

**ORDINANCE NO. 6316 (General)**

**AN ORDINANCE COMPLYING WITH LAND USE BOARD OF APPEALS (LUBA) REMAND (2012-077/078/079) BY INCORPORATING SUPPLEMENTAL FINDINGS INTO THE RECORD OF SPRINGFIELD FILE NUMBERS TYP411-00005, TYP411-00007, AND TYP311-00001 AND LANE COUNTY FILE NUMBER PA 11-5489, AND AMENDING THE GLENWOOD REFINEMENT PLAN DIAGRAM AND TEXT, THE SPRINGFIELD ZONING MAP, AND THE SPRINGFIELD DEVELOPMENT CODE, AND INCORPORATING ADDITIONAL FINDINGS IN ORDER TO CHANGE THE LAND USE DESIGNATION AND ZONING OF 14.29 ACRES OF LAND FROM EMPLOYMENT MIXED-USE TO COMMERCIAL MIXED-USE, AND ADOPTING A SEVERABILITY CLAUSE.**

**THE COMMON COUNCIL OF THE CITY OF SPRINGFIELD FINDS THAT:**

**WHEREAS**, Glenwood Phase I was adopted by Springfield on June 18, 2012 (Ordinance No. 6279) and by Lane County on September 5, 2012 (Ordinance No. PA1288 and Ordinance No. 3-12); and

**WHEREAS**, Shamrock Homes, LLC filed a Notice of Intent to Appeal Springfield Ordinances 6279 and Lane County Ordinances PA12888, and 3-12 on September 28, 2012; and

**WHEREAS**, LUBA rendered their decision (LUBA 2012/077/078/079) on July 12, 2013; and

**WHEREAS**, LUBA's decision required the City take additional action with regards to Goal 9 (Economic Development); Goal 10 (Housing); Goal 12 (Transportation); and Goal 15 (Willamette River Greenway); and

**WHEREAS**, timely and sufficient notice of the public hearings regarding the LUBA Remand pursuant to Glenwood Phase 1, has been provided in accordance with SDC Section 5.2-115; and

**WHEREAS**, Springfield Development Code Section 5.6-100 sets forth procedures for the amendment of the Glenwood Refinement Plan diagram and text and the SDC; and

**WHEREAS**, the Springfield File Numbers TYP411-0005 (Glenwood Refinement Plan diagram and text amendments) and TYP 411-00007 (Springfield Development Code amendments) and Lane County File Number PA 11-5489 contain supplemental findings and studies regarding Goals 9, 10, 12 and 15 that address the LUBA Remand; and

**WHEREAS**, Shamrock Homes, LLC presented public testimony on November 18, 2013 indicating that it believed the Glenwood Refinement Plan diagram and text amendments to address the LUBA Remand were insufficient, and Shamrock Homes, LLC requested additional changes to Assessor's Maps and Tax Lots 18-03-03-11 01401, 17-03-34-440 3300, and 17-03-34-44 00301.

**WHEREAS**, based on Shamrock Homes, LLC public testimony, the Springfield File Numbers TYP411-00005 (Glenwood Refinement Plan diagram and text amendments), TYP311-00001 (Springfield Zoning Map amendments,) and TYP 411-00007 (Springfield Development Code amendments) and Lane County File Number PA 11-5489 contain additional findings in order to change the land use designation and zoning of 14.29 acres of land from Employment Mixed-Use to Commercial Mixed-Use; and

**WHEREAS**, Springfield Development Code Section 5.22-100 sets forth procedures for the amendment of the Springfield Zoning Map; and

**WHEREAS**, the public hearings listed below were limited to address only the issues contained in the LUBA Remand and the land use designation and zone change of 14.29 acres from Employment Mixed-Use to Commercial Mixed-Use regarding Glenwood Phase I; and

**WHEREAS**, on October 15, 2013, the Springfield Planning Commission held a work session and public hearing regarding the LUBA Remand and the criteria of approval, findings and recommendations as set forth in Exhibit A, together with the testimony and submittals of those persons testifying at the public hearing or in writing are part of the public record, and the Springfield Planning Commission voted 6 to 0, with one absent to recommend adoption of Glenwood Phase 1 LUBA Remand to the Springfield City Council and the Lane County Board of Commissioners; and

**WHEREAS**, on October 17, 2013, the Springfield City Council and the Lane County Board of Commissioners held a work session on the LUBA Remand; and

**WHEREAS**, on October 29, 2013, the Lane County Board of Commissioners held a first reading on the LUBA Remand; and

**WHEREAS**, on November 18, 2013, the Springfield City Council held a first reading and the Lane County Board of Commissioners held a second reading on the LUBA Remand and joint public hearing; and

**WHEREAS**, on December 2, 2013, the Springfield City Council held a second reading and the Lane County Board of Commissioners held a third reading on the Glenwood Phase 1 LUBA Remand; and

**WHEREAS**, on January 28, 2014, the Lane County Board of Commissioners held a fourth reading on the Glenwood Phase I LUBA Remand; and

**WHEREAS**, on February 25, 2014, the Lane County Board of Commissioners held a fifth reading on the Glenwood Phase I LUBA Remand; and

**WHEREAS**, on April 1, 2014, the Springfield City Council held a third reading and the Lane County Board of Commissioners held a sixth reading on the Glenwood Phase 1 LUBA Remand and the land use designation and zone change of 14.29 acres from Employment Mixed-Use to Commercial Mixed-Use; and

**WHEREAS**, on April 7, 2014, the Springfield City Council held a fourth reading and substantial evidence exists within the public record as set forth in Exhibit A, together with the testimony and submittals of those persons testifying at the public hearing or in writing that has been considered and are part of the public record, and the Springfield City Council is now ready to take action on the LUBA Remand.

**NOW THEREFORE, THE CITY OF SPRINGFIELD ORDAINS AS FOLLOWS:**

**SECTION 1:** The above findings and the findings set forth in Exhibit A and incorporated herein are hereby adopted.

**SECTION 2:** The previously adopted Glenwood Refinement Plan Diagram (Ordinance No. 6279) as set forth in Exhibit B is hereby readopted in its entirety and further amended designating 33.26 acres from Residential Mixed-Use to Residential Mixed-Use/Multimodal Mixed-Use Area, 14.58 acres from Commercial Mixed-Use to Commercial Mixed-Use/Multimodal Mixed-Use Area, 46.33 acres from Office Mixed-Use to Office Mixed-Use/Multimodal Mixed-Use Area, and 173.11 acres from Employment Mixed-Use to Employment Mixed-Use/Multimodal Mixed-Use Area in Glenwood Phase I and designating 14.29 acres from Employment Mixed-Use/Multimodal to Commercial Mixed-Use/Multimodal; and the previously adopted Glenwood Refinement Plan, Phase I text (Ordinance No. 6279) is hereby readopted in its entirety and further amended by amending text, development policies and implementation strategies in portions of the Land Use and Open Space Chapters for Glenwood Phase I; and amending the findings for TYP411-00005.

**SECTION 3:** The previously adopted Springfield Zoning Map (Ordinance No. 6279) as set forth in Exhibit B is hereby readopted in its entirety and further amended rezoning 14.29 acres from Employment Mixed-Use to Commercial Mixed-Use; and amending the findings for TYP311-00001.

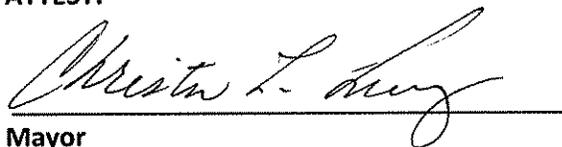
**SECTION 4:** The Springfield Development Code as set forth in Exhibit C is hereby amended by amending Section 3.4-245; amending Section 3.5-280; amending Section 4.3-115; amending Appendix 3; and amending the findings for TYP411-00007.

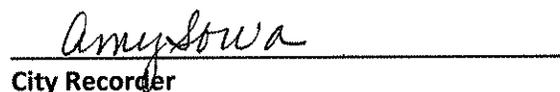
**SECTION 5:** Severability Clause. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and individual provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

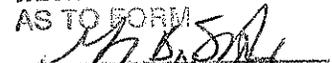
**ADOPTED** by the Common Council of the City of Springfield by a vote of 6 for and 0 against, this 7 day of APRIL, 2014.

**APPROVED** by the Mayor of the City of Springfield, this 7 day of APRIL, 2014

**ATTEST:**

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Recorder

REVIEWED & APPROVED  
AS TO FORM  
  
DATE: 4/17/14  
OFFICE OF CITY ATTORNEY