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**AGENDA ITEM SUMMARY**

**Meeting Date:** 5/5/2020  
**Meeting Type:** Regular Meeting  
**Staff Contact/Dept.:** Andrew Larson, DPW  
**Staff Phone No:** 541.736.1003  
**Estimated Time:** 30 minutes  
**Council Goals:** Promote and Enhance our Hometown Feel while Focusing on Livability and Environmental Quality

**SPRINGFIELD  
PLANNING COMMISSION**

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**ITEM TITLE:** REQUEST TO GRANT MAJOR VARIANCE TO THE LOT SIZE AND DIMENSIONS FOR LOW-DENSITY RESIDENTIAL LOTS IN SDC 3.2-215 BASE ZONE DEVELOPMENT STANDARDS.

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**ACTION REQUESTED:** Conduct a public hearing and deliberations, and approve, approve with conditions, or deny a request to grant a Major Variance for two lots that do not meet the minimum area standard and two lots that do not meet the minimum street frontage standard for north/south streets, on vacant property located near the intersection of Fairview Drive and Fairhaven Street.

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**ISSUE STATEMENT:** City staff approved a tentative subdivision plan with a condition to reconfigure the subdivision to eliminate substandard lots, or obtain variance approval for substandard lot area sizes and dimensions (Journal No. 811-19-000270-TYP2). The Planning Commission is asked to determine whether the request is consistent with the Criteria for Major Variance Approval set by SDC 5.21-130.

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**ATTACHMENTS:** Attachment 1: PC Order – Major Variance Request 811-20-000030-TYP3  
Exhibit A: Property Description  
Exhibit B: Staff Report and Findings with Exhibits  
Attachment 2: Site Overview, Context and Zoning Maps  
Attachment 3: Tentative Subdivision Approval 811-19-000270-TYP2  
Attachment 4: Requested Lot Adjustments  
Attachment 5: Applicant Submittals

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**DISCUSSION/  
FINANCIAL  
IMPACT:** The applicants received Tentative Subdivision Approval for eleven lots on an approximately 1.59 acre vacant parcel on the condition that six lots be brought into compliance with size and dimension standards or provide evidence of Major Variance Approval for reduced lots sizes prior to Final Plat procedures. The applicants submitted an application for Major Variance on February 3, 2020. City staff thereafter determined that two of these six meet the minimum standards without variance approval; the Staff Report addresses four lots.

The Planning Commission is asked to apply the Major Variance Criteria of Approval located at SDC 5.21-130 and render a decision on the facts of the case. Staff found that planned street connections and existing easements impact the design and density of the site and the proposed lot size adjustments were minimal and necessary to achieve the proposed number of lots within the subdivision and are therefore recommending Approval with Condition(s). The Applicant Submittals, Public Comments and Staff's Report and Findings are attached for the Commission's consideration. The scheduled public hearing will be conducted on line and in compliance with COVID19 protections.

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**BEFORE THE PLANNING COMMISSION OF SPRINGFIELD, OREGON  
FINAL ORDER FOR:**

**REQUEST TO GRANT MAJOR VARIANCE TO THE LOT SIZE AND DIMENSIONS ] 811-20-000030-TYP3  
FOR LOW-DENSITY RESIDENTIAL LOTS IN SDC 3.2-215 BASE ZONE ]  
DEVELOPMENT STANDARDS. ]  
]**

**NATURE OF THE APPLICATION**

Request to grant a Major Variance for two lots that do not meet the minimum area standards and two lots that do not meet minimum street frontage standards for north-south streets within a tentatively approved subdivision on vacant property located near the intersection of Fairview Drive and Fairhaven Street. The subject property is generally depicted and more particularly described in **Exhibit A** to this Order.

Timely and sufficient notice of the public hearing has been provided, pursuant to SDC 5.2-115 and Executive Order 20-16.

On May 5, 2020, the Springfield Planning Commission held a public hearing and conducted deliberations on the proposed request for a Major Variance. The staff report, written comments, and testimony of those who spoke in person or electronically at the public hearing were entered into the record.

**CONCLUSION**

On the basis of this record, the proposed Major Variance request is consistent with the criteria of SDC 5.21-130 as conditioned. This general finding is supported by the specific findings of fact and conclusion in the Staff Report and Findings, attached hereto as **Exhibit B**.

**ORDER/RECOMMENDATION**

It is ORDERED by the Springfield Planning Commission that of the Major Variance requested, Case Number 811-20-000030-TYP3, be approved as conditioned. This ORDER was presented to and approved by the Planning Commission on May 5, 2020.

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

\_\_\_\_\_  
Date

**ATTEST**

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**



TITLE NO. 0308478  
 ESCROW NO. VP18-0690AJB  
 TAX ACCT. NO. 0230712  
 TAX ACCT. NO. 0230720  
 TAX ACCT. NO. 1408747  
 MAP/TAX LOT NO. 17-03-27-31-01800  
 MAP/TAX LOT NO. 17-03-27-31-01900  
 MAP/TAX LOT NO. 17-03-27-31-01902

|   |                        |
|---|------------------------|
| Lane County Clerk                       | <b>2018-034906</b>     |
| Lane County Deeds & Records             | 07/27/2018 10:55:47 AM |
| RPR-DEED Cnt=1 Stn=40 CASHIER 01 2pages | \$112.00               |
| \$10.00 \$11.00 \$10.00 \$20.00 \$61.00 |                        |

**GRANTOR**

PATRICIA ANN COLEMAN, SUCCESSOR TRUSTEE OF THE VIRGINIA ANN FAILS TRUST (U/T/D JANUARY 24, 2007)

**GRANTEE**

RICHARD J. SORRIC  
 P.O. BOX 10092  
 Eugene, OR 97440

The true consideration for this conveyance is **\$330,000.00**.

Until a change is requested  
 all tax statements shall be  
 sent to the following address:  
 \*\*\*SAME AS GRANTEE\*\*\*

After recording return to:  
 CASCADE TITLE CO.  
 811 WILLAMETTE  
 EUGENE, OR 97401

## WARRANTY DEED -- STATUTORY FORM

**PATRICIA ANN COLEMAN, SUCCESSOR TRUSTEE OF THE VIRGINIA ANN FAILS TRUST (U/T/D JANUARY 24, 2007), Grantor,**  
 conveys and warrants to  
**RICHARD J. SORRIC, Grantee,**

the following described real property free of encumbrances except as specifically set forth herein:

**TAX LOT 1800:**

Beginning at the Northeast corner of the R.E. Campbell and wife Donation Land Claim No. 59, in Township 17 South, Range 3 West of the Willamette Meridian; running thence South 745 feet; thence West 1630 feet, parallel with the South line of said Donation Land Claim No. 59, to the true point of beginning; running thence South 440 feet; thence West parallel to said South line 100 feet; thence North 440 feet; thence East 100 feet parallel to said South line to the place of beginning, in Lane County, Oregon;

EXCEPT THEREFROM that portion conveyed to Lane County, Oregon by Deed recorded March 16, 1961, Reception No. 26236, Lane County Oregon Deed Records, in Lane County, Oregon.

ALSO EXCEPT all that property lying South of the common property line as described in Boundary Line Agreement recorded September 16, 1996, Reception No. 96-62171, Lane County Official Records, in Lane County, Oregon.

**TAX LOT 1902:**

Beginning at a point on the South margin of West Fairview Drive, said point being South 765.00 feet and South 88° 46' 02" West 1600.00 feet from the Northeast corner of the R.E. Campbell and wife Donation Land Claim No. 59, in Township 17 South, Range 3 West of the Willamette Meridian; running thence South 90.00 feet; thence North 88° 46' 02" East 70.00 feet; thence South 109.60 feet; thence South 88° 46' 02" West 85.00 feet; thence North 199.60 feet to the point on the South margin of said West Fairview Drive; thence along said margin North 88° 46' 02" East 15.00 feet to the point of beginning, all in Springfield, in Lane County, Oregon.

**TAX LOT 1900:**

Beginning at the Northeast corner of the R.E. Campbell and wife Donation Land Claim No. 59, in Township 17 South, Range 3 West of the Willamette Meridian; running thence South 745 feet; thence West 1530.0 feet parallel to the South line of said Donation Land Claim No. 59 to the true point of beginning; running thence South 440 feet; thence West parallel to said South line 100 feet; thence North 440 feet; and thence East parallel to said South line 100 feet to the place of beginning, in Lane County, Oregon.

EXCEPTING THEREFROM that portion conveyed to Lane County, Oregon by instrument recorded March 16, 1961, Reception No. 26236, Lane County Oregon Deed Records, in Lane County, Oregon.

WRD-TAX (AJB)

ALSO EXCEPT: Beginning at a point on the South margin of West Fairview Drive, said point being South 765.00 feet and South 88° 46' 02" West 1600.00 feet from the Northeast corner of the R.E. Campbell and wife Donation Land Claim No. 59 in Township 17 South, Range 3 West of the Willamette Meridian; thence running South 90.00 feet; thence North 88° 46' 02" East 70.00 feet; thence South 109.60 feet; thence South 88° 46' 02" West 85.00 feet; thence North 199.60 feet to a point on the South margin of said West Fairview Drive; thence along said margin North 88° 46' 02" East 15.00 feet to the point of beginning, all in Lane County, Oregon.

Continued Property Description – (Tax Lot 1900)

ALSO EXCEPT: Beginning at a point on the South margin of West Fairview Drive, said point being South 765.00 feet and South 88° 46' 02" West 1530.00 feet from the Northeast corner of the R.E. Campbell and wife Donation Land Claim No. 59, in Township 17 South, Range 3 West of the Willamette Meridian; thence running South 90.00 feet; thence South 88° 46' 02" West 70.00 feet; thence North 90.00 feet to a point on the South margin of said West Fairview Drive; thence along said margin North 88° 46' 02" East 70.00 feet to the point of beginning, all in Springfield, in Lane County, Oregon.

ALSO EXCEPT all that property lying South of the common property line as described in Boundary Line Agreement recorded September 16, 1996, Reception No. 96-62171, Lane County Official Records, in Lane County, Oregon.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 (Definitions for ORS 92.010 to 92.192) OR 215.010 (Definitions), TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930 (Definitions for ORS 30.930 to 30.947), AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Except the following encumbrances:

Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2018-2019.

Covenants, Conditions, Restrictions, Easements and Rights of Way of record, if any.

The true consideration for this conveyance is \$330,000.00.

Dated this 26<sup>th</sup> day of July, 2018.

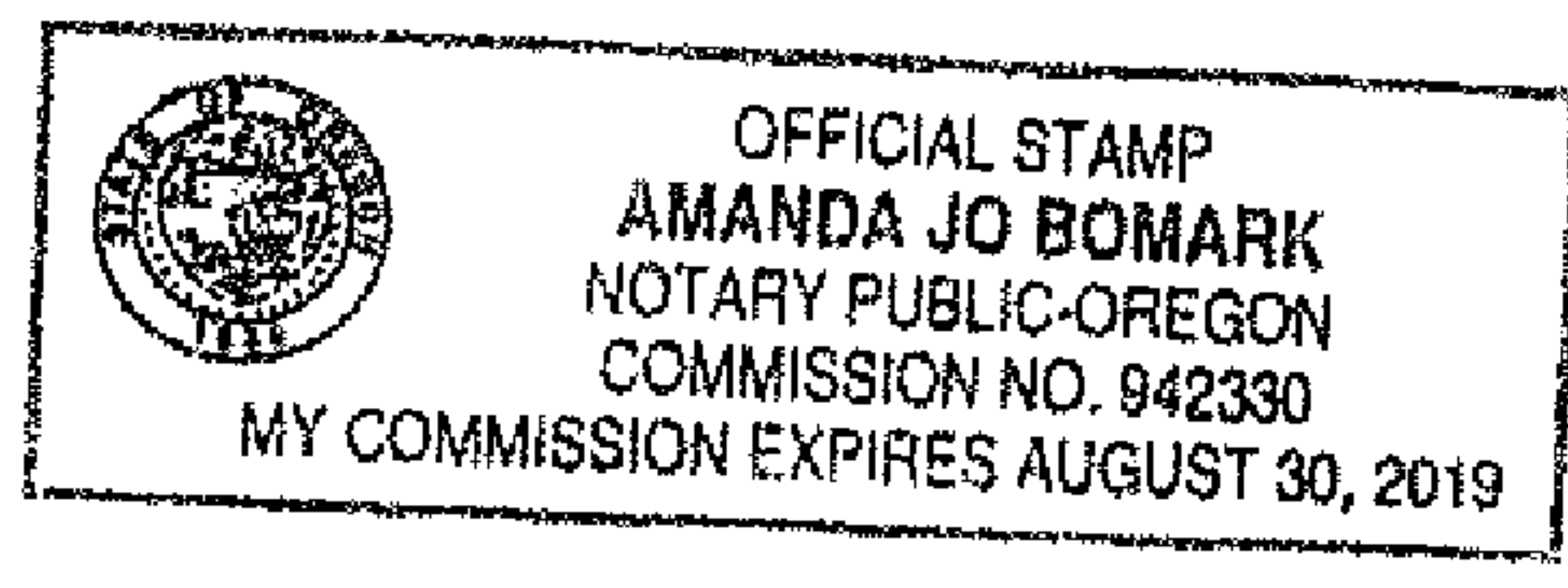
THE VIRGINIA ANN FAILS TRUST (U/T/D JANUARY 24, 2007)

Patricia Ann Coleman  
PATRICIA ANN COLEMAN, SUCCESSOR TRUSTEE

State of Oregon  
County of Lane

This instrument was acknowledged before me on July 26, 2018 by PATRICIA ANN COLEMAN AS SUCCESSOR TRUSTEE OF THE VIRGINIA ANN FAILS TRUST (U/T/D JANUARY 24, 2007).

[Signature]  
(Notary Public for Oregon)  
My commission expires 8.30.2019



**Staff Report and Findings  
Before the Planning Commission  
Request for Major Variance from Lot Area Size and Dimension**

**Hearing Date:**           **May 5, 2020**

**Case Number:**           **811-20-000030-TYP3**

**Applicant & Property Owner:**

**Richard Sorric  
PO Box 10092  
Eugene, OR 97440**

**Applicant Representative:  
Metro Planning, Inc.  
Jed Truett  
846 A Street  
Springfield, OR 97477**

**Site: Map Number 17-03-27-31; Tax Lots 1900 & 1902**

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**REQUEST**

Request to allow a variance on lot area for two lots and lot frontage for two lots in the Tentatively Approved Johnathan Court 11-Lot Subdivision. The request would allow two lots to be created below the minimum 5,000 sq. ft. lot size and two lots below the minimum 60 feet of frontage for lots located on a north/south street.

**SITE INFORMATION/BACKGROUND**

The application was submitted on February 3, 2020, and the public hearing on the matter of the Major Variance request is scheduled for May 5, 2020. The City conducted a Development Review Committee meeting on the variance request on February 25, 2020.

The property is located just south and west of the intersection of Fairview and Rainbow Drive; with minimum frontage on Fairview. The property is zoned Low Density Residential in accordance with the Metro Plan. The site is approximately 1.59 acres and is currently vacant. The site has not yet been assigned a municipal street address and is identified as Assessor's Map 17-03-27-31, Tax Lots 1900 & 1902. An 11-Lot Subdivision, Johnathan Court, was approved for the subject property on January 24, 2020 and conditioned to either reconfigure lots to meet minimum standards or receive approval of a Major Variance prior to Final Plat approval.

In accordance with Section 3.2-215 of the Springfield Development Code (SDC), for lots fronting on north/south streets, the standards for minimum lot size and dimensions are 5,000 square feet with a minimum frontage of 60 feet. The applicant is requesting Lots 1 & 2 to be approved with 4,269 square feet of area, and Lots 10 & 11 to be approved with 53.47 feet of frontage on proposed Fairhaven Street; a north/south public street. The Major Variance Criteria applied to a request for relief from minimum standards of the code are listed in Section 5.21-130 of the Springfield Development Code. The applicants' response and findings proposed by staff for the Planning Commission's consideration are provided herein.

### Notification and Written Comments

Notification of the May 5, 2020 Planning Commission public hearing was sent to all property owners and residents within 300 feet of the outer boundary of the development site on April 14, 2020 . Notification was also published in the April 15, 2020 edition of *The Register Guard*. One letter was received prior to completion of this staff report:

**Comment:** Douglas & Suzi Ginter, 1007 W N Street, Springfield, OR 97477, provided comment via email on March 9, 2020 stating the following:

“We are OPPOSED to allowing a variance on lot area for the two lots and lot frontage for two lots in tentatively approved Johnathan Court 11-lot subdivision.

1.) The two lots that are requested to be created, ARE BELOW the MINIMUM 5,000 sq. ft. lot size required.

2.) The other two lots ARE BELOW the MINIMUM 60 feet of FRONTAGE required.

Why is Mr. Sorric trying to cram so many lots into such a small area? Perhaps 6-8 homes would be overly sufficient. Eleven is outrageous in our opinion. Solution: Give them bigger lots and charge more money.

There are safety issues there: if there were a fire in the inner most houses and vehicles were parked along the street (most people have more than one auto plus visiting friends/family) how would an emergency vehicle get to those in need? The congestion is going to be awful cramming that many people in that small area.

You asked for our input, We Are Opposed to that many lots to build on, especially since they ARE BELOW the MINIMUM that is required.”

**Staff Response:** Section 5.21-130 states that the Approval Authority, Planning Commission, may approve or approve with conditions a Major Variance on finding that all of the criteria listed in Section 5.21-130(A-E) are satisfied, otherwise the request will be denied.

The applicant received tentative approval for the 11-Lot Subdivision, Johnathan Court, on January 24, 2020. The required density range in the Low Density Residential District is 6-14 units per developable acre. The proposed density is 10.25 units to the developable acre and is within the allowable range for the district. Additionally, the City of Springfield Development Review Committee reviewed the tentative subdivision proposal and found that the existing and proposed public infrastructure meets applicable standards for traffic safety and emergency access. As part of that review the Deputy Fire Marshall reviewed access widths, emergency turn around functions and available or proposed fire hydrants and found them adequate to serve the development. The Planning Commission will determine if the requested variance of lot sizes poses an adverse impact on the surrounding neighborhood by applying the Variance Criteria of Approval cited above.

### Criteria of Approval

Section 5.21-130 of the SDC contains the criteria of approval for the decision maker to utilize during review of Major Variances. The Major Variance approval criteria are:

#### *SDC 5.21-130. CRITERIA*

- A. *An unusual condition exists that is unique to: a lot/parcel, building or structure; lot/parcel size, shape or topography; the location or size of physical improvements; or other similar circumstances not anticipated by this Code but related to the property that would deprive the owner of rights commonly enjoyed by other property owners similarly situated in the same zoning district;*
- B. *The Variance shall not be inconsistent with the development standards of this Code or of any applicable Refinement Plan diagram, Plan District map, Conceptual Development Plan or other applicable plans or studies;*

- C. *The Variance shall have no significant adverse affects on other properties in the same zoning district and/or vicinity, or the request can be conditioned so that there are no significant adverse affects;*
- D. *The unusual condition described in Subsection A. above shall not arise from a previous Code violation or rely only on loss of profit or financial need; and*
- E. *The Variance requested is the minimum necessary to alleviate the unusual condition.*

**Applicant Submittals and Proposed Findings in Response to Criteria**

1. **An unusual condition exists that is unique to: a lot/parcel, building or structure; lot/parcel size, shape or topography; the location or size of physical improvements; or other similar circumstances not anticipated by this Code but related to the property that would deprive the owner of rights commonly enjoyed by other property owners similarly situated in the same zoning district.**

*Applicant Submittal: There are a few unusual conditions that exist with the subject property.*

*First is that an east/west continuation of Olympic Street must occur even though there is no adjacency. As noted above, the initial proposal in Exhibit A (utilizing panhandle lots) helped to mitigate this while still yielding enough lots to make the project feasible.*

*Second, there eventually needs to be a connection to Fairview Drive. Even though our parcel is not the midpoint between connections, it is “first in time” and so became the candidate property to provide that connection. The additional requirement of an alternate public street layout brought in different lot requirements (those required for north-south street vs panhandle lots). The public street is also a more expensive item than a panhandle driveway, and so it is even more important to keep the initial lot count to make the project feasible.*

*Once this project is complete the north-south street connection will allow property owners to the east and west to develop their respective properties without having to worry about the additional expense and loss of property for a public street connection to Fairview. In other words, they will be beneficiaries and so will enjoy a property right that the Applicant is deprived of.*

**Finding 1:** The applicant has tentative subdivision approval to dedicate and construct a north/south local street segment leading to an intersection with a future east/west collector street as part of a single family residential subdivision on LDR property, Case Number 811-19-000270-TYP2. The lots involved in this request are all located on the north/south local street segment of the development.

**Finding 2:** In accordance with Section 3.2-215 of the Springfield Development Code (SDC) the standards for minimum lot size and dimensions are 5,000 square feet with a minimum frontage of 60 feet on north/south streets. The applicant is requesting Lots 1 & 2 to be approved with 4,269 square feet of area, and Lots 10 & 11 to be approved with 53.47 feet of frontage on proposed Fairhaven Street; a north/south public street.

**Finding 3:** The applicant has included Lots 3 & 9 in tabular data submitted under Criterion 5; however, staff has determined that these two lots can be oriented to Olympic Street and meet the minimum development standards for an east/west street and do not require a Major Variance.

**Finding 4:** Section 3.2-205 establishes sites for Low Density Residential development where primarily detached single-family dwelling and duplexes are permitted with a density range of 6 to 14 dwelling units per net acre. The subject property is 1.59 gross acres in size; removal of the right of way area from the gross acreage results in a net developable area of 1.42 acres. The allowable density range corresponds to 6-14 units. The applicant proposed 11 lots with a net density of 10.25 dwelling units per acre, which falls within the allowable density range.



**Finding 5:** The site's location, shape and frontage dictated its connection points to existing and planned streets during subdivision design and review procedures. As approved, the street connections to Fairview and Olympic Streets form an inverted "T" design that reduces the net developable area by 0.17 acres and limits the design of lots along the north/south local street.

**Finding 6:** There is an existing EWEB easement and water main diagonally spanning the northern portion of the property which affected subdivision design during tentative review. As tentatively approved, the applicant will relocate the easement and main to an east/west orientation across the site to reduce impacts of the current alignment. Lots 1 & 2 and 10 & 11 have fixed lot depths and have been further limited in developable area by placement of the easement along common property lines.

**Finding 7:** The location and shape of the parent parcel limit the available options for access and connectivity to the existing and planned street network. The resulting net developable area and the size of building envelopes along the north/south street are further limited by the existence of the existing EWEB infrastructure. The EWEB easement has limited options for relocation and must remain near its current location. Reducing lot sizes at this location and co-locating driveways over the re-aligned easement area focuses and limits the impacts to the subject lots, limits the ripple effect on lot designs and preserves remaining lot sizes within the development area.

**Finding 8:** The applicant's request is for relief from minimum lot size and dimension standards for four of eleven lots within a development area with limited street connectivity and lot design options and which is further impacted by existing infrastructure and easements which do not serve the site and poses limited relocation options.

**Finding 9:** The street dedication requirement as it relates to the overall development area configuration and the existence of the EWEB easement across the northern portion of the property are unusual conditions not anticipated by the minimum lot size and frontage requirements. Denying relief from these standards would deprive the property owner of rights commonly enjoyed by other property owners similarly situated in the same zoning district: specifically, the ability to develop housing at or below the maximum density for the LDR zone, and lots that meet the smaller minimum standards for east/west streets (4500 sq. ft. area and 45' frontage).

**Conclusion:** The above findings show that Criterion A is met.

- 2. The Variance shall not be inconsistent with the development standards of this Code or of any applicable Refinement Plan diagram, Plan District map, Conceptual Development Plan or other applicable plans or studies;**

*Applicant Response: North-south lots are generally larger in dimension and size than those on an east-west street. The lot dimension variances requested would not reduce the subject lots below the size or dimensions allowed for lots on an east-west street or panhandle lots. To that degree the variances leave the lots consistent with the comprehensive plan and proposed minimum densities for low-density residential zoning. The proposed variance requests are very minor and will not be inconsistent with any other applicable plans or studies.*

**Finding10:** The subject site is not within any Refinement Plan diagram, overlay district or other applicable special plans or studies.

**Finding 11:** New residential development will be required to comply with all height, setback, parking, coverage and solar standards of the Low Density Residential District at the time of development.

**Finding 12:** The City of Springfield's Engineering Division reviewed the request for reduced lot sizes and recommended shared driveways for the lots to limit the conflict points and impacts the reduced width right of way approved during tentative subdivision review. The reviewing engineer found that the proposed



north/south street (tentatively named Fairview St. in the subdivision application) serving the undersized lots is a narrower alternative design standard which was tentatively approved to provide the needed connectivity and access. The street design is narrow (20 feet in width) with sidewalk on one side. The following condition is recommended to reduce the number of driveways serving the proposed lots and provide additional area for standard utilities, above ground appurtenances and on street parking area:

**Condition of Approval: On the Final Plat, and as part of the Public Improvement Plans, the applicant shall show shared driveway access easements, centered over the EWEB waterline easement, for Lots 10 & 11 on the west side of Fairview Street and Lots 1 & 2 on the east side of Fairview Street.**

**Conclusion:** As conditioned, the above findings demonstrate that Criterion B is satisfied.

- 3. The Variance shall have no significant adverse affects on other properties in the same zoning district and/or vicinity, or the request can be conditioned so that there are no significant adverse effects;**

*Applicant Response: Since the area and dimensions of the subject lots will still exceed the minimum required for lots on east-west streets and panhandle lots, there will be no noticeable or adverse affects on any other properties zoned LDR in the immediate vicinity. The overall density for this subdivision with these variances will be under 7 units per acre, and so won't even come close to the 14 unit per acre maximum allowed in the LDR zone. The variances requested are relatively minor (15% or less variance from the standard) and will not be noticeable.*

**Finding 13:** If approved, the proposed density of 10.25 units per acre is within the allowed range of 6-14 units per developable acre in the LDR zoning district. Densities within the prescribed range are not considered an adverse impact on the neighborhood.

**Finding 14:** The LDR permitted use list allows for a range of designs to meet prescribed densities such as single family homes, duplexes or attached single family structures. A full range of lot sizes and techniques are evident in the surrounding neighborhood as shown in Attachment 2 and throughout the City of Springfield.

**Finding 15:** All residential development is subject to the Springfield Development Code (SDC) and must meet applicable standards for the Low Density Residential District including applicable setbacks, height restrictions, and parking requirements. The provision of street improvements and the application of residential development standards during building permit review will prohibit any adverse effects on neighboring properties.

**Finding 16:** As conditioned herein, shared driveways for Lots 1 & 2 and Lots 10 & 11 will limit pedestrian vehicle conflict points and provide a safer transportation environment within the subdivision area. The tentatively approved street connections at the northerly and southerly boundaries of the subdivision will be further reviewed during Public Improvement Project review to ensure safe and efficient connectivity to the existing street network.

**Conclusion:** As submitted and conditioned herein, the above findings demonstrate that Criterion C is satisfied.

- 4. The unusual condition described in Subsection A. above shall not arise from a previous Code violation or rely only on loss of profit or financial need;**

*Applicant Response: The unusual conditions described in Subsection A did not arise from a previous Code violation and although there would be substantial loss of profit if the variances were not granted this is not the unusual condition described in Subsection A.*

**Finding 17:** The unusual conditions noted above are the location, shape, frontage, required street connectivity standards and pre-existing infrastructure and associated easements affecting the development area and do not arise from a prior code violation.

**Finding 18:** While the applicant mentions project feasibility as a reason justifying the Major Variance, the need for a variance is not solely due to motivation of loss of profit. In addition to the circumstances described above, the Major Variance can be justified in that it provides additional housing units within the allowable density range. It is well-established that the State of Oregon has an overall housing shortage.<sup>1</sup> The proposed Major Variance increases the number of lots that can be provided and therefore the number of units constructed, which provides more housing in response to this statewide shortage.

**Conclusion:** There are no existing Code violations and the request is not solely based on loss of profit or financial need. As proposed, the above findings demonstrate that Criterion D is satisfied.

**5. The Variance requested is the minimum necessary to alleviate the unusual condition.**

*Applicant Response: The variance requested is the minimum needed to alleviate the impact of the public street requirement from Fairview Drive to Olympic Street while maintaining the feasibility of the project. The specific required and proposed dimensions and minimum amount needed though this variance request are in the table below.*

| <i>Variance Requested</i>      | <i>Standard</i> | <i>Proposed</i> | <i>% variance requested</i> |
|--------------------------------|-----------------|-----------------|-----------------------------|
| <i>Lot area for Lot 1</i>      | <i>5000sf</i>   | <i>4269sf</i>   | <i>15%</i>                  |
| <i>Lot area for Lot 2</i>      | <i>5000sf</i>   | <i>4269sf</i>   | <i>15%</i>                  |
| <i>Lot area for Lot 3</i>      | <i>5000sf</i>   | <i>4551sf</i>   | <i>9%</i>                   |
| <i>Lot area for Lot 9</i>      | <i>5000sf</i>   | <i>4522sf</i>   | <i>10%</i>                  |
| <i>Lot frontage for Lot 10</i> | <i>60.00'</i>   | <i>53.47'</i>   | <i>11%</i>                  |
| <i>Lot frontage for Lot 11</i> | <i>60.00'</i>   | <i>53.47'</i>   | <i>11%</i>                  |

**Finding 19:** Upon further review, no variance is needed for Lots 3 and 9 because those lots may be oriented toward an east/west street. These lots meet the minimum lot size and dimension standards for lots on an east/west street (4500 sf and 45' frontage).

**Finding 20:** The requested variances are limited to four of the eleven lots proposed The request maintains buildable areas for the subject lots while preserving the compliant design of other lots within the tentatively approved subdivision.

**Conclusion:** The above findings demonstrate that Criterion E is satisfied.

**Conclusion:** With one mitigating condition of approval, City staff recommends support for the request based upon findings of compliance with the criteria for Major Variance approval in accordance with Section 5.21-130 of the *Springfield Development Code*.

**Additional Considerations:**

**Finding 21:** Even if the Major Variance did not meet the above criteria, state law limits the City’s ability to conditionally approve housing development in a way that reduces housing density within the City’s allowable range. ORS 227.175(4)(c) states “A city may not condition an application for a housing development on a reduction in density if: (A) The density applied for is at or below the authorized density level under the local land use regulations; and (B) At least 75 percent of the floor area applied for is reserved for housing.”

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<sup>1</sup> See Governor Kate Brown’s *Housing Policy Agenda* (August 30, 2018), available at <https://www.oregon.gov/gov/policy/Documents/Housing%20Agenda%20FINAL.pdf>. Oregon underbuilt 155,156 housing units from 2000-2015. See page 4. This housing shortage in Oregon includes market rate housing. See Attachment 1, page 22.

**Finding 22:** Residential subdivision applications do not require the applicant to provide the floor areas for each use. However, the uses in the LDR zone are limited to housing uses and small number of institutional and secondary uses and the applicant has proposed only housing uses at this time. The lot configuration proposed in the Major Variance does not exceed the allowable density for the LDR zone. Therefore, the proposed development meets the requirements in ORS 227.175(4)(c)(A)-(B).

**Finding 23:** The subdivision was previously conditioned upon approval of a Major Variance for the lot size and lot dimensions, If the applicant does not obtain approval for a Major Variance as requested, the applicant would be required to reconfigure the subdivision to meet minimum lot sizes and frontage requirements, which would reduce the number of lots approved and thereby reduce the density. Therefore, denying the Major Variance would be inconsistent with the requirement in ORS 227.175(4)(c) not to condition housing developments upon a reduction in density below the maximum allowed.

**Conditions of Approval**

SDC Section 5.21-130 allows for the Approval Authority to attach conditions of approval to a Major Variance request to ensure the application fully meets the criteria of approval. The specific language from the code section is cited below:

**5.21-135        CONDITIONS**

**The Approval Authority may attach conditions as may be reasonably necessary in order to allow the Major Variance to be granted.**

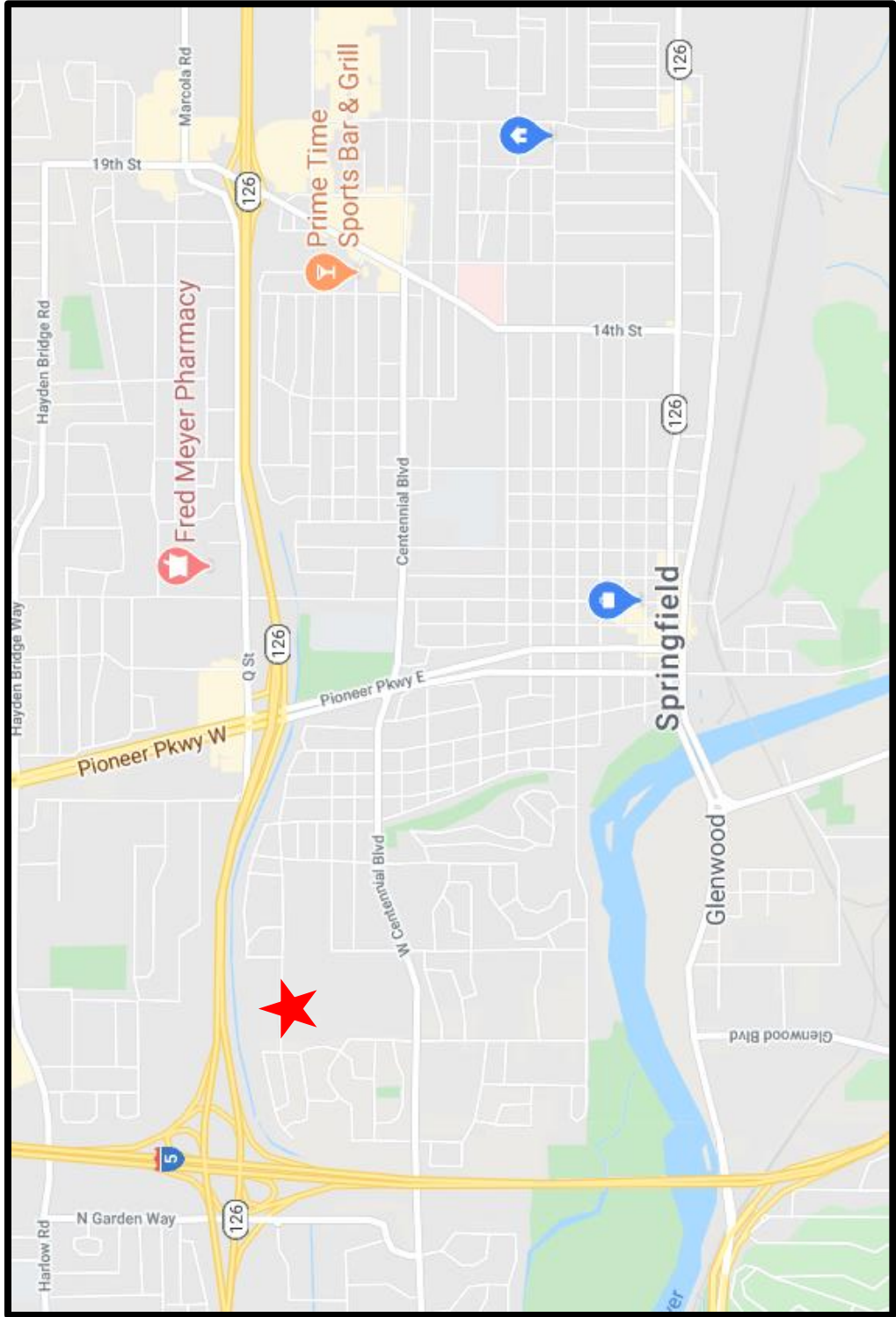
**Staff recommends approval subject to one condition:**

- 1. Condition of Approval: On the Final Plat, and as part of the Public Improvement Plans, the applicant shall show shared driveway access easements, centered over the EWEB waterline easement, for Lots 10 & 11 on the west side of Fairview Street and Lots 1 & 2 on the east side of Fairview Street.**

**Decision:** The Planning Commission shall make the final decision on the proposal by adopting, modifying or denying the request by taking action on the attached Planning Commission Order.

**CASE 811-20-000030-TYP3 – MAJOR VARIANCE REQUEST  
FOR PROPERTY LOCATED NEAR THE INTERSECTION OF FAIRVIEW DRIVE AND FAIRHAVEN STREET  
(ASSESSOR'S MAP 17032731; TAX LOTS 1900 & 1902)**

**LOCATION OF PROPERTY SUBJECT TO VARIANCE REQUEST**



**CASE 811-20-000030-TYP3 – MAJOR VARIANCE REQUEST  
FOR PROPERTY LOCATED NEAR THE INTERSECTION OF FAIRVIEW DRIVE AND FAIRHAVEN STREET  
(ASSESSOR'S MAP 17032731; TAX LOTS 1900 & 1902)**

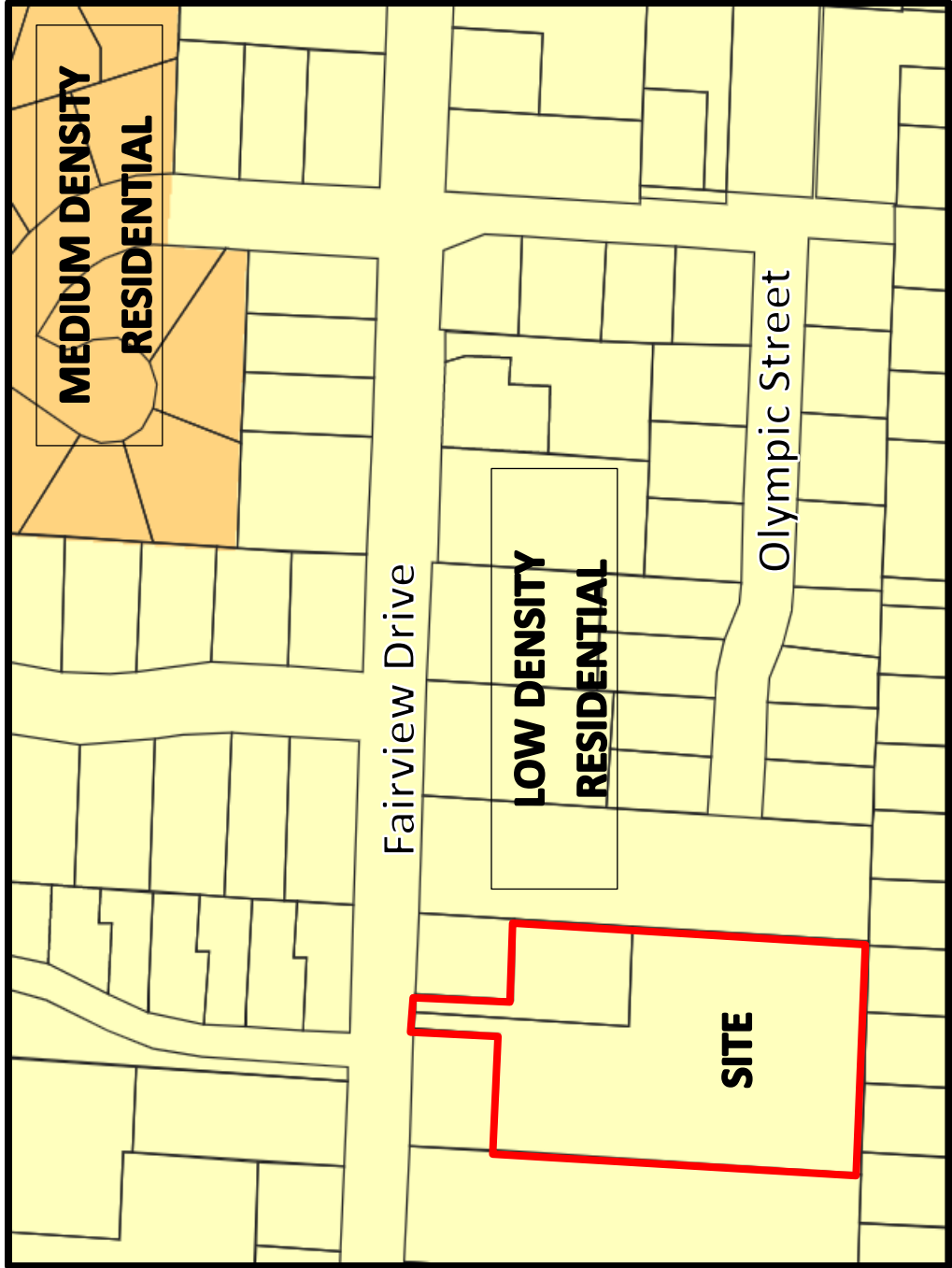
**SITE CONTEXT MAP**





CASE 811-20-000030-TYP3 – MAJOR VARIANCE REQUEST  
FOR PROPERTY LOCATED NEAR THE INTERSECTION OF FAIRVIEW DRIVE AND FAIRHAVEN STREET  
(ASSESSOR'S MAP 17032731; TAX LOTS 1900 & 1902)

**EXISTING ZONING MAP**



# TYPE II TENTATIVE SUBDIVISION STAFF REPORT & DECISION



**Project Name:** Johnathan Court Subdivision

**Project Proposal:** Subdivide two (2) existing tracts of land into 11 residential lots

**Case Number:** 811-19-000270-TYP2

**Project Location:** Near the intersection of Fairview and Rainbow Drives.

Map 17-03-27-31, Tls 1900 & 1902

**Zoning:** Low Density Residential (LDR)

**Comprehensive Plan Designation:** LDR

**Pre-Submittal Meeting Date:** Oct. 11, 2019

**Application Submitted Date:** Nov. 13, 2019

**Decision Issued Date:** January 24, 2020

**Recommendation:** Approved with Conditions

**Appeal Deadline Date:** February 10, 2020

**Natural Features:** N/A

**Gross Density:** 6.9 units per acre

**Net Density:** 10.25 units per acre (removal of right of way)

**Associated Applications:** 811-18-000143-TYP1 (PLA); 811-19-000229-PRE (Subdivision Pre-Submittal)



## CITY OF SPRINGFIELD DEVELOPMENT REVIEW TEAM

| POSITION                | REVIEW OF            | NAME                 | PHONE        |
|-------------------------|----------------------|----------------------|--------------|
| Project Manager         | Planning             | Drew Larson          | 541-736-1003 |
| Transportation Planning | Transportation       | Michael Liebler      | 541-736-1034 |
| Public Works Engineer   | Utilities            | Clayton McEachern    | 541-736-1036 |
| Deputy Fire Marshal     | Fire and Life Safety | Eric Phillips-Meadow | 541-729-2293 |
| Building Official       | Building             | Robert Castile       | 541-726-3666 |

## APPLICANT'S DEVELOPMENT REVIEW TEAM

| Applicant/Owner                                    | Applicant Representative  | Engineer  | Surveyor  |
|--|---|---|---|
| Richard Sorric<br>PO Box 10092<br>Eugene, OR 97440 | Metro Planning, Inc.<br>Jed Truett<br>846 A Street<br>Springfield, OR 97477 | Olson & Morris, LLC<br>Scott Morris<br>380 Q Street, STE 200<br>Springfield, OR 97477 | Olson & Morris, LLC<br>Lawrence Olson<br>380 Q Street, STE 200<br>Springfield, OR 97477 |



**DECISION:** The standards of the Springfield Development Code (SDC) applicable to each criterion of Subdivision Approval are listed herein and are satisfied by the submitted plans and notes unless specifically noted with findings and conditions necessary for compliance. PUBLIC AND PRIVATE IMPROVEMENTS, AS WELL AS THE FINAL PLAT, MUST CONFORM TO THE SUBMITTED PLANS AS CONDITIONED HEREIN. This is a limited land use decision made according to City code and state statutes. Unless appealed, the decision is final. Please read this document carefully.

**OTHER USES AUTHORIZED BY THE DECISION:** None. Future development will be in accordance with the provisions of the SDC, filed easements and agreements, and all applicable local, state and federal regulations.

**REVIEW PROCESS:** This application is reviewed under Type II procedures listed in SDC 5.1-130 and the tentative subdivision plan criteria of approval, SDC 5.12-125. This application was accepted as complete on November 13, 2019. This decision is issued on the 43<sup>rd</sup> day of the 120 days mandated by the state.

**SITE INFORMATION:** The subject property is located just south and west of the intersection of Fairview and Rainbow Drive; with minimum frontage on Fairview. The property is zoned Low Density Residential in accordance with the Metro Plan. The site is approximately 1.59 acres and is currently vacant.

**PROCEDURAL FINDING:** Applications for Limited Land Use Decisions require the notification of property owners/occupants within 300 feet of the subject property allowing for a 14-day comment period on the application (SDC 5.1-130 and 5.2-115). The applicant and parties submitting written comments during the notice period have appeal rights and are mailed a copy of this decision for consideration.

**PROCEDURAL FINDING:** In accordance with SDC 5.1-130 and 5.2-115, notice was sent to property owners/occupants within 300 feet of the subject site on November 27, 2019; staff received five (5) written comments. The comments are made a part of this decision by reference here and addressed in summary as referenced under the criteria, findings and conditions here in. All parties have standing in this decision.

Comments were received from:

1. John and Paula Churchill, 975 W. Fairview Drive, Springfield OR 97477
2. Mr. & Mrs. D. Ginter, 1007 West N Street, Springfield OR 97477
3. Janet Paxson, 1000 W N St, Springfield OR 97477
4. Devon Ashbridge, 1717 Fairhaven Dr, Springfield OR 97477
5. Cindy Burk, 1035 Fairview Dr, Springfield OR 97477
6. Jackie Chandler, 1105 W Fairview Dr, Springfield OR 97477

The comments from the surrounding neighbors relevant to the criteria fell into the categories of flooding, density, parking and traffic safety. General responses and specific references to relevant parts of this decision are included below;

**FLOODING:** The applicant is required to construct public stormwater facilities to mitigate all new impervious surface areas including the roadway, curb and gutter and sidewalks. The applicant has provided a 10" stormwater main to accommodate the proposed impervious areas. In addition, each lot, at the time of construction, will either direct their stormwater to the public infrastructure or establish infiltration on site to ensure stormwater does not flow onto adjacent properties. See Findings and Conditions, page(s) 6 – 8 of this decision.

**DENSITY:** The creation of new homes is referred to as increased density. Density is planned for and where necessary additional public infrastructure or improvements are required. Section 3.2-205 of the Springfield Development Code establishes density ranges for all residential zoning districts; in this case, the property is zoned Low Density Residential (LDR) in accordance with the Comprehensive Plan designation. The density range for LDR zoning district is 6-14 dwelling units per acre and the applicants have proposed a net density of 10.25 dwelling units per acre; meeting this requirement.

Additionally, the applicants have proposed several lots ( Lots 1-3 & Lot 9) that do not meet minimum lot size and two lots (Lots 11 & 10) which do not meet minimum street frontage for a north/south street. The City has conditioned the approval to eliminate substandard lots to meet minimum lot sizes or obtain a major variance from the Springfield Planning Commission. If the applicant chooses to proceed with the variance option you will have another opportunity to comment and be part of the decision process. See Findings and Conditions, pages 3 – 4 of this decision.

**PARKING:** Parking on public right of way is permitted by the Springfield Municipal Code. The Springfield Development Code requires each detached single-unit dwelling to provide at least two off-street parking spaces to serve the dwelling. The owner of each individual lot may choose to provide additional off-street parking but is not required to do so. See Findings and Conditions, page 10 of this decision.

**TRANSPORTATION IMPROVEMENTS:** The observation that additional traffic will be generated is both natural and accurate; however, analysis of standard traffic data finds that residential dwellings produce on average 9.44 vehicle trips per day and City transportation and civil engineers have examined the impacts of the proposed development and found the surrounding infrastructure is well under normal carrying capacity and are adequate as conditioned here in to serve the new residential subdivision. See Findings and Conditions, page(s) 4 – 5 of this decision.

A deed restriction exists on Tax Lot 1900 which was imposed as a condition of approval for Minor Partition 1035. The restriction states that the property can neither be sold, improved upon, built upon nor building permits issued therefore, until the property is further divided. The applicant is required to construct West Olympic across the subject property and all utilities have been planned for an provided through Fairhaven Street.

The proposed infrastructure at the intersection of Fairhaven Drive and the proposed Fairhaven Street is the responsibility of the developer and all existing driveways will be taken into account during the Public Improvement Permit required for all public infrastructure; costs of this new infrastructure will be borne by the developer, no surrounding residents will be required to pay for any improvements at this.

**CRITERIA OF TENTATIVE PLAN APPROVAL:**

SDC 5.12-125 states that the Director shall approve or approve with conditions a Tentative Plan application upon determining that criteria A through I of this Section have been satisfied. If conditions cannot be attached to satisfy the criteria, the Director shall deny the application.

**FINDINGS OF FACT AND CONCLUSIONS**

- A. The request conforms to the provisions of this Code pertaining to lot/parcel size and dimensions.
  - 1. In accordance with SDC 3.2-215, lots on east-west streets shall have a minimum lot size of 4,500 sq. ft. with at least 45 feet of street frontage; lots on north-south streets shall have a minimum lot size of 5,000 sq. ft. with at least 60 feet of frontage.

2. Proposed Lots 1-3 and Lot 9 do not meet the minimum parcel size for north-south streets. In addition, Lots 10 and 11 do not meet minimum street frontage requirements for north-south streets. All other lots meet minimum street frontage and parcel size of the zoning district.
3. In addition, shown sidewalks on Lots 3-9, along Olympic Drive, are proposed to be within a public access sidewalk easement. However, all public infrastructure is to be within City owned property or within dedicated right of way. Condition of approval Number 4 requires that the right of way be extended to include the sidewalks, which would further reduce proposed lots below minimum lot size, or obtain a variance to allow sidewalks on private property within a public access easement.
4. Prior to Final Plat these lots will need to be amended to meet current standards; these will likely result in the loss of proposed lots while still meeting minimum density requirements. Alternatively, the applicant may apply for a major variance as described in Section 5.5-100 Variances of the Springfield Development Code.

**Condition of Approval:**

1. **Prior to Final Plat approval, the applicant shall reconfigure the lot layout to meet minimum lot size and street frontage requirements of Section 3.2-215 of the Springfield Development Code; or receive approval of a Major Variance to reduce lot size and street frontage as described in Section 5.5-100 of the Springfield Development Code.**

**Conclusion:** As condition, this proposal will satisfy Criterion A.

- B. The zoning is consistent with the Metro Plan diagram and/or applicable Refinement Plan diagram, Plan District map, and Conceptual Development Plan.
  5. The subject property is zoned and designated Low Density Residential (LDR) in accordance with the Springfield Zoning Map and the Metro Plan. The applicant is not proposing to change the zoning or plan designation.

**Conclusion:** This proposal satisfies Criterion B.

- C. Capacity requirements of public improvements, including but not limited to, water and electricity; sanitary sewer and stormwater management facilities; and streets and traffic safety controls shall not be exceeded and the public improvements shall be available to serve the site at the time of development, unless otherwise provided for by this Code and other applicable regulations. The Public Works Director or a utility provider shall determine capacity issues.

**General**

6. For all public improvements, the applicant shall retain a private professional civil engineer to design the subdivision improvements in conformance with City codes, this decision, and the current Engineering Design Standards and Procedures Manual (EDSPM). The private civil engineer also shall be required to provide construction inspection services. Permits are required for the installation of all public and private utilities.
7. The Development & Public Works Director's representatives have reviewed the proposed subdivision plan. City staff's review comments have been incorporated in findings and conditions contained herein.

8. Criterion C contains sub-elements and applicable code standards. The tentative subdivision application as submitted complies with the code standards listed under each sub-element unless otherwise noted with specific findings and conclusions. The sub-elements and code standards of Criterion C include but are not limited to:

Public improvements in accordance with SDC 4.2-100 and 4.3-100

- Public and Private Streets (SDC 4.2-105 – 4.2-145)
- Sanitary Sewer Improvements (SDC 4.3-105)
- Stormwater Management (SDC 4.3-110 – 4.3-115)
- Utilities (SDC 4.3-120 – 4.3-130)
- Water Service and Fire Protection (SDC 4.3-130)
- Public and Private Easements (SDC 4.3-140)

#### **Public and Private Streets**

9. Section 4.2-105.G.2 of the Springfield Development Code requires that whenever a proposed land division or development will increase traffic on the City street system and that development has any unimproved street frontage abutting a fully improved street, that street frontage shall be fully improved to City specifications.
10. The sidewalk along Fairview at the future intersection with Fairhaven is not completed on the west side of the intersection. All connecting public facilities must be completed to meet ADA standards.
11. The applicant is showing public sidewalks to be included in a sidewalk easement. City of Springfield requires that all public infrastructures be located within either City owned property or public right of way whenever possible.
12. City transportation and civil engineers have examined the impacts of the proposed development and found the surrounding infrastructure is well under normal carrying capacity and are adequate.

#### **Conditions of Approval:**

- 2. Prior to approval of the Final Plat and as part of the Public Improvement Permit, the applicant will show full street improvements at the intersection of Fairview Drive and Fairhaven Street connecting both existing sidewalks on the east and west side along Fairview Drive.**
- 3. Prior to approval of the Final Plat, the developer will construct full street improvements along all new and existing streets to current city standards including curb and gutter, sidewalk and paving using the City of Springfield Public Improvement Project permit.**
- 4. The applicant will show public right of way lines that extend to the back of the sidewalk plus 0.5 Feet for all lot frontages, or obtain an approved variance allowing the sidewalk to be in an easement to meet conditions of the variance.**

#### **Sanitary Sewer Improvements**

11. Section 4.3-105.A of the SDC requires that sanitary sewers shall be installed to serve each new development and to connect developments to existing mains. Additionally, installation of sanitary sewers shall provide sufficient access for maintenance activities.

12. Section 4.3-105.C of the SDC requires that proposed sewer systems shall include design consideration of additional development within the area as projected by the Metro Plan.
13. Section 2.02.1 of the City's *Engineering Design Standards and Procedures Manual (EDSPM)* states that when land outside a new development will logically direct flow to sanitary sewers in the new development, the sewers shall be public sewers and shall normally extend to one or more of the property boundaries.
14. The applicant has proposed extension of public wastewater lines with service laterals to serve all lots within the development. The connection to the existing public system is located on the north side of Fairview Drive.

**Condition of Approval:**

5. **Prior to approval of the Final Plat, the applicant will construct the public sanitary sewer system that meets all requirements of the EDSPM using the City of Springfield Public Improvement Process.**

**Stormwater Management & Quality**

15. Section 4.3-110.B of the SDC requires that the Approval Authority shall grant development approval only where adequate public and/or private stormwater management systems provisions have been made as determined by the Public Works Director, consistent with the Engineering Design Standards and Procedures Manual (EDSPM).
16. Section 4.3-110.C of the SDC states that a stormwater management system shall accommodate potential run-off from its entire upstream drainage area, whether inside or outside of the development.
17. Section 4.3-110.D of the SDC requires that run-off from a development shall be directed to an approved stormwater management system with sufficient capacity to accept the discharge.
18. The applicant is proposing a storm drain system for W Olympic St that utilizes a system of catch basins and underground piping for conveying storm drainage to the infiltration planter. This system will require shallow manholes and a bubble system. This type of arrangement will require increased maintenance and may decrease the lifespan of the road (W. Olympic) in order to function properly.
19. Section 4.3-110.E of the SDC requires new developments to employ drainage management practices, which minimize the amount and rate of surface water run-off into receiving streams, and which promote water quality.
20. To comply with Sections 4.3-110.D & E, stormwater runoff from the site is proposed to be routed through a curbside stormwater planter, which includes all streets.
21. The stormwater drainage memorandum supplied does not show any infiltration rate or infiltration test for the proposed infiltration planter.
22. The existing public stormwater system, to which the applicant proposes connection, has limited capacity. The applicant has turned in hydrologic stormwater calculations showing a large increase in stormwater to a system with limited capacity that will likely cause downstream flooding in Fairhaven Street. This is not consistent with the City's EDSPM, which requires showing, that some mechanism will limit the peak stormwater discharge rates to the pre-developed 2-year storm event for both the 2 and 25-year post-developed storm event, thereby limiting the flow into the existing system.

23. Under Federal regulation of the Clean Water Act (CWA), Endangered Species Act (ESA), and National Pollutant Discharge Elimination System (NPDES), the City of Springfield has obtained a Municipal Separate Storm Sewer System (MS4) permit. A provision of this permit requires the City demonstrate efforts to reduce the pollution in urban stormwater to the Maximum Extent Practicable (MEP).
24. Federal and Oregon Department of Environmental Quality (ODEQ) rules require the City's MS4 plan address six "Minimum Control Measures." Minimum Control Measure 5, "Post-Construction Stormwater Management for New Development and Redevelopment," applies to the proposed development.
25. Minimum Control Measure 5 requires the City of Springfield to develop, implement and enforce a program to ensure the reduction of pollutants in stormwater runoff to the MEP. The City must also develop and implement strategies that include a combination of structural or non-structural Best Management Practices (BMPs) appropriated for the community.
26. Minimum Control Measure 5 requires the City of Springfield use an ordinance or other regulatory mechanism to address post construction runoff from new and re-development projects to the extent allowable under State law. Regulatory mechanisms used by the City include the Springfield Development Code (SDC), the City's Engineering Design Standards and Procedures Manual (EDSPM) and the future Stormwater Facilities Master Plan (SFMP).
27. As required in Section 4.3-110.E of the SDC, "a development shall be required to employ drainage management practices approved by the Public Works Director and consistent with Metro Plan policies and the Engineering Design Standards and Procedures Manual."
28. Section 3.01 of the City's EDSPM states the Public Works Department will accept, as interim design standards for stormwater quality, water quality facilities designed pursuant to the City of Eugene Stormwater Management Manual.
29. Section 3.02 of the City's EDSPM states all public and private development and redevelopment projects shall employ a system of one or more post-developed BMPs that in combination are designed to achieve at least a 70 percent reduction in the total suspended solids in the runoff generated by that development. Section 3.03.4.E of the manual requires a minimum of 50 percent of the non-building rooftop impervious area on a site shall be treated for stormwater quality improvement using vegetative methods.
30. To meet the requirements of the City's MS4 permit, the Springfield Development Code, and the City's EDSPM, the applicant has proposed an infiltration planter. The infiltration planter will be located in city owned ROW of W Olympic Street.,
31. The vegetation proposed for use in the swales will serve as the primary pollutant removal mechanism for the stormwater runoff, and will remove suspended solids and pollutants through the processes of sedimentation and filtration. Satisfactory pollutant removal will occur only when the vegetation has been fully established.

**Conditions of Approval:**

6. Prior to approval of the Final Plat, the applicant will submit a design for the stormwater system that does not require the use of a 'bubbler' type facility for inflow in the stormwater infiltration planter and shall minimize the use of pipes that do not meet the city requirement for cover over the pipe.
7. Prior to Final Plat Approval, the applicant will provide as part of the final plat, a stormwater treatment system that provides flow mitigation to prevent downstream flooding or a downstream analysis that shows the increased runoff from this development will not exceed the downstream systems capacity in Fairhaven St.
8. Prior to approval of the Final Plat, the applicant will design and construct all stormwater improvements, including areas required for access, required for this subdivision using the City of Springfield Public Improvement Permit Process.
9. As part of the PIP required and prior to approval of the final plat for this subdivision, the applicant shall submit a vegetation plan for the detention ponds and any other vegetated treatment area that meets the requirements of the City's interim design standards as required in Section 3.02 of the EDSPM. The City of Eugene stormwater management manual may be referenced for design.
10. To ensure a fully functioning water quality system and meet objectives of the city's MS4 permit, the applicant will maintain the vegetation in the stormwater treatment areas for the 2 year warranty period after acceptance of the PIP.

**Utilities**

32. Section 4.3-120, 125, & 130 of the Springfield Development Code requires each development area to be provided with all utilities at the developer's expense.
33. There is an existing EWEB waterline easement that crosses the proposed subdivision. The applicant is showing this easement to be relocated as part of the subdivision development.
34. The applicant is showing the waterline easement crossing the public street and across lot 1 and lot 2 which are proposed as undersized lots. This easement cannot have any structures placed over it, including items such as street lights, street trees and utilities.

**Condition of Approval:**

11. Prior to approval of the Final Plat, the applicant shall install all required utilities in the public ROW or a suitable easement and coordinate their placement with other utility providers and site features such as driveways, sidewalk and curb ramps to minimize disruption or compromise required design features. All utility locations to be shown and coordinated using the City of Springfield's Public Improvement Permit process.
12. Prior to Final Plat approval, the applicant shall provide documents that show the EWEB waterline easement has been relocated and any associated construction work completed to the easement owner's (EWEB) satisfaction.

**ADVISORY NOTE:** *The applicant has shown some lots on the tentative plan to be under current city requirements for lot size. This will require either a variance or the applicant to submit a different lot configuration that meets these requirements. As part of the variance the public works department*



*will restrict the entire subdivision to no overwidth driveways (no more than 24' wide) and no more than 20' wide on any lots below the minimum lot size standard. In addition all undersize lots will need to have the building envelopes shown driveways shown (this condition will be met by the shared driveway requirement above.*

#### **Water Service and Fire Protection**

35. Section 4.3-130.A of the SDC requires each development area to be provided with a water system having sufficiently sized mains and lesser lines to furnish adequate supply to the development and sufficient access for maintenance. SUB Water coordinates the design of the water system within Springfield city limits. All new water system facilities and modifications required to serve the proposed subdivision area must be constructed in accordance with SUB Water standards.

36. The Eugene/Springfield Deputy Fire Marshal stated no concerns with the proposed subdivision.

#### **Public and Private Easements**

37. Section 4.3-140.A of the SDC requires applicants proposing developments to make arrangements with the City and each utility provider for the dedication of utility easements necessary to fully service the development or land beyond the development area. The minimum width for Public Utility Easements (PUEs) adjacent to street rights-of-way shall be 7 feet. The minimum width for all other PUEs shall be 7 feet unless the Development & Public Works Director requires a larger easement to allow for adequate maintenance.

#### **Condition of Approval:**

**13. Prior to Final Plat approval, the applicant shall coordinate with each utility company and the City of Springfield to ensure the proper placement and language of each proposed or required easement, subject to review and approval of Public Works, City Surveyor, and the Springfield Utility Board.**

**Conclusion:** As conditioned herein, this proposal satisfies Criterion C.

D. The proposed development shall comply with all applicable public and private design and construction standards contained in this Code and other applicable regulations.

38. Criterion D contains two elements with sub-elements and applicable Code standards. The tentative subdivision application as submitted complies with the code standards listed under each sub-element unless otherwise noted with specific findings and conclusions. The elements, sub-elements and Code standards of Criterion D include but are not limited to:

D.1 Conformance with standards of SDC 3.2-200 (Residential Zoning), SDC 4.1-100 (Infrastructure Standards), SDC 4.4-100 (Landscaping, Screening and Fence Standards), SDC 4.6-100 (Vehicle Parking, Loading and Bicycle Parking Standards), and SDC 5.17-100 (Site Plan Review)

- Parcel Coverage and Setbacks (SDC 3.2-215)
- Height Standards (SDC 3.2-215)
- Landscaping Standards (SDC 4.4-105)
- Screening (SDC 4.4-110)
- Fence Standards (SDC 4.4-115)
- On-Site Lighting Standards (SDC 4.5-100)

- Vehicle Parking Standards (SDC 4.6-100)

### **Parcel Coverage and Setbacks**

39. The proposed subdivision area is zoned standard Low Density Residential (LDR). The LDR District provide for dwelling unit densities of 6-14 units per acre. The land division must meet the minimum density standards of 6 dwelling units per acre.
40. The applicant proposes to create 11 lots, sized for single-unit dwellings, for a net density of 10.25 dwelling units per acre. However, as noted above and conditioned, Lots 1-3 and Lot 9 do not meet minimum lot size and Lots 10 & 11 do not meet minimum street frontage requirements. The condition requires the applicant to reconfigure the lot layout to meet minimum lot size and frontage requirements. This will likely result in the loss to two lots which will reduce the net density to 8.54 dwelling units per acre which will still meet minimum density requirements.
41. In accordance with SDC 3.2-215, the maximum parcel coverage is 45% in all residential districts. Parcel coverage will be confirmed at the time of building permit.

### **Height Standards**

42. In accordance with SDC 3.2-215 and 3.2-225, the maximum building height in the LDR district is 30 feet except where modified by solar access standards. Building height will be confirmed at the time of building permit

### **Landscaping Standards**

43. In accordance with SDC 3.2-215 footnote (5), all residential building setbacks shall be landscaped unless the setback area is use for a garage or carport driveway.
44. In accordance with SDC 4.4-100, site landscaping consists of trees, shrubs, groundcover plants and turf, or a combination thereof. Site landscaping does not consist of only gravel or bark mulch ground cover, unless the latter is used as a growing medium for planted trees and shrubs. Site landscaping will be reviewed at the time of building permit.

### **Screening**

45. In accordance with SDC 4.4-110.B, screening may be used to provide visual separation between adjacent properties, but it is not required for single family or duplex residential development in the LDR Districts.

### **Fence Standards**

46. The Springfield Development Code regulates the height and style of fencing in residential districts. However, there is no specific requirement for fencing of residential lots in the LDR Districts.

### **On-Site Lighting Standards**

47. It is not expected that any outdoor lighting will be required within the subdivision area at this time.

### **Vehicle Parking Standards**

48. In accordance with SDC 4.6-100, a minimum of two off-street parking spaces are required for each residential dwelling unit.

**Conclusion:** As conditioned herein, this proposal satisfies Criterion D.1.

## D.2 Overlay Districts and Applicable Refinement Plan Requirements

49. Development Review staff has reviewed the application and the subject property is not located within any overlay district or any special requirements of any Refinement Plan.

**Conclusion:** This proposal satisfies Criterion D.2.

E. Physical features, including, but not limited to: steep slopes with unstable soil or geologic conditions; areas with susceptibility to flooding; significant clusters of trees and shrubs; watercourses shown on the Water Quality Limited Watercourse Map and their associated riparian areas; wetlands; rock outcroppings; open spaces; and areas of historic and/or archaeological significance, as may be specified in Section 3.3-900 or ORS 97.740-760, 358.905-955 and 390.235-240, shall be protected as specified in this Code or in State or Federal law.

50. The site moderately flat and is currently vacant.

51. The Metro Area General Plan, Water Quality Limited Watercourse Map, State Designated Wetlands Map, Hydric Soils Map, Wellhead Protection Zone Map, FEMA Map and the list of Historic Landmark sites have been consulted and there are no natural features needing to be protected or preserved on this site. If any artifacts are found during construction, there are state laws that could apply; ORS 97.740, ORS 358.905, ORS 390.235. If human remains are discovered during construction, it is a Class "C" felony to proceed under ORS 97.740.

**Conclusion:** As proposed, this proposal satisfies Criterion E.

F. Parking areas and ingress-egress points have been designed to: facilitate vehicular traffic, bicycle and pedestrian safety to avoid congestion; provide connectivity within the development area and to adjacent residential areas, transit stops, neighborhood activity centers, and commercial, industrial and public areas; minimize driveways on arterial and collector streets as specified in this Code or other applicable regulations and comply with the ODOT access management standards for State highways.

### Transportation System Impacts

52. SDC 4.2-105.A.4 sets the threshold for requiring a Traffic Impact Study (TIS) at 100 peak hour or 1,000 average daily trips (ADT) as determined by rates from the most recent edition of the Institute of Traffic Engineers (ITE) Trip Generation Manual. The proposed subdivision is predicted to generate approximately 328 average daily trips which does not trigger the requirement for a traffic study and should have no adverse traffic impacts to the surrounding street system.

### Site Access and Circulation

53. Installation of driveways on a street increases the number of traffic conflict points. A greater number of conflict points increases the probability of traffic crashes. In accordance with SDC 4.2-120.C, driveways shall be designed to allow safe and efficient vehicular ingress and egress as specified in Tables 4.2-2 through 4.2-5, the City's EDSPM and Standard Construction Specifications. Driveway locations will be confirmed during the Public Improvement Permit prior to installation.

**Conclusion:** This proposal satisfies Criterion F.

G. Development of any remainder of the property under the same ownership can be accomplished as specified in this Code.

54. There is no other property under the same ownership that can be further developed in this area. Therefore, this criterion does not apply.

**Conclusion:** This proposal satisfies Criterion G.

H. Adjacent land can be developed or is provided access that will allow its development as specified in this Code.

55. Adjacent lands to the east and west remain undeveloped and special consideration for future roadway connections has been accounted for by constructing a portion of West Olympic Street across the subject property. West Olympic will connect when the adjacent properties develop.

**Conclusion:** This proposal satisfies Criterion H.

I. Where the Subdivision of property that is outside of the city limits but within the City's urbanizable area and no concurrent annexation application is submitted, the standards specified below shall also apply.

56. The property involved in this proposal is inside the City limits. Therefore, this criterion does not apply.

**FINAL CONCLUSION:** The tentative subdivision plan, as submitted and conditioned, complies with Criteria A – I of SDC 5.12-125. Portions of the proposal approved as submitted may not be substantively changed during platting without an approved modification application in accordance with SDC 5.12-145.

What needs to be done: The applicant will have up to two years from the date of this letter to meet the applicable conditions of approval or Development Code standards and to submit a Final Subdivision Plan. Please refer to SDC 5.12-135 & 5.12-140 for more information. THE PUBLIC AND PRIVATE IMPROVEMENTS AND THE FINAL SUBDIVISION PLAN MUST BE IN SUBSTANTIAL CONFORMITY WITH THE TENTATIVE PLANS AND THE CONDITIONS OF APPROVAL.

The Final Subdivision Plan is required to go through a pre-submittal process. After the Final Plat application is complete, it must be submitted to the Springfield Development & Public Works Department. A separate application and fees will be required. Upon signature by the City Surveyor and the Planning Department, the Final Subdivision Plan may be submitted to Lane County Surveyor for signatures prior to recording.

**SUMMARY OF CONDITIONS OF APPROVAL:**

1. **Prior to Final Plat approval, the applicant shall reconfigure the lot layout to meet minimum lot size and street frontage requirements of Section 3.2-215 of the Springfield Development Code; or receive approval of a Major Variance to reduce lot size and street frontage as described in Section 5.5-100 of the Springfield Development Code.**
2. **Prior to approval of the Final Plat and as part of the Public Improvement Permit, the applicant will show full street improvements at the intersection of Fairview Drive and Fairhaven Street connecting both existing sidewalks on the east and west side along Fairview Drive.**
3. **Prior to approval of the Final Plat, the developer will construct full street improvements along all new and existing streets to current city standards including curb and gutter, sidewalk and paving using the City of Springfield Public Improvement Project permit.**
4. **The applicant will show public right of way lines that extend to the back of the sidewalk plus 0.5 Feet for all lot frontages, or obtain an approved variance allowing the sidewalk to be in an easement to meet conditions of the variance.**

5. **Prior to approval of the Final Plat, the applicant will construct the public sanitary sewer system that meets all requirements of the EDSPM using the City of Springfield Public Improvement Process.**
6. **Prior to approval of the Final Plat, the applicant will submit a design for the stormwater system that does not require the use of a ‘bubbler’ type facility for inflow in the stormwater infiltration planter and shall minimize the use of pipes that do not meet the city requirement for cover over the pipe.**
7. **Prior to Final Plat Approval, the applicant will provide as part of the final plat, a stormwater treatment system that provides flow mitigation to prevent downstream flooding or a downstream analysis that shows the increased runoff from this development will not exceed the downstream systems capacity in Fairhaven St.**
8. **Prior to approval of the Final Plat, the applicant will design and construct all stormwater improvements, including areas required for access, required for this subdivision using the City of Springfield Public Improvement Permit Process.**
9. **As part of the PIP required and prior to approval of the final plat for this subdivision, the applicant shall submit a vegetation plan for the detention ponds and any other vegetated treatment area that meets the requirements of the City’s interim design standards as required in Section 3.02 of the EDSPM. The City of Eugene stormwater management manual may be referenced for design.**
10. **To ensure a fully functioning water quality system and meet objectives of the city’s MS4 permit, the applicant will maintain the vegetation in the stormwater treatment areas for the 2 year warranty period after acceptance of the PIP.**
11. **Prior to approval of the Final Plat, the applicant shall install all required utilities in the public ROW or a suitable easement and coordinate their placement with other utility providers and site features such as driveways, sidewalk and curb ramps to minimize disruption or compromise required design features. All utility locations to be shown and coordinated using the City of Springfield’s Public Improvement Permit process.**
12. **Prior to Final Plat approval, the applicant shall provide documents that show the EWEB waterline easement has been relocated and any associated construction work completed to the easement owner’s (EWEB) satisfaction.**
13. **Prior to Final Plat approval, the applicant shall coordinate with each utility company and the City of Springfield to ensure the proper placement and language of each proposed or required easement, subject to review and approval of Public Works, City Surveyor, and the Springfield Utility Board.**

Additional Information: The application, all documents, and evidence relied upon by the applicant, and the applicable criteria of approval are available for free inspection and copies are available for a fee at the Development & Public Works Department, 225 Fifth Street, Springfield, Oregon.

Appeal: This Type II Tentative Subdivision decision is considered a decision of the Director and as such may be appealed to the Planning Commission. The appeal may be filed with the Development & Public Works Department by an affected party. The appeal must be in accordance with SDC 5.3-100, Appeals. An Appeals application must be submitted to the City with a fee of \$250.00. The fee will be returned to the appellant if the Planning Commission approves the appeal application.

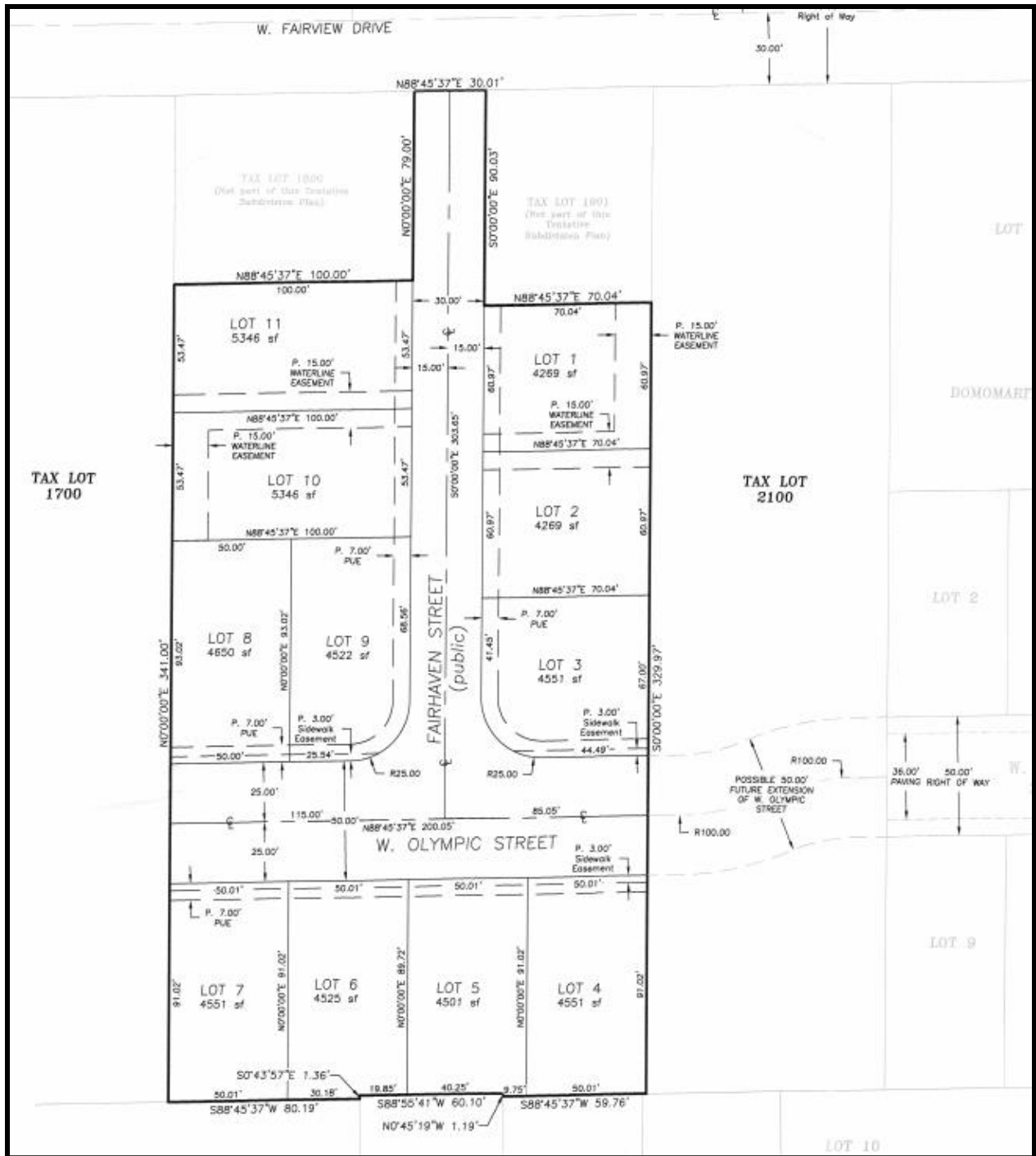
In accordance with SDC 5.3-115 which provides for a 15-day appeal period and Oregon Rules of Civil Procedures, Rule 10(c) for service of notice by mail, the appeal period for this decision expires at 5:00 p.m. on June 3, 2019.

Questions: Please call Drew Larson in the Planning Division of the Development & Public Works Department at (541) 736-1003 or email [alarson@springfield-or.gov](mailto:alarson@springfield-or.gov) if you have any questions regarding this process.

Prepared By:

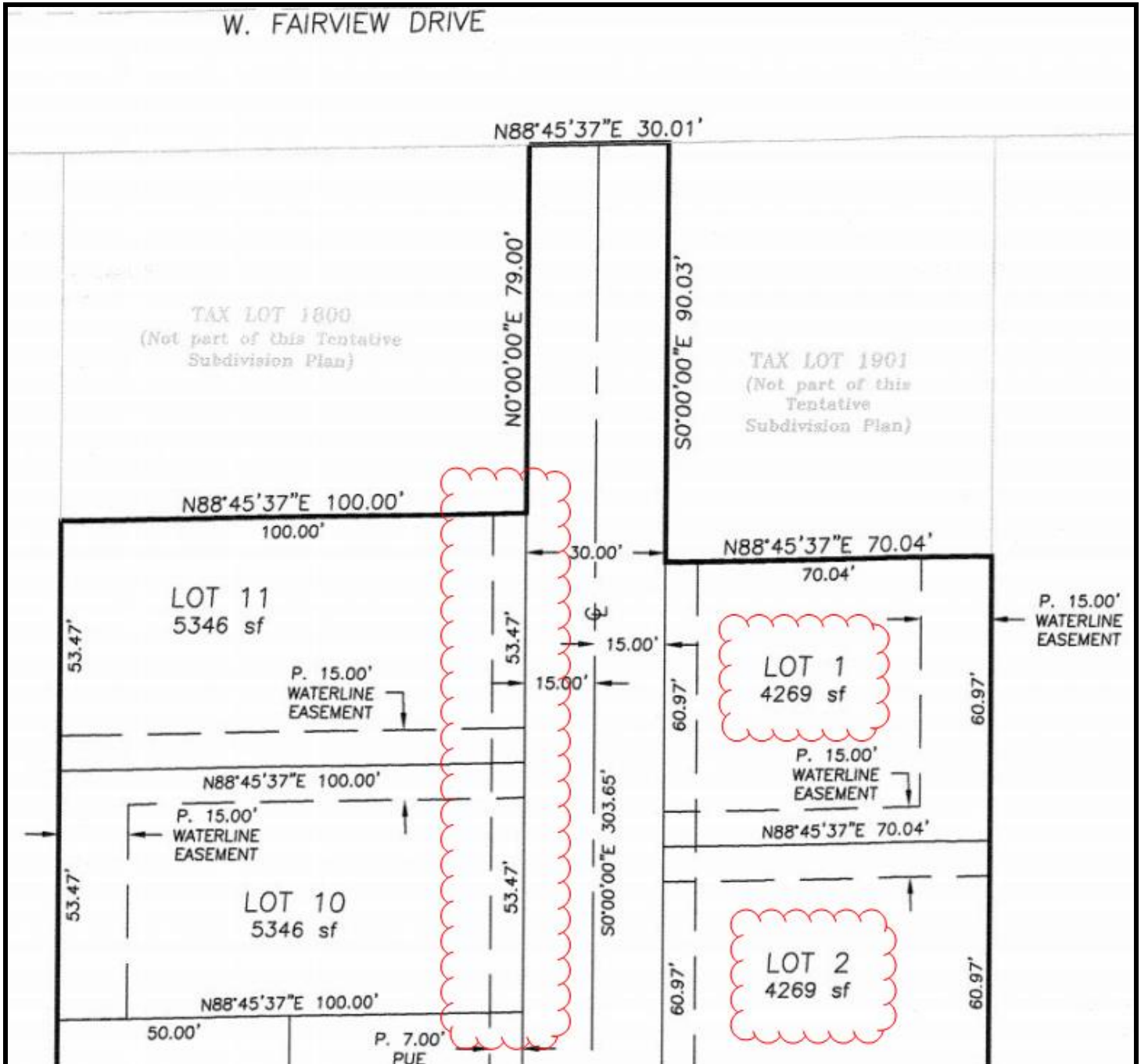
Andrew Larson  
Development Planner

TENTATIVELY APPROVED JOHNATHAN COURT 11-LOT SUBDIVISION  
CASE NO. 811-19-000270-TYP2





### REQUESTED LOT AND FRONTAGE VARIANCE



City of Springfield  
 Development & Public Works  
 225 Fifth Street  
 Springfield, OR 97477



## Major Variance

| Required Project Information  |  | <i>(Applicant: complete this section)</i>  |  |
|---|--|--|--|
| <b>Applicant Name:</b> Richard Sorric   |  | <b>Phone:</b>  |  |
| <b>Company:</b>   |  | <b>Fax:</b>  |  |
| <b>Address:</b> PO Box 10092 Eugene, OR 97440   |  |  |  |
| <b>Applicant's Rep.:</b> Jed Truett   |  | <b>Phone:</b> 541-302-9830   |  |
| <b>Company:</b> Metro Planning, Inc.  |  | <b>Fax:</b>  |  |
| <b>Address:</b> 846 A Street Springfield, OR 97477  |  |  |  |
| <b>Property Owner:</b> same as applicant above  |  | <b>Phone:</b>  |  |
| <b>Company:</b>   |  | <b>Fax:</b>  |  |
| <b>Address:</b>   |  |  |  |
| <b>ASSESSOR'S MAP NO:</b> 17-03-27-31   |  | <b>TAX LOT NO(S):</b> 1900 & 1902  |  |
| <b>Property Address:</b>  |  |  |  |
| <b>Size of Property:</b> 1.6  |  | <b>Acres</b> <input checked="" type="checkbox"/> <b>Square Feet</b> <input type="checkbox"/> |  |
| <b>Description of Proposal:</b> If you are filling in this form by hand, please attach your proposal description to this application.<br>see attached written statement |  |  |  |
| <b>Existing Use:</b> vacant   |  |  |  |
| <b>Signatures:</b> Please sign and print your name and date in the appropriate box on the next page.  |  |  |  |
| Required Project Information  |  | <i>(City Intake Staff: complete this section)</i>  |  |
| <b>Associated Applications:</b> 14-000270-TYP2  |  | <b>Signs:</b> 1  |  |
| <b>Case No.:</b> 811-20-000030-TYP3   |  | <b>Date:</b> 2/3/20  |  |
| <b>Application Fee:</b> \$ 7,739  |  | <b>Reviewed by:</b> Drew   |  |
| <b>Technical Fee:</b> \$ 386.95   |  | <b>Postage Fee:</b> \$ 44.59   |  |
| <b>TOTAL FEES:</b> \$ 8,584.45  |  | <b>PROJECT NUMBER:</b> 811-20-000030-TYP3  |  |

Date Received

FEB 03 2020

## Signatures

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

**Applicant:**

\_\_\_\_\_ **Date:** \_\_\_\_\_

**Signature**

\_\_\_\_\_

**Print**

If the applicant is not the owner, the owner hereby grants permission for the applicant to act in his/her behalf.

**Owner:**

\_\_\_\_\_ **Date:** \_\_\_\_\_

**Signature**

\_\_\_\_\_

**Print**

Date Received

FEB 03 2020

## Major Variance Application Process

### 1. Applicant Submits a Major Variance Application to the Development & Public Works Department

- The application must conform to the *Major Variance Submittal Requirements Checklist* on page 4 of this application packet.
- Planning Division staff screen the submittal at the front counter to determine whether all required items listed in the *Major Variance Submittal Requirements Checklist* have been submitted.
- Applications missing required items will not be accepted for submittal.

### 2. City Staff Conduct Detailed Completeness Check

- Planning Division staff conducts a detailed completeness check within 30 days of submittal.
- The assigned Planner notifies the applicant in writing regarding the completeness of the application.
- An application is not be deemed technically complete until all information necessary to evaluate the proposed development, its impacts, and its compliance with the provisions of the Springfield Development Code and other applicable codes and statutes have been provided.
- Incomplete applications, as well as insufficient or unclear data, will delay the application review process and may result in denial.

### 3. Planning Commission or Hearings Official Review the Application, Hold a Public Hearing, and Issue a Decision

- This is a Type III decision and thus is made after a public hearing.
- A notice is posted in the newspaper, and notice is mailed to property owners and occupants within 300 feet of the property being reviewed and to any applicable neighborhood association. In addition, the applicant must post one sign, provided by the City, on the subject property.
- Written comments may be submitted to the Development & Public Works Department through the day of the public hearing or comments may be provided in person during the public hearing.
- Applications are distributed to the Development Review Committee.
- After a public hearing, the Planning Commission or Hearings Official issues a decision that addresses all applicable approval criteria and/or development standards, as well as any written or oral testimony.
- Applications may be approved, approved with conditions, or denied.
- The City mails the applicant and any party of standing a copy of the decision, which is effective on the day it is mailed.
- The decision issued is the final decision of the City but the Planning Commission's decision may be appealed within 15 calendar days to the City Council, and the Hearings Official's decision may be appealed within 21 calendar days to the Land Use Board of Appeals.

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FEB 02 2020

## Major Variance Submittal Requirements Checklist

NOTE: If you feel an item does not apply, please state the reason why and attach the explanation to this form.

- Submitted Concurrently** with Site Plan Review or Land Division applications, where applicable.
- Application Fee** - refer to the *Development Code Fee Schedule* for the appropriate fee calculation formula. A copy of the fee schedule is available at the Development & Public Works Department. The applicable application, technology, and postage fees are collected at the time of complete application submittal.
- Major Variance Application Form**
- Copy of the Deed**
- Copy of a Preliminary Title Report** issued within the past 30 days documenting ownership and listing all encumbrances.
- Narrative** – explaining the proposal and any additional information that may have a bearing in determining the action to be taken, including findings demonstrating compliance with the Major Variance Criteria described in SDC 5.21-130.

NOTE: Before the Planning Commission or Hearings Official can approve a Major Variance request, information submitted by the applicant must adequately support the request. All of the Major Variance Criteria must be addressed by the applicant. Incomplete applications, as well as insufficient or unclear data, will delay the application review process and may result in denial. In certain circumstances, it is advisable to hire a professional planner or land use attorney to prepare the required findings.

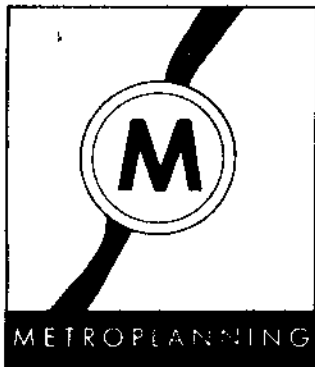
- Four (4) Copies of a Plot Plan** to include the following:
  - If submitted concurrently with a Land Division or Site Plan Review application, eighteen copies of the Land Division Tentative Plan or Site Plan sheet may be submitted in lieu of the plot plan as long as it meets the following requirements.
  - Prepared by an Oregon licensed Surveyor if the major variance involves a setback
  - The scale appropriate to the area involved and sufficient to show detail of the plan and related data, such as 1" = 30', 1" = 50' or 1" = 100', north arrow, and date of preparation
  - The nature and extent of the major variance requested and relevant site features

Date Received

FEB 03 2020

4 of 4

Original Submittal SM



LAND USE PLANNING AND CONSULTING SERVICES

846 A STREET  
SPRINGFIELD, OREGON 97477  
(541) 302-9830  
WWW.METROPLANNING.COM

## MAJOR VARIANCE APPLICATION FOR JOHNATHON COURT

### WRITTEN STATEMENT

**Submittal No.:** 1

**Document Date:** 1/30/20

**Applicant's Request:** Allow a variance on lot area for two lots and lot frontage for two lots in tentatively approved subdivision

**Property Owner/ Applicant:** Rick Sorrie  
PO Box 10092  
Eugene, OR 97440

**Applicant's Representative/  
Planner/Project Coordinator:** Metro Planning, Inc.  
c/o Jed Truett, Principal  
846 A Street  
Springfield, OR 97477  
Tel (541) 302-9830

**Subject Property:** Map 17-03-27-31; Tax Lots 1800 & 1900

**Site Address/ Location:** 1051 Fairview Drive

**Total Property Size:** 1.53 acres

**Zoning:** LDR – Low Density Residential

**Metro Plan:** L – Low Density

Date Received

FEB 03 2020

**Background**

Tentative Subdivision on an approximately 1.53 acre site southeast of the intersection of Fairview Drive and Fairhaven Street was granted on January 24, 2020. The site zoned as Low Density Residential (LDR). The proposed subdivision will create eleven (11) residential lots serviced by an E/W extension of Olympic Street through the site and a 30' wide N/S right of way connection sanctioned by City Public Works and Transportation staff. Trees on the site will be removed to accommodate the proposed development.

The original submittal of this subdivision proposed panhandle lots coming off of Fairview Drive (see attached **Exhibit A**) with an access easement to extend to the proposed east-west segment of Olympic Street. Initial indication from the City Public Works staff was that they were not too excited with the panhandle proposal, and were really looking for a N/S public street connection to Olympic Street. The major issue was there isn't sufficient distance between existing homes on Fairview to dedicate a standard public street. The Applicant's representatives met with the City multiple times, and the City Public Works staff proposed an alternative Public Street connection that would fit within a 30 foot right of way.

The Applicant's primary issue with that proposal was that while the proposed panhandle lots met all of the requisite code criteria for lot dimensions and area, the resulting lots if there was a public street would not. Specifically there would be four lots that would not meet the N/S street minimum lot area of 5000 sf (Lots 1-3 and 9 on attached **Exhibit B**) and two lots that would not meet the N/S street minimum frontage of 60 feet (Lots 10 and 11 on attached **Exhibit B**). Public Works staff stepped out of the meeting to discuss the concept with Planning, and came back with an indication that Planning staff would support a variance to both of these issues in order to accommodate the proposed alternate public street layout.

A variance for lot frontage is a Type II Minor Variance process and a variance for lot area is a Type III Major Variance process. The applicant is asking the Planning Commission to approve both through this Type III application to minimize time and cost, if appropriate.

In short, both requests (frontage and area) do not exceed 30% . . . meeting that threshold item for a Minor Variance (see SDC 521-125(A)). The requested variations are minimal and the resulting lots are completely buildable and make this joint effort between the City and the Applicant work. The following table shows this fact:

| Variance Requested      | Standard | Proposed | % variance requested |
|-------------------------|----------|----------|----------------------|
| Lot area for Lot 1      | 5000sf   | 4269sf   | 15%                  |
| Lot area for Lot 2      | 5000sf   | 4269sf   | 15%                  |
| Lot area for Lot 3      | 5000sf   | 4551sf   | 9%                   |
| Lot area for Lot 9      | 5000sf   | 4522sf   | 10%                  |
| Lot frontage for Lot 10 | 60.00'   | 53.47'   | 11%                  |
| Lot frontage for Lot 11 | 60.00'   | 53.47'   | 11%                  |

The Applicant respectfully requests the Planning Commission to approve these proposed variances.

Date Received

To facilitate city staff and Planning Commission review of this tentative subdivision application, this written statement clearly demonstrates how the development meets the requirements and criteria of SDC 5.21-130 Major Variance Criteria. The Springfield Development Code (SDC) text sections are in bold and/or italics and the responses are included in plain text.

### Major Variance Criteria

Major Variances involve discretionary decision-making and apply to those Variances that are not Minor Variances as specified in Section 5.21-125. The Approval Authority may approve or approve with conditions a Major Variance on finding that all of the following approval criteria are satisfied, otherwise the request will be denied:

*A. An unusual condition exists that is unique to: a lot/parcel, building or structure; lot/parcel size, shape or topography; the location or size of physical improvements; or other similar circumstances not anticipated by this Code but related to the property that would deprive the owner of rights commonly enjoyed by other property owners similarly situated in the same zoning district;*

There are a few unusual conditions that exist with the subject property.

First is that an east/west continuation of Olympic Street must occur even though there is no adjacency. As noted above, the initial proposal in Exhibit A (utilizing panhandle lots) helped to mitigate this while still yielding enough lots to make the project feasible.

Second, there eventually needs to be a connection to Fairview Drive. Even though our parcel is not the midpoint between connections, it is "first in time" and so became the candidate property to provide that connection. The additional requirement of an alternate public street layout brought in different lot requirements (those required for a north-south street vs panhandle lots). The public street is also a more expensive item than a panhandle driveway, and so it is even more important to keep the initial lot count to make the project feasible.

Once this project is complete the north-south street connection will allow property owners to the east and west to develop their respective properties without having to worry about the additional expense and loss of property for a public street connection to Fairview. In other words, they will be beneficiaries and so will enjoy a property right that the Applicant is deprived of.

*B. The Variance shall not be inconsistent with the development standards of this Code or of any applicable Refinement Plan diagram, Plan District map, Conceptual Development Plan or other applicable plans or studies;*

North-south lots are generally larger in dimension and size than those on an east-west street. The lot dimension variances requested would not reduce the subject lots below the size or dimensions allowed for lots on an east-west street or panhandle lots. To that degree the variances leave the lots consistent with the comprehensive plan and proposed minimum densities for low-density residential zoning. The proposed variance requests are very minor and will not be inconsistent with any other applicable plans or studies.

Date Received



C. The Variance shall have no significant adverse affects on other properties in the same zoning district and/or vicinity, or the request can be conditioned so that there are no significant adverse affects;

Since the area and dimensions of the subject lots will still exceed the minimum required for lots on east-west streets and panhandle lots, there will be no noticeable or adverse affects on any other properties zoned LDR in the immediate vicinity. The overall density for this subdivision with these variances will be under 7 units per acre, and so won't even come close to the 14 unit per acre maximum allowed in the LDR zone. The variances requested are relatively minor (15% or less variance from the standard) and will not be noticeable.

D. The unusual condition described in Subsection A. above shall not arise from a previous Code violation or rely only on loss of profit or financial need;

The unusual conditions described in Subsection A did not arise from a previous Code violation and although there would be substantial loss of profit if the variances were not granted this is not the unusual condition described in Subsection A.

E. The Variance requested is the minimum necessary to alleviate the unusual condition.

The variance requested is the minimum needed to alleviate the impact of the public street requirement from Fairview Drive to Olympic Street while maintaining the feasibility of the project. The specific required and proposed dimensions and minimum amount needed though this variance request are in the table below.

| Variance Requested      | Standard | Proposed | % variance requested |
|-------------------------|----------|----------|----------------------|
| Lot area for Lot 1      | 5000sf   | 4269sf   | 15%                  |
| Lot area for Lot 2      | 5000sf   | 4269sf   | 15%                  |
| Lot area for Lot 3      | 5000sf   | 4551sf   | 9%                   |
| Lot area for Lot 9      | 5000sf   | 4522sf   | 10%                  |
| Lot frontage for Lot 10 | 60.00'   | 53.47'   | 11%                  |
| Lot frontage for Lot 11 | 60.00'   | 53.47'   | 11%                  |

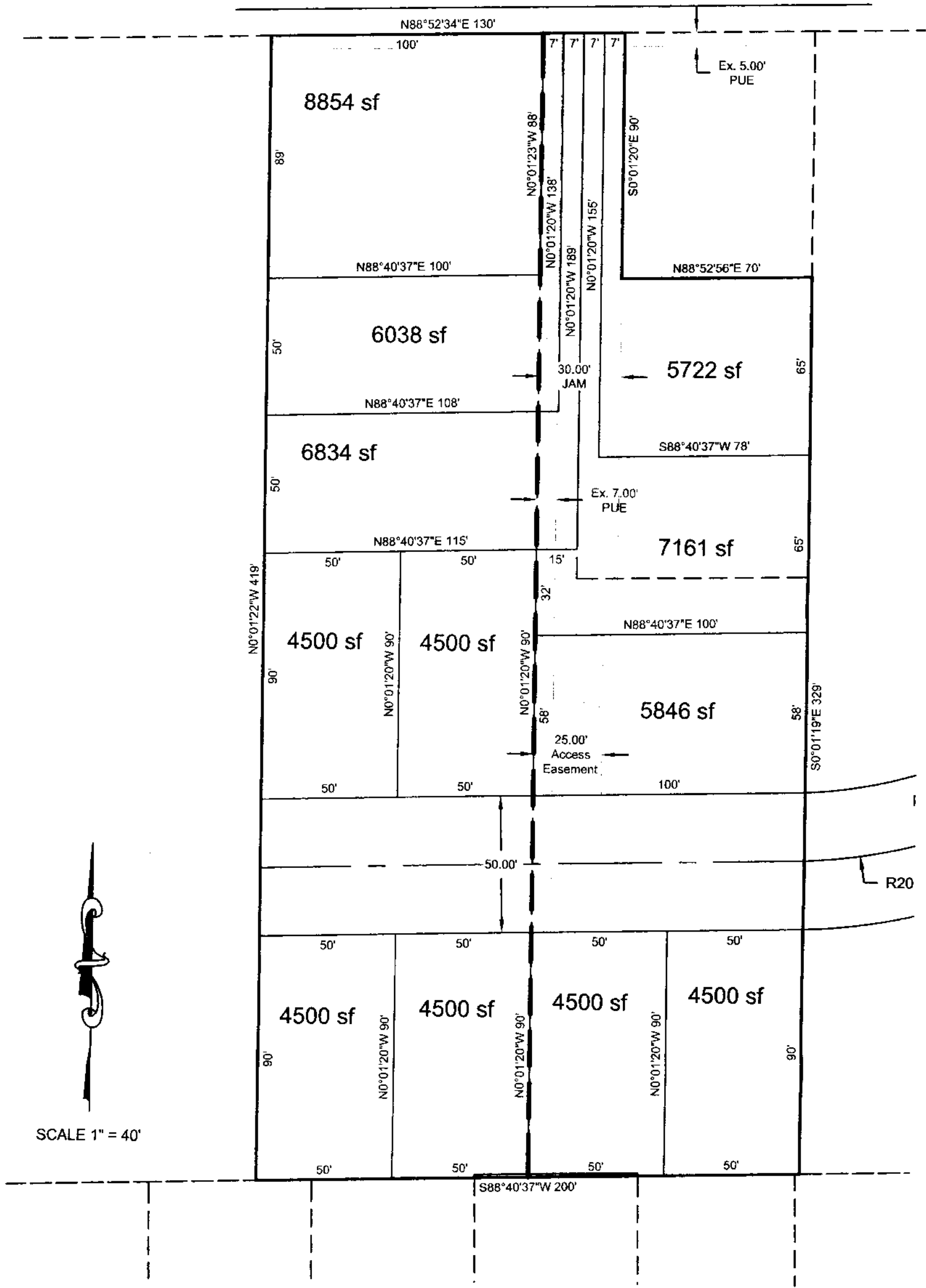
If there are any questions or concerns, please do not hesitate to contact me at Metro Planning via email ([jed@metroplanning.com](mailto:jed@metroplanning.com)) or phone (541-302-9830).

Regards,



Jed Truett, AICP  
Principal

Date Received



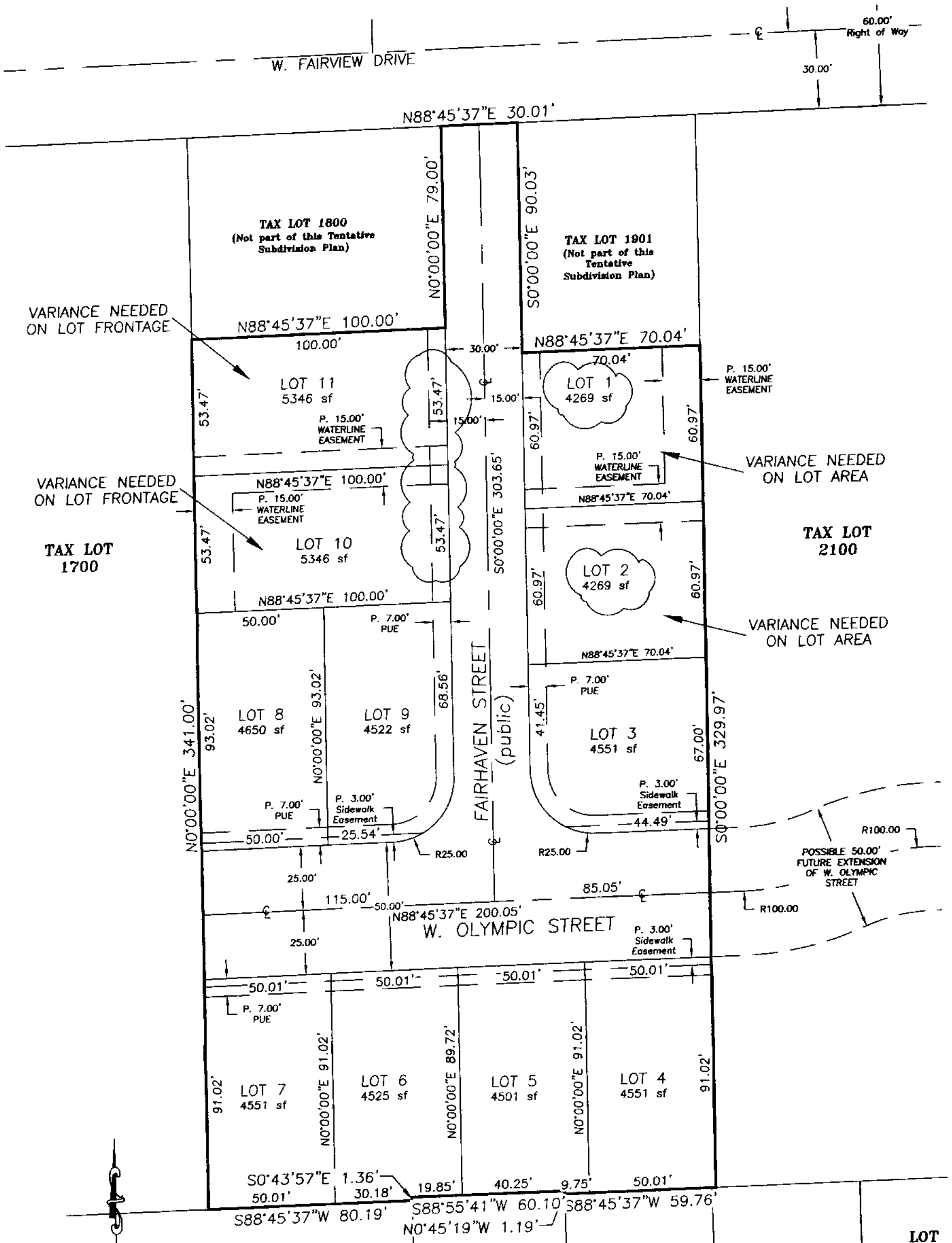
SCALE 1" = 40'



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# JOHNATHON COURT

SW 1/4, SECTION 27, TOWNSHIP 17 SOUTH, RANGE 3 WEST, W.M.  
SPRINGFIELD, LANE COUNTY, OREGON  
DATE PREPARED: JANUARY 2020



SCALE 1" = 40'



**METRO PLANNING, INC**  
846 A STREET  
SPRINGFIELD, OR. 97477  
541-302-9830  
JOB NO. 18-046