dust, odors, heat or glare. There will be no offensive noise. Any noise created will be mitigated as previously discussed.

The home occupation shall not create hazardous traffic conditions or utilize on-street parking of nearby properties.

No on-street parking, either on applicant's property or nearby properties will be used. The use will not create hazardous traffic conditions.

If the proposed home occupation requires any modification to the dwelling or accessory structure of a nature that is not typically found in a residential district, the proposed home occupation is considered inappropriate and prohibited.

Date Received:

SEP 12 2014

Original Submittal *BY*

There will be no modification to the dwelling. The accessory structures that will be used are pre-existing agricultural structures that have been modified, but retain their essential appearance and nature.

No merchandise, other than what is produced on-site shall be sold to the public from premises.

No merchandise will be sold.

The use or storage of heavy equipment or heavy vehicles shall not be permitted. Heavy equipment and heavy vehicles shall include, but not be limited to, the use of: semi-trucks, trucks and trackers, back hoes, bob cats, refrigerator trucks, livestock trucks, commercial buses, farm tractors, garbage trucks and log trucks.

No heavy equipment will be used. The only vehicle that will be used is a small golf-cart-like vehicle which will be used to transport guests from the parking area to the location of the event.

Any home occupation, which requires more than 1 vehicle for its operation shall be prohibited. The 1 vehicle permitted is limited to passenger vehicles, passenger vans or pick-up trucks.

More than 1 vehicle is not required. The one that will be used is a passenger vehicle.

No residence shall be used as a headquarters or dispatch center where employees or subcontractors report to the residence to be dispatched elsewhere.

The use does not involve use as a headquarters or dispatch center.

Customer access to home occupations is limited to the hours of 7 a.m. to 6 p.m.

The anticipated hours of the proposed use do not fit this restriction. The anticipated hours of operation are not earlier than 3 p.m. and not later than 10:00 p.m. Use will generally only occur on weekends and holidays.

The applicant is filing a request for Director Approval of a Home Occupation in an Exclusive Farm Use Zone through Lane County. A copy of the request is attached hereto and incorporated herein by this reference.

Existing Use: Residence and Filbert Orchard
City Zoned: Low Density Residential (LDR) with Urbanizable Fringe (U.F. - 10) overlay
County Zoned: EFU
The southernmost 0.9 acres is within the Springfield Urban Growth Boundary and is used primarily for residential purposes
Remaining 12.0 acres are outside the Springfield Urban Growth Boundary, consist exclusively of a filbert orchard, and is subject to a valid farm deferral classification.

Signatures: Please sign and print your name and date in the appropriate box on the next page.

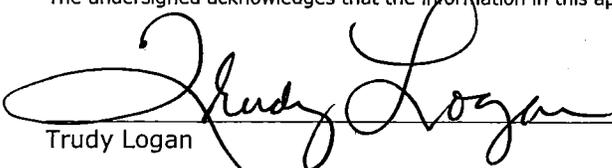
Required Project Information

(City Intake Staff: complete this section)

Associated Applications:		Signs: <u>Yes</u>
Case No.: <u>TYP214-00024</u>	Date: <u>9/12/14</u>	Reviewed by: <u>L. Miller</u>
Application Fee: \$ <u>2350.00</u>	Technical Fee: \$ <u>117.50</u>	Postage Fee: \$ <u>160.00</u>
TOTAL FEES: \$ <u>2627.50</u>		PROJECT NUMBER:

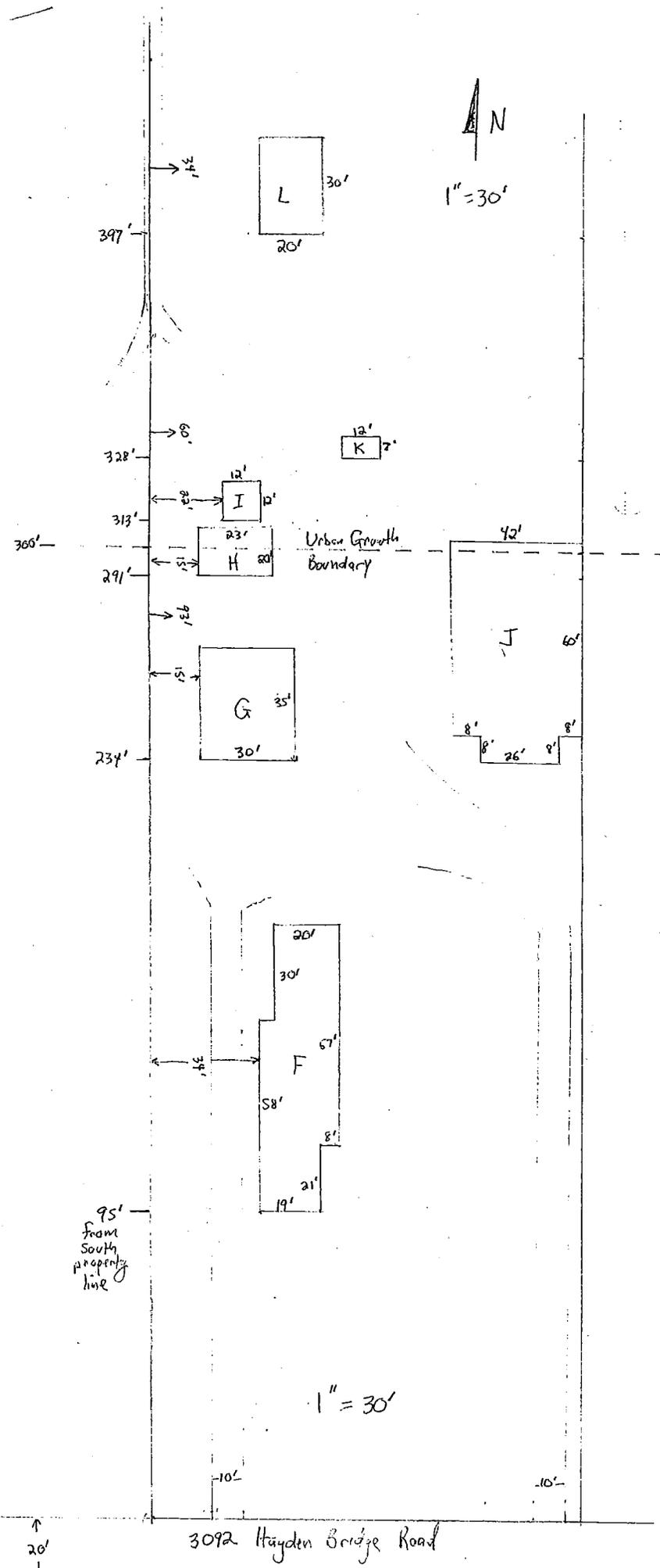
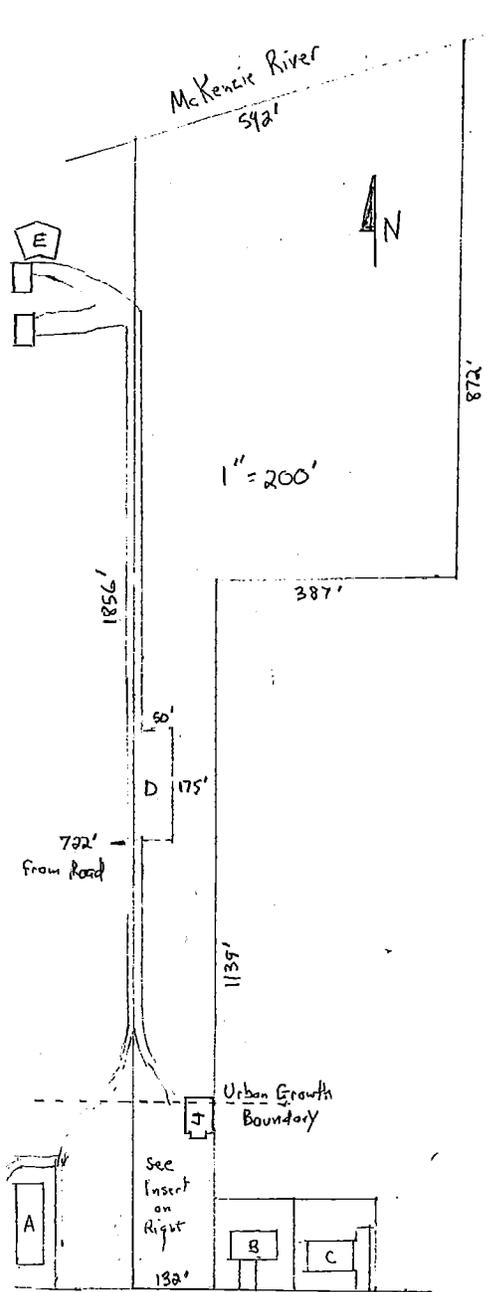
Signatures

The undersigned acknowledges that the information in this application is correct and accurate.

Applicant: Trudy Logan  Date: September 12, 2014 **SEP 12 2014**

Date Received: _____

Original Submittal 



3092 Hayden Bridge Road

- Legend
- A - Neighbor 1
 - B - Neighbor 2
 - C - Neighbor 3
 - D - Parking Area
 - E - Neighbor 4
 - F - Residence
 - G - Cottage
 - H - Rest Room Cover
 - I - Shed
 - J - Pavillion
 - K - Shed/Bar
 - Greenhouse

Date Received:
 SEP 12 2014
 Original Submitted

3092 Hayden Bridge Road



**PUBLIC HEARING NOTICE,
CITY OF SPRINGFIELD HEARINGS OFFICIAL**

CASE NUMBER: TYP214-00024

APPLICANT: Mr. Ed Spinney, Attorney

PROPERTY OWNER: Trudy Logan

NATURE OF THE APPLICATION: Type III Interpretation. Applicant requests interpretation of a new use as similar to other permitted uses in the Low Density Residential District (LDR) with an Urbanizable Fringe Overlay (UF-10). The subject site is located outside the Springfield City limits, but partially inside the Urban Growth Boundary. Specifically, the applicant requests the Hearings Official find that a banquet, wedding and event venue is consistent with other permitted uses within the zoning district(s).

AUTHORIZED USES: Permitted uses in the LDR and UF-10 Districts are regulated by SDC Sections 3.2-200 and 3.3-800, available for review in City Hall or online at: <http://qcode.us/codes/springfield-development/>.

APPLICABLE CRITERIA: In reaching a decision on this action, the Hearings Official shall adopt findings that demonstrate conformance with the criteria of approval found in Springfield Development Code Section 5.11-120.B.

SUBJECT PROPERTY LOCATION: The subject property is addressed as 3092 Hayden Bridge Road and generally located at the intersection of 31st Street and Hayden Bridge Road (Assessor's Map 17-02-19-00, Tax Lot 00800).

DATE, TIME, AND LOCATION OF THE HEARINGS: The Springfield Hearings Official will hear all testimony for and against the proposal on **January 21, 2015 at 1:30 p.m.** at Springfield City Hall Council Chambers, 225 Fifth Street, Springfield, Oregon.

ADDITIONAL INFORMATION: The application, all documents and evidence submitted by or on behalf of the applicant and the application criteria are available for inspection at City Hall at no cost and copies will be provided at a reasonable cost. Seven days prior to the hearing a copy of the staff report will be similarly available. The Hearings Official decision will constitute the final decision on this proposal.

CONTACT PERSON: Jim Donovan at (541) 726-3660. Send written testimony by regular mail to: Development and Public Works Department, City of Springfield, 225 Fifth Street, Springfield, Oregon 97477; or by email to: jdonovan@springfield-or.gov; or attend the meetings and state your views. Please reference Planning Case TYP214-00024 on all written testimony. The hearing will be conducted in accordance with SDC Section 5.2-100.

FAILURE TO RAISE ISSUE: Failure of an issue to be raised in at the hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue.

ATTACHMENT A

1702190000699
MILLER VALLEY LTD PTRSHP
3330 HAYDEN BRIDGE RD
SPRINGFIELD, OR 97477

1702190000703
WANGENSTEIN EDWARD A & LAURA F
3120 HAYDEN BRIDGE RD
SPRINGFIELD, OR 97477

1702190000901
PAZ DIANNA M
90290 HILL RD
SPRINGFIELD, OR 97478

1702190002803
UNGERLEIDER SHARON 1-2 &
MARGOLIN BERNICE 1-2
34860 MCKENZIE VIEW DR
SPRINGFIELD, OR 97478

1702193100401
JACKSON TOMMY R & REVA J
2796 32ND ST
SPRINGFIELD, OR 97477

1702193100501
SCHMIDT DAVID ALAN & CAROL J
2757 31ST ST
SPRINGFIELD, OR 97477

1702193200101
WHITEHORSE LEO H & BARBARA I
2772 31ST ST
SPRINGFIELD, OR 97477

1702193200200
HARRIS FAMILY TRUST
3053 HAYDEN BRIDGE RD
SPRINGFIELD, OR 97477

1702193200203
WEITZEL LIVING TRUST
3067 HAYDEN BRIDGE RD
SPRINGFIELD, OR 97477

1702190000701
MILLER MICHAEL P
3330 HAYDEN BRIDGE RD
SPRINGFIELD, OR 97477

1702190000800
LOGAN DAVID M & TRUDY E
3092 HAYDEN BRIDGE RD
SPRINGFIELD, OR 97477

1702190000902
STEVENS J ROCKWELL & C M
3056 HAYDEN BRIDGE RD
SPRINGFIELD, OR 97477

1702190002804
UNGERLEIDER SHARON MARGOLIN
34860 MCKENZIE VIEW DR
SPRINGFIELD, OR 97478

1702193100402
GRAHAM GERALD E & RUTH ANNE
2797 32ND ST
SPRINGFIELD, OR 97477

1702193100503
DAMON LYNN M
2790 32ND ST
SPRINGFIELD, OR 97477

1702193200102
LOVDOKKEN OGDEN L TE
2889 HAYDEN BRIDGE RD
SPRINGFIELD, OR 97477

0
HARRIS JOANNE TE
3053 HAYDEN BRIDGE RD
SPRINGFIELD, OR 97477

1702193200204
BARTH RONALD L & MICHELLE L
3049 HAYDEN BRIDGE RD
SPRINGFIELD, OR 97477

1702190000702
JOHNSON FAMILY TRUST
3180 HAYDEN BRIDGE RD
SPRINGFIELD, OR 97477

1702190000900
WEBB MARK R & TONI D
3060 HAYDEN BRIDGE RD
SPRINGFIELD, OR 97477

1702190001000
THOMPSON DEVIN LEE & THOMPSON
JAMES EDGAR
2970 HAYDEN BRIDGE RD
SPRINGFIELD, OR 97477

1702193100400
TERRY SHERMAN DOUGLAS
2909 BLACKTAIL DR
EUGENE, OR 97405

1702193100500
SMITH ROBERT A
4393 NW JON PL
CORVALLIS, OR 97330

1702193200101
LOVDOKKEN OGDEN L TE
2889 HAYDEN BRIDGE RD
SPRINGFIELD, OR 97477

1702193200103
SCHELSKY MARK S
2730 31ST ST
SPRINGFIELD, OR 97477

1702193200202
HARRIS MARITAL TRUST
3053 HAYDEN BRIDGE RD
SPRINGFIELD, OR 97477

ATTACHMENT B

1702190000699

Resident
3250 HAYDEN BRIDGE RD
Springfield, OR 97477

1702190000702

Resident
3180 HAYDEN BRIDGE RD
Springfield, OR 97477

1702190000900

Resident
3060 HAYDEN BRIDGE RD
Springfield, OR 97477

1702190000902

Resident
3056 HAYDEN BRIDGE RD
Springfield, OR 97477

1702193100400

Resident
2791 31ST ST
Springfield, OR 97477

1702193100402

Resident
2797 32ND ST
Springfield, OR 97477

1702193100503

Resident
2790 32ND ST
Springfield, OR 97477

1702193200103

Resident
2730 31ST ST
Springfield, OR 97477

1702193200203

Resident
3067 HAYDEN BRIDGE RD
Springfield, OR 97477

Resident

1702190000701

Resident
3200 HAYDEN BRIDGE RD
Springfield, OR 97477

1702190000703

Resident
3120 HAYDEN BRIDGE RD
Springfield, OR 97477

1702190000901

Resident
3050 HAYDEN BRIDGE RD
Springfield, OR 97477

1702190001000

Resident
2970 HAYDEN BRIDGE RD
Springfield, OR 97477

1702193100400

Resident
2797 31ST ST
Springfield, OR 97477

1702193100500

Resident
2783 31ST ST
Springfield, OR 97477

1702193200101

Resident
2772 31ST ST
Springfield, OR 97477

1702193200200

Resident
3065 HAYDEN BRIDGE RD
Springfield, OR 97477

1702193200204

Resident
3063 HAYDEN BRIDGE RD
Springfield, OR 97477

Resident

1702190000701

Resident
3202 HAYDEN BRIDGE RD
Springfield, OR 97477

1702190000800

Resident
3092 HAYDEN BRIDGE RD
Springfield, OR 97477

1702190000901

Resident
3052 HAYDEN BRIDGE RD
Springfield, OR 97477

1702190002804

Resident
34860 MCKENZIE VIEW DR
Springfield, OR 97478

1702193100401

Resident
2796 32ND ST
Springfield, OR 97477

1702193100501

Resident
2757 31ST ST
Springfield, OR 97477

1702193200102

Resident
2774 31ST ST
Springfield, OR 97477

1702193200202

Resident
3053 HAYDEN BRIDGE RD
Springfield, OR 97477

Resident

Resident

MORRIS Shannon

From: Melissa Antone <melissa.antone@registerguard.com>
Sent: Wednesday, December 24, 2014 3:23 PM
To: MORRIS Shannon
Subject: Re: legal notice

Hi Shannon,

No problem - we are on deadline for Tuesday, December 30th.

Have a great holiday!

Melissa

Melissa Antone
The Register-Guard
3500 Chad Drive
Eugene, OR 97408

e-mail: melissa.antone@registerguard.com

Phone: 541 338-2271

Fax: 541 683-7622

----- Original Message -----

From: "MORRIS Shannon" <smorris@springfield-or.gov>
To: "Register Guard (legals@registerguard.com)" <legals@registerguard.com>
Sent: Wednesday, December 24, 2014 3:07:49 PM GMT -08:00 US/Canada Pacific
Subject: legal notice

Is it possible for this notice to be published Monday or Tuesday? Please send a confirmation.

Thank you!

Shannon Morris
Administrative Specialist
City of Springfield
Development & Public Works
541-744-3387
smorris@springfield-or.gov

Messages to and from this e-mail address may be subject to disclosure under Oregon Public Records Law.

CITY OF SPRINGFIELD, OREGON

DEVELOPMENT SERVICES DEPARTMENT

SPRINGFIELD



225 FIFTH STREET
SPRINGFIELD, OR. 97477
(541) 726-3753
FAX (541) 726-3689
www.ci.springfield.or.us

Mr. Edmund J. Spinney
Attorney At Law
175 W. B Street. Ste. B
Springfield, OR 97477

December 18, 2014

RE: Review Process for Interpretation TYP214-00024 Logan

Dear Mr. Spinney,

I am in receipt of the November 6, 2014 submittal for the above application. As of that date, the application was deemed complete per ORS 227.178.

As indicated in Gary Karp's October 2, 2014 letter, this application requires discretionary review. Accordingly, the director has determined that the application should be reviewed as a Type III. SDC 5.11-115. Pursuant to SDC 5.2-110, the Hearings Official shall hear all Type III land use requests that relate to the City's urbanizable area, including the Urbanizable Fringe Overlay District.

The Hearing is set for 1:30 p.m. on January 21, 2015 in City Council Chambers.

On September 12, 2014, you paid the \$2627.50 fee for a Type II application. The director's decision to elevate the decision from a Type II to a Type III decision does not require an additional application fee. However, Type III hearing before the Hearings Official requires a deposit of \$5,000 to cover the expense of Hearings Official review. 2014 Master Fees and Charges Schedule. The deposit will be billed only for the Hearings Official costs; any portion of the deposit remaining after the final billing by the Hearings Official is refunded to the applicant.

Please submit the Hearings Official deposit at your earliest convenience. Public notices for the hearing will be forthcoming and a staff report and recommendation to the Hearings Official will be available approximately 7 days prior to the hearing.

The Hearing is set for 1:30 p.m. on January 21, 2015 in City Council Chambers.

Thank you for your attention to these matters.

Respectfully,


James P. Donovan
City of Springfield
DPW Planning Supervisor

c: Trudy Logan, Applicant
Lauren King, City Attorney
Greg Mott, Planning Manager

ATTACHMENT B

MORRIS Shannon

From: MORRIS Shannon
Sent: Thursday, December 18, 2014 8:35 AM
To: MOTT Gregory
Subject: Logan letter
Attachments: TYP214-00024 Logan.pdf

Hi Greg,

Attached is a copy of the letter sent to Trudy Logan and Mr. Spinney. Jim Donovan asked that I forward this to you.

Thank you,

Shannon Morris
Administrative Specialist
City of Springfield
Development & Public Works
541-744-3387
smorris@springfield-or.gov

ATTACHMENT B

MORRIS Shannon

From: MORRIS Shannon
Sent: Thursday, December 18, 2014 8:35 AM
To: 'lak@emeraldaw.com'
Subject: Logan application review
Attachments: TYP214-00024 Logan.pdf

Hello Lauren,

Attached is a copy of the letter sent to Trudy Logan and Mr. Spinney. Jim Donovan asked that I forward this to you.

Thank you,,

Shannon Morris
Administrative Specialist
City of Springfield
Development & Public Works
541-744-3387
smorris@springfield-or.gov

**DEVELOPMENT SERVICES
PLANNING DEPARTMENT
225 FIFTH STREET
SPRINGFIELD, OR 97477**



Trudy Logan
3092 Hayden Bridge Rd.
Springfield, Or 97477

**DEVELOPMENT SERVICES
PLANNING DEPARTMENT
225 FIFTH STREET
SPRINGFIELD, OR 97477**



Mr. Edmund J. Spinney
Attorney At Law
175 W. B Street Ste. B
Springfield, Or 97477

Attachment B