City Council Agenda

City Hall
225 Fifth Street
Springfield, Oregon 97477
541.726.3700
Online at www.springfield-or.gov

City Manager:
Nancy Newton
City Recorder:
AJ Nytes 541.726.3700

Mayor
Sean VanGordon

City Council
Damien Pitts, Ward 1
Steve Moe, Ward 2
Kori Rodley, Ward 3
Leonard Stoehr, Ward 4
Marilee Woodrow, Ward 5
Joe Pishioneri, Ward 6

These meetings will be available via phone, internet using Zoom and in person. If attending in person, masks and social distancing will be required. Members of the public wishing to attend these meetings electronically can call in or attend virtually by following the directions below. This information can also be found on the City's website.

The meeting location is wheelchair-accessible. For the hearing-impaired, an interpreter can be provided with 48 hours' notice prior to the meeting. For meetings in the Council Meeting Room, a "Personal PA Receiver" for the hearing impaired is available, as well as an Induction Loop for the benefit of hearing aid users.
To arrange for these services, call 541.726.3700.
Meetings will end prior to 10:00 p.m. unless extended by a vote of the Council.

All proceedings before the City Council are recorded.

April 4, 2022

6:00 p.m. Work Session
Council Chambers with COVID-19 Precautions Required
or
Virtual Attendance
Registration Required:
Attend from your computer, tablet or smartphone:
Zoom
Meeting ID: 898 6152 9644
https://us06web.zoom.us/webinar/register/WN_IhENR_KGTPCP51TUGTAGOw

To dial in using your phone in Listen Only Mode:
Dial 1 (971) 247-1195
Toll Free 1 (877) 853-5247
Oregon Relay/TTY: 711 or 800-735-1232

(Council work sessions are reserved for discussion between Council, staff and consultants; therefore, Council will not receive public input during work sessions. Opportunities for public input are given during all regular Council meetings)

CALL TO ORDER

ROLL CALL – Mayor VanGordon___, Councilors Pitts___, Moe___, Rodley____, Stoehr___,Woodrow ___, and Pishioneri ___.

1. Development Code Update Project – Quarterly Check In
   [Mark Rust] (15 Minutes)

2. Increasing the Affordability of Middle Housing
   [Sandy Belson] (40 Minutes)

ADJOURNMENT

7:00 p.m. Regular Meeting
Council Chambers with COVID-19 Precautions Required
or
Virtual Attendance
Registration Required:
Attend from your computer, tablet or smartphone:
Zoom
Meeting ID: 898 6152 9644
https://us06web.zoom.us/webinar/register/WN_IhENR_KGTPCP51TUGTAGOw

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CALL TO ORDER

ROLL CALL – Mayor VanGordon___, Councilors Pitts___, Moe___, Rodley____, Stoehr___, Woodrow ___, and Pishioneri ___.

PLEDGE OF ALLEGIANCE

SPRINGFIELD UPBEAT

1. Mayor's Recognition

2. Other

CONSENT CALENDAR

1. Claims

2. Minutes

3. Resolutions

   a. RESOLUTION NO. 1 - A RESOLUTION TO ACCEPT CITY PROJECT P31053 15TH STREET TO SOUTH B STREET PAVING PUBLIC IMPROVEMENT PROJECT (PIP).

4. Ordinances

5. Other Routine Matters

    a. Approve the 2022 Slurry Seal Intergovernmental Agreement (City Contract #3027) Between the City of Springfield and Lane County and Authorize The City Manager to Execute the Agreement on Behalf of The City.

MOTION: APPROVE/REJECT THE CONSENT CALENDAR

ITEMS REMOVED FROM THE CONSENT CALENDAR

PUBLIC HEARINGS - **Please limit comments to 3 minutes. Request to speak cards are available at both entrances. Please present cards to City Recorder. Speakers may not yield their time to others.**

1. Annexation of Territory to the City of Springfield located at 2189 Lomond Avenue
   [Melissa Cariño] (10 Minutes)

   ORDINANCE NO. 1 - AN ORDINANCE ANNEXING CERTAIN TERRITORY (ASSESSOR'S MAP 17-03-25-12, TAX LOT 4400) TO THE CITY OF SPRINGFIELD AND WILLAMALANE PARK AND RECREATION DISTRICT; WITHDRAWING THE SAME TERRITORY FROM THE RAINBOW WATER DISTRICT; ADOPTING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

NO ACTION REQUESTED. FIRST READING ONLY

BUSINESS FROM THE AUDIENCE - **Limited to 20 minutes. Please limit comments to 3 minutes. Request to Speak cards are available at both entrances. Please present cards to City Recorder. Speakers may not yield their time to others.**

COUNCIL RESPONSE

CORRESPONDENCE AND PETITIONS

BIDS

ORDINANCES

BUSINESS FROM THE CITY COUNCIL

1. Committee Appointments

2. Business from Council

    a. Committee Reports

    b. Other Business

BUSINESS FROM THE CITY MANAGER

1. Other Business

BUSINESS FROM THE CITY ATTORNEY

1. Termination of State of Emergency Due to COVID-19 Pandemic
   [Mary Bridget Smith] (10 Minutes)

   RESOLUTION NO. 2 – A RESOLUTION TERMINATING THE DECLARATION OF A STATE OF EMERGENCY DUE TO THE COVID-19 PANDEMIC

MOTION: ADOPT/NOT ADOPT RESOLUTION NO. 2

ADJOURNMENT

AGENDA ITEM SUMMARY

S P R I N G F I E L D
C I T Y C O U N C I L

Meeting Date:	4/4/2022
Meeting Type:	Work Session
Staff Contact/Dept.:	Mark Rust
Staff Phone No:	541-726-3654
Estimated Time:	15 Minutes
Council Goals:	Encourage Economic Development and Revitalization through Community Partnerships

ITEM TITLE:	DEVELOPMENT CODE UPDATE PROJECT – QUARTERLY CHECK IN
ACTION REQUESTED:	At this meeting staff is giving the Council an update on the project status and the Planning Commission recommendation and the upcoming joint City Council and Board of County Commissioners public hearing. The Council may take this opportunity to provide feedback to project staff and ask questions.
ISSUE STATEMENT:	The Purpose of the Development Code Update Project is to change the Springfield Development Code to support efficient, timely, and clear development review. The updated Development Code will support Springfield's economic development priorities and will honor Springfield's hometown feel now and in the future.
ATTACHMENTS:	Attachment 1: Council Briefing Memo Attachment 2: Springfield Planning Commission Order and Recommendation Exhibit A – Phase 1 Code Sections Exhibit B – Phase 2 Code Sections Exhibit C – Other Code Sections Exhibit D – Staff Report Attachment 3: Springfield Planning Commission Supplemental Recommendation Attachment 4: Development Code Update Project Schedule (3/16/21)

DISCUSSION/ FINANCIAL IMPACT:

Background

Staff last presented to the City Council on this project, on January 24, 2022, giving an update on the progress of both Phase 1, Housing, and Phase 2, Employment Lands of the Development Code Update Project. Staff provided a summary of the joint Springfield and Lane County Planning Commission public hearing that was held on January 4, 2022, and joint Planning Commission deliberations that took place on January 18, 2022.

The Springfield Planning Commission met on February 1st and 23rd to deliberate and made a formal recommendation of approval for the code amendments and a supplemental recommendation to capture other considerations. The Lane County Planning Commission voted to recommend approval of to the Board of County Commissioners on March 15, 2022, which is consistent with the Springfield Planning Commission's recommendation. Staff will report to the City Council on middle housing in partial preparation for the upcoming City Council public hearing process.

Next Steps

Staff will be presenting to the Board of County Commissioners in a work session and 1st reading of their co-adopting ordinance on April 12, 2022, in preparation for the joint public hearing with City Council.

Staff will be presenting to the City Council in a work session on April 25, 2022, prior to the joint public hearing. After City Council work session, the joint City Council and Board of County Commissioners public hearing will take place. Staff anticipates that joint deliberations could happen after the public hearing that evening.

M E M O R A N D U M **City of Springfield**

Date:	4/4/2022	
To:	Nancy Newton	**COUNCIL**
From:	Mark Rust, Planning Supervisor Tom Boyatt, Community Development Director	**BRIEFING**
Subject:	Development Code Update Project-Quarterly Check In	**MEMORANDUM**

ISSUE: The Purpose of the Development Code Update Project is to change the Springfield Development Code to support efficient, timely, and clear development review. The updated Development Code will support Springfield's economic development priorities and will honor Springfield's hometown feel now and in the future.

COUNCIL GOALS/
MANDATE:

Encourage Economic Development and Revitalization through Community Partnerships

DISCUSSION:

Planning Commission Public Hearing and Recommendation

After the joint Planning Commission public hearing on January 4th and the joint deliberations on January 18th the Springfield Planning Commission met two additional times on February 1st and 23rd to deliberate, and made a formal recommendation (Attachment 2) of approval to the Springfield City Council. The Lane County Planning Commission voted to recommend approval to the Board of County Commissioners on March 15, 2022, which is consistent with the Springfield Planning Commission's recommendation.

At the public hearing and through the Planning Commissions deliberation there was significant testimony and discussion about housing and Middle Housing standards. Topics that were discussed included:

1. Lot sizes for duplex and triplexes
2. Lot coverage/impervious surface standards
3. Parking requirements
4. Encouraging retention of existing homes
5. Providing incentives for affordable housing
6. Incentivizing higher density housing in certain locations
7. Supporting home ownership
8. Retaining trees and landscaping

The Planning Commission's recommendation consists primarily of the minimum standards provided by state law for middle housing. The recommended code does include more flexibility than minimum standards in state law in some areas for middle housing including allowing detached units to count as duplex, triplex, and fourplex housing.

In addition to the formal recommendation, the Springfield Planning Commission has forwarded a Supplemental Recommendation (Attachment 3) for the City Councils consideration. The items the Planning Commission felt strongly about to include in the supplemental recommendation are:

1. Encouraging retention of existing homes
2. Providing incentives for affordable housing
3. Incentivizing higher density housing in certain locations
4. Supporting home ownership
5. Retaining trees and landscaping

These items are outside of the scope of Phases 1 and 2 of the Development Code Update Project, but the Planning Commission believes these should be considered in future projects or ordinances.

Project Schedule

According to the overall project schedule (Attachment 4) staff is on track with Phase 1 and 2. Staff anticipates Phases 1 and 2 are on schedule to be adopted by May 31, 2022, to enable the effective date to be July 1, 2022. This timeline is critical due to the State mandate to have the middle housing code provisions in place.

RECOMMENDED ACTION: No formal action is being requested. The Council may take this opportunity to provide feedback to project staff and ask questions.

BEFORE THE PLANNING COMMISSION OF SPRINGFIELD, OREGON
ORDER AND RECOMMENDATION FOR:

AMENDMENTS TO THE SPRINGFIELD DEVELOPMENT CODE CHAPTER 2 GENERAL PROVISIONS, CHAPTER 3 LAND USE DISTRICTS, CHAPTER 4 DEVELOPMENT STANDARDS, CHAPTER 5 LAND USE APPLICATIONS, AND CHAPTER 6 DEFINITIONS	]]]]	**811-18-000224-TYP4**

NATURE OF THE PROPOSAL
The Purpose of the Development Code Update Project is to change the Springfield Development Code to support efficient, timely, and clear development review. The updated Development Code will support Springfield's economic development priorities and will honor Springfield's home-town feel now and in the future.

The Project objectives are to (1) enable quick review of development applications; (2) provide easy to understand code language presented in a clear and user-friendly format; (3) provide a straight-forward processing path to development decisions, (4) support/further economic development in all sectors; (5) protect and enhance the beauty of our city to boost or stabilize property values, encourage investment, and improve the image of the community; (6) comply with mandatory regulatory requirements including implementation of HB 2001, and (7) implement the City's adopted policies.

The project is also implementing clear and objective standards for housing as well as implementing other new state legislation including but not limited to: SB 458, Middle housing land division; HB 2583, Defining family and occupancy limits; SB 8, Affordable housing in commercial and industrial zones; HB 2008 Affordable housing by religious nonprofit corporations; and HB 3109, Childcare facilities.

On January 4, 2021, the Springfield Planning Commission held a duly noticed public hearing, joint with the Lane County Planning Commission, on the proposed text amendments. The public hearing was conducted in accordance with Springfield Development Code Sections 5.2-120 through 5.2-145 and the Planning Commission's written record was help open until January 18, 2022. After review of the staff report, evidence in the record, and public testimony, the Planning Commission determined that the code amendments meet the approval criteria.

CONCLUSION
The proposed code amendments (Exhibits A, B, and C) meet the approval criteria of Springfield Development Code Section 5.6-115, on the basis of the findings of fact in the Staff Report attached hereto (Exhibit D).

ORDER/RECOMMENDATION
It is ORDERED by the Springfield Planning Commission that a RECOMMENDATION for approval of 811-18-000224-TYP4 be forwarded to the Springfield City Council for consideration at an upcoming public hearing.

Planning Commission Chairperson

21 March 2022
Date

ATTEST
AYES:
NOES:
ABSENT:
ABSTAIN:

3.2.200 – Residential Districts (R-1, R-2, R-3)

Subsections:

3.2.205 Purpose, Applicability, and Location
3.2.210 Permitted Land Use
3.2.215 Lot Area and Dimensions
3.2.220 Setbacks
3.2.225 Impervious Surface Coverage Standards
3.2.230 Height
3.2.235 Density
3.2.240 Panhandle Lot or Parcel Development Standards
3.2.245 Detached Single-Unit Dwellings and Duplexes
3.2.250 Middle Housing
3.2.255 Triplex or Fourplex
3.2.260 Cottage Cluster Housing
3.2.265 Townhouses
3.2.270 Courtyard Housing
3.2.275 Accessory Dwelling Units (ADU's)

3.2.205 Purpose, Applicability, and Location

(A) Purpose. The purposes of the Residential Land Use Districts are to:

(1) Accommodate a full range of housing types.
(2) Implement the policies of the Springfield Comprehensive Plan and Metro Plan.
(3) Make efficient use of land and public services.
(4) Reduce reliance on the automobile for neighborhood travel and provide options for walking and bicycling.
(5) Provide convenient access to Neighborhood Activity Centers.

(B) Applicability. The standards in this section apply to development in the R-1, R-2, and R-3 Land Use Districts. These districts are identified on the City's official Zoning Map. These districts are intended to implement the following plan designations, unless otherwise specified in an applicable Refinement Plan or Plan District:

(1) The R-1 district is intended to implement the Low Density Residential plan designation.

(2) The R-2 district is intended to implement the Medium Density Residential plan designation.

(3) The R-3 district is intended to implement the High Density Residential plan designation.

(C) Conflicts. Where there is a conflict between the Standards and Regulations for Certain Uses in Residential Districts SDC 4.7.300 - 4.7.400 and the development standards in this SDC 3.3.200, the Standards and Regulations for Certain Uses in Residential Districts prevail.

3.2.210 Permitted Land Uses

(A) Permitted Uses. The land uses listed in Table 3.2.210 are permitted in the Residential Districts, subject to the provisions of this chapter. Only land uses that are specifically listed in Table 3.2.210, land uses that are incidental and subordinate to a permitted use, and land uses that are approved as "similar" to those in Table 3.2.210 are permitted.

(B) Determination of Similar Land Use. Similar use determinations must be made in conformance with the procedures in SDC 5.11.100, Interpretations.

(C) Exceptions. Existing uses and buildings lawfully established under previously effective land use regulations can continue subject to SDC 5.8.100, Non-Conforming Uses – Determination, Continuance, Expansion and Modification, except as otherwise specified in this section.

Table 3.2.210 Permitted Uses

Uses	Districts			Applicable code standards
	R-1	R-2	R-3	
Residential				
Single-unit Dwelling, detached (SD-D)	P	N	N	
Duplex	P*	P*	N	SDC 3.2.245
Triplex/Fourplex	P*	P*	P*	SDC 3.2.250 and 3.2.255
Townhouse (Single-unit Dwelling, attached, e.g., row houses, etc.)	P*	P*	P*	SDC 3.2.250 and 3.2.265
Cottage Cluster Housing	P*	P*	P*	SDC 3.2.250 and 3.2.260
Courtyard Housing	P*	P*	P*	SDC 3.2.335
Emergency Medical Hardship	P*	P*	P*	SDC 4.7.400
Accessory Dwelling Units (ADUs)	P*	P*	P*	SDC 3.2.275
Single Room Occupancy (SROs)	P	P	P	
Short Term Rental				
Type 1	P*	P*	P*	SDC 4.7.355
Type 2	D*	D*	D*	SDC 4.7.355
Manufactured Dwelling Park	P, S*	P, S*	N	SDC 4.7.345
Multiple Unit Housing	N	P*	P*	SDC 4.7.375 thru 4.7.385
Family Child Care Home	P*	P*	P*	SDC 4.7.405
Child Care Center	S	S	S	
Residential Care Facility; 5 or fewer people	P*	P*	P*	SDC 4.7.350

Table 3.2.210 Permitted Uses				
Uses	Districts			Applicable code standards
	R-1	R-2	R-3	
Residential Care Facility; 6 or more people	P, S*	P, S*	P, S*	SDC 4.7.350
Public and Institutional* (Sec. 4.7.380)				
Automobile Parking, Public Off-street Parking	N	D	D	
Club (see definition 6.1.110(F))	N	N	N	
Community Service; includes Governmental Offices	N	D	D	
Community Garden	D	D	D	
Educational facilities: elementary and middle schools	D*	D*	D*	SDC 4.7-195 and 5.9.110
Emergency Services; Police, Fire, Ambulance	D, S	D, S	D, S	
Parks and Open Space, including Playgrounds, Trails, Nature Preserves, Athletic Fields, Courts, Swim Pools, and similar uses	P/D*	P/D*	P/D*	SDC 4.7.200
Place of worship	D, S*	D, S*	D, S*	SDC 4.7.370
Commercial				
Home Business	P*	P*	P*	SDC 4.7.365
Professional Office	S*	S*	S*	SDC 4.7.190
Mixed-Use Buildings	S*	S*	S*	SDC 4.7.375

P = Permitted Use; S = Site Plan Required; D = Discretionary Use permit required; N = Not Allowed; * = Permitted in conformance with cited code standards.

3.2.215 Lot Area and Dimensions

(A) In addition to applicable provisions contained elsewhere in this code, the development standards listed in this section apply to all development in residential districts. In cases of conflicts, standards specifically applicable in the residential land use district apply. In cases of conflicts in this section between the general standards and the area-specific standards, the area-specific standards apply.

Lot area and lot dimension standards for residential uses are listed in Table 3.2.215. For other residential uses listed in Table 3.2.210, the lot area and dimensions are subject to the type of residential structure being occupied. Lot development must be in conformance with SDC 3.2.235, Density.

The following Table 3.2.215 sets forth residential land use district development standards, subject to the special development standards in SDC 4.7.300-4.7.400. Lots created by a

middle housing land division are not subject to the minimum and maximum lot sizes specified in this section, except as applicable to the parent lot or parcel.

Table 3.2.215: Residential District Density Standards & Minimum Lot Size

Where a minimum lot size listed in this table conflicts with the maximum net density, by resulting in development that exceeds the applicable maximum net density, the maximum net density standard will prevail. This may result in an increase in the minimum lot size provided in this table. Where no minimum lot size is listed, the minimum lot size is determined solely based on the applicable maximum net density.

Minimum lot sizes listed in this table for middle housing types apply to the parent lot and not to any lots resulting from a middle housing land division approved under SDC 5.12.200.

Density standards and minimum lot sizes within the Hillside Overlay District are provided in SDC 3.3.520.

Density (see 3.2.235 below)	**R-1**	**R-2**	**R-3**
Single unit dwelling, detached	6 units per net acre minimum 14 units per net acre maximum 3,000 sq ft minimum lot size	N/A	
Duplex	6 units per net acre minimum No maximum density 3,000 sq ft minimum lot size	14 units per net acre minimum 28 units per net acre maximum 3,000 sq ft minimum lot size	N/A
Triplex and fourplex	6 units per net acre minimum No maximum density Triplex: 5,000 sq ft minimum lot size Fourplex: 7,000 sq ft minimum lot size	14 units per net acre minimum 28 units per net acre maximum	28 units per net acre minimum 42 units per net acre maximum

Table 3.2.215: Residential District Density Standards & Minimum Lot Size

Where a minimum lot size listed in this table conflicts with the maximum net density, by resulting in development that exceeds the applicable maximum net density, the maximum net density standard will prevail. This may result in an increase in the minimum lot size provided in this table. Where no minimum lot size is listed, the minimum lot size is determined solely based on the applicable maximum net density.

Minimum lot sizes listed in this table for middle housing types apply to the parent lot and not to any lots resulting from a middle housing land division approved under SDC 5.12.200.

Density standards and minimum lot sizes within the Hillside Overlay District are provided in SDC 3.3.520.

Density (see 3.2.235 below)	**R-1**	**R-2**	**R-3**
Townhome	6 units per net acre minimum 25 units per net acre maximum 1,000 sq ft minimum lot size	14 units per net acre minimum 28 units per net acre maximum 1,000 sq ft minimum lot size	28 units per net acre minimum 42 units per net acre maximum 1,000 sq ft minimum lot size
Cottage cluster	4 units per net acre minimum No maximum density 5,000 sq ft minimum lot size	14 units per net acre minimum 28 units per net acre maximum 5,000 sq ft minimum lot size	28 units per net acre minimum 42 units per net acre maximum 5,000 sq ft minimum lot size
Multiple unit housing	N/A	14 units per net acre minimum 28 units per net acre maximum	28 units per net acre minimum 42 units per net acre maximum
Density fractions will be rounded as provided in SDC 3.2-235(A).			

3.2.220 Setbacks

(A) Setback Standards. The following table summarized the minimum setback standards. The setback standards of this section apply to all structures, except as otherwise provided by this section. Required setbacks are measured from the special street setback in SDC 4.2.105(M), where applicable.

Table 3.2.220 Setbacks	**R-1**	**R-2**	**R-3**
Front	10 feet, except for a garage or carport		
Garage or carport	18 feet from any property line or back of sidewalk, whichever is closer		
Side	5 feet	10 feet when abutting an R-1 district 5 feet when not abutting an R-1 district	
Rear	10 feet	10 feet when abutting an R-1 district 5 feet when not abutting an R-1 district	

Table 3.2.220 Setbacks	R-1	R-2	R-3
Notes: Setbacks for certain housing types or uses are reduced as specified in SDC 3.2.250-3.2.270. (Ex. Zero-foot side setback for property line where townhouse units attach.)			

(B) Front Setbacks

(1) R-1, R-2, and R-3 Districts. The front setback requirement is a minimum of ten feet from the property line abutting the street used for address purposes or the back of sidewalk, whichever is closer, or for a panhandle lot, from the property line forming the pan portion of the lot.

(2) Garage or carport. The front of a garage or carport must be set back a minimum of 18 feet from any property line or the back of sidewalk, whichever is closer.

(3) Special setbacks. The Special Street Setbacks apply in conformance with SDC 4.2.105(M).

(C) Side Setbacks

(1) R-1 District. The side setback requirement is a minimum of five feet.

(2) R-2 and R-3 Districts

(a) The side setback requirement is a minimum of ten feet from any property line abutting the R-1 district.

(b) The side setback requirement is a minimum of five feet from any property line not abutting the R-1 district, or the edge of sidewalk for a corner lot or parcel, whichever is closer.

(3) For courtyard housing, side setbacks must be in conformance with SDC 3.2.270.

(D) Rear Setbacks

(1) R-1. The rear setback requirement is a minimum of ten feet from any property line.

(2) R-2 and R-3 Districts

(a) The rear setback requirement is a minimum of ten feet from any property line abutting the R-1 district.

(b) The rear setback requirement is a minimum of five feet from any property line not abutting the R-1 district.

(E) Special Setback Requirements

(1) Townhouses. Common wall setbacks where units are attached is zero feet from the property line abutting the next attached unit, in conformance with SDC 3.2.265.

(2) Vision Clearance Areas. All structures must comply with SDC 4.2.130, Vision Clearance, notwithstanding any other setback requirement that.

(3) Bridges. Bridges that form a driveway or pedestrian access from the abutting street or alley are permitted within the setbacks.

(4) Setback Encroachments. An encroachment into a setback that meets the following standards is permitted in the R-1, R-2, and R-3 Districts. No portion of the structures and architectural features listed in this section can encroach closer than six feet to the front property line or edge of sidewalk, whichever is closer. No other encroachments into a setback are permitted unless approved through a variance.

(a) Architectural Features. Eaves, chimneys including fireplace enclosures and chimney chases, bay windows up to eight feet in width, and window wells are allowed to encroach into the front, side, and rear setbacks by no more than two feet, provided there is a minimum setback of three feet from the property line.

(b) Front Porches. An unenclosed covered or uncovered porch, patio, deck, or stoop with a maximum floor height not exceeding 18 inches is allowed to be set back a minimum of six feet from the front property line, as long as it does not encroach into a public utility easement.

(c) An uncovered and unenclosed porch, patio, deck, or stoop located above finished grade with a maximum floor height not exceeding 18 inches must be set back a minimum of 18 inches from the side and rear property lines. Additionally, it must not encroach into a public utility easement.

(d) Uncovered patios at finished grade are exempt from setbacks as long as it does not encroach into a public utility easement.

(e) Stairs, ramps, and landings that are uncovered may be in the front setback.

(5) Garage and Carport Setback

(a) The 18-foot setback requirement for the front of a garage or carport is measured along the centerline of the driveway from the property line or back of sidewalk, whichever is closer, to either the garage door or to the support post at the vehicle entry of a carport closest to the property line.

(b) For a garage on a corner lot or parcel that is accessed from an alley, or a garage where the side or rear wall of the garage faces the street, the setback for the garage side or rear wall is a minimum of five feet from the property line. In this case, the garage must have at least one window in the side or rear wall facing the street that is a minimum of six square feet. A side entry garage must have a driveway with a minimum length of 18 feet from the front property lines as measured along the centerline of the driveway to the face of the garage.

(F) Prohibited in Setbacks. In addition to structures, the following are prohibited within the following setbacks:

(1) Front Setbacks. Satellite dishes greater than 18 inches in diameter, and other similar above ground objects except heat pumps which are allowed.

(2) Side and Rear Setbacks. Satellite dishes greater than 18 inches in diameter, and other similar objects, unless screened for visual and noise abatement by a solid enclosure two feet higher than the object/use being screened, except heat pumps which are allowed.

(3) All Setbacks. Balconies.

3.2.225 Lot Coverage and Impervious Surface Standards

(A) Lot Coverage and the amount of impervious surface may not exceed the standards listed in SDC 3.2.225. Stormwater treatment facilities required under SDC 4.3.110 or other development standards may result in less impervious surface area than these maximums.

(B) The following Lot Coverage and Impervious Surface standards apply to all development in Residential Districts. However, Cottage Cluster Housing is not subject to this standard.

(1) On lots or parcels with more than average 15 percent slope or above 670 feet in elevation, as determined in SDC 3.3.500, the impervious surface area must not exceed 35 percent.

(2) On lots or parcels of less than 4,500 square feet in size, the impervious surface area must not exceed 60 percent of the lot or parcel area.

(3) On lots or parcels of 4,500 square feet or larger in size, the ~~impervious surface~~lot coverage ~~ar~~must not exceed ~~65~~45 percent of the lot or parcel area.

Table 3.2.225 Impervious Surface Coverage	R-1	R-2	R-3
Lots or parcels with more than 15% slope or above 670 feet in elevation	35% maximum		
Lots or parcels of less than 4,500 square feet in size	60% maximum		
Lots or parcels of 4,500 square feet or larger in size	65% maximum		

3.2.230 Height

(A) The following building height standards are intended to facilitate allowed residential densities while promoting land use compatibility.

Table 3.2.230 Height	R-1	R-2	R-3
All Lots, except where specifically addressed below	35 feet	50 feet	none

(B) Incidental equipment, as defined in SDC 6.1.110 may exceed the height standard.

(C) Within the Hillside Development Overlay District, the maximum Building Height, as defined and calculated in SDC 6.1.110, is 45 feet.

3.2.235 Density

(A) The following net density standards apply to all new development in the R-1, R-2, and R-3 districts, except as specified in subsection (B) of this section. The net density standards shown in Table 3.2.215 are intended to ensure efficient use of buildable lands and provide for a range of needed housing, in conformance with the Springfield Comprehensive Plan. Where the density standards apply, the net density must be within the density range for the respective zoning district, except that density fractions 0.5 units per net acre or greater will be rounded up to the next whole number, and less than 0.5 unit per net acre will be rounded down to the preceding whole number.

The density standards may be averaged over more than one development phase (i.e., as in a subdivision or within the area subject to an adopted Master Plan). Within the Hillside Development Overlay District, the net density standards may be met through a density transfer bonus as provided in SDC 3.3.520(D).

(B) The net density requirements specified in Table 3.2.215 do not apply as follows:

(1) Residential care homes/facilities.
(2) Accessory dwelling units (ADUs).
(3) Bed and breakfast inns.
(4) Nonresidential uses, including neighborhood commercial uses, public and institutional uses, and miscellaneous uses that do not include a dwelling unit.
(5) Buildings that are listed in the Inventory of Historic Sites within the Springfield Area Comprehensive Plan Exhibit “A” or buildings designated on the Historic National Landmarks Register.
(6) Residential infill, as defined in SDC 6.1.100, is exempt from minimum density standards, except within the HD Overlay District as provided in SDC 3.3.505 to 3.3.540.
(7) Partitions on properties that are large enough to be divided into five or more lots are exempt from minimum density standards as long as the size of the resulting parcels and siting of dwellings allow future development on these parcels at minimum densities.

(C) Net density is defined in SDC 6.1.100 as the number of dwelling units for each acre of land in residential use, excluding: dedicated streets; dedicated parks; dedicated sidewalks; and other public facilities.

For the purposes of calculating residential net density, four single room occupancy (SRO) units equal one dwelling unit. Fractional dwellings will be rounded to the next higher number, e.g., five SRO rooms equal two dwellings.

(D) For the purpose of calculating residential net density:

(1) Where a property is within multiple zoning districts, the minimum and maximum number of units is calculated based on the acreage in each residential district that is subject to the density standard as specified above multiplied by the applicable

minimum and maximum density standards. Areas with nonresidential districts are excluded from the density calculation.

(2) Except as provided in subsection (D)(3) of this section, the following areas are subtracted from the gross area of the property:

(a) Area not in residential use as provided in subsection (D)(4) of this section;
(b) Area for dedicated streets;
(c) Area for dedicated sidewalks;
(d) Area for dedicated parks;
(e) Area for other public facilities.

After subtracting these areas from the gross area, then the remaining area is the net area used to calculate the net density.

(3) The following areas are not subtracted from the gross area to calculate net density:

(a) Area within a public easement less than ten feet in width;
(b) Area within a private street;
(c) Area within a private park; and
(d) Area for other private facilities.

(4) **Residential use** – Any area not in residential use is subtracted from the gross area. The term "residential use" is considered to mean "of, relating to, or connected with a residence or residences". Examples of residential use include the following: off street parking and vehicle circulation areas, maintenance or storage areas, and residential leasing offices, if these uses are related to or connected with a residence or residences.

Examples of uses that would not be considered to be in residential use include the following: any commercial uses, accessory uses that are not related to or connected with a residence or residences, and unbuildable areas as described below.

(a) **Unbuildable.** This category includes land that is undevelopable. It includes tax lots or areas within tax lots with one or more of the following attributes:

(i) Slopes greater than 25 percent as calculated in SDC 3.3.520(A);
(ii) Within the floodway, as designated by the FP Overlay District;
(iii) In areas with severe landslide potential as shown on an adopted City of Springfield inventory or map;
(iv) Within locally significant wetlands and locally significant riparian areas and their setbacks as specified in SDC 4.3.117;
(v) Within the riparian area boundary of a Water Quality Limited Watercourse as specified in SDC 4.3.115;
(vi) Within the easement area of a 230 kV or greater transmission line;
(vii) Small irregularly shaped lots[1]; and
(viii) Publicly-owned land as described in (5), (6), (7), and (8) below.

[1] Only lots that were counted as unbuildable in an adopted Housing Needs Analysis, can be subtracted from the gross density as "small irregularly shaped lots".

(5) **Streets** - Any street or roadway dedicated as public right of way is subtracted from the gross area to calculate net density. The area does not take into account to what degree the street or roadway area is improved. This does not include private streets or driveways. The area for any private street would remain in the net area considered to be in residential use.

(6) **Sidewalks** – Any sidewalk dedicated as public right of way is subtracted from the gross area to calculate net density. A public sidewalk located in an easement is not subtracted from the gross area. Private sidewalks (e.g. for multifamily housing developments, etc.) are not subtracted from the gross area.

(7) **Parks** – Any public park area including a publicly-owned Regional Park, Community Park, Neighborhood Park, or Linear Park is subtracted from the gross area to calculate the net density. Any Private Park, or private open space, if not dedicated would remain in the net area.

(8) **Other public facilities** – Any area for a public facility dedicated to the City of Springfield or other public agency is subtracted from the gross area to calculate net density. This includes storm water tracts dedicated to the City; however, it does not include private storm water facilities.

Additionally, any area, including easement areas, for a public facility that is adopted into the Eugene-Springfield Metropolitan Area Public Facilities and Services Plan (PFSP) is subtracted from the gross area. Any other public utility easement (PUE) that contains public utilities that are not adopted into the PFSP are not subtracted from the gross area (except as provided above under unbuildable land for 230 kV transmission lines).

“Public facility projects” adopted in the PFSP include:

(a) Water: Source, reservoirs, pump stations, and primary distribution systems. Primary distribution systems are transmission lines 12 inches or larger for Springfield Utility Board (SUB) and 24 inches or larger for Eugene Water & Electric Board (EWEB).

(b) Wastewater: Pump stations and wastewater lines 24 inches or larger.

(c) Stormwater: Drainage/channel improvements and/or piping systems 36 inches or larger; stormwater detention and/or treatment facilities; outfalls; water quality projects; and waterways and open systems.

(d) Specific projects adopted as part of the Metro Plan are described in the project lists and their general location is identified in the planned facilities maps in Chapter II of the Eugene-Springfield Metropolitan Public Facilities and Services Plan (Public Facilities and Services Plan).

3.2.240 Panhandle Lot or Parcel Development Standards

(A) Special provisions for lots/parcels with panhandle driveways:

(1) Panhandle driveways are permitted where dedication of public right-of-way is not required to meet the Street Network Standards contained in SDC 4.2.105(D) or (E)

or to comply with the density standards in the applicable zoning district. Panhandle driveways are not permitted in lieu of a public street required to meet the Street Network Standards contained in SDC 4.2.105(D) or (E).

(2) The area of the pan portion does not include the area in the "panhandle" driveway.

(3) The minimum paving standards for panhandle driveways are:

(a) Twelve feet wide for a single panhandle driveway from the front property line to a distance of 18 feet, where there is an unimproved street; and from the front property line to the pan of the rear lot or parcel, where there is an improved street; and

(b) Eighteen feet wide for a multiple panhandle driveway from the front property line to the pan of the last lot or parcel. This latter standard takes precedence over the driveway width standard for multiple unit dwelling driveways specified in Table 4.2.2.

(4) Panhandle lots must meet fire code access requirements based on the number of units.

(B) Buildable lots/parcels do not need to have frontage on a public street when access has been guaranteed via a private street or driveway with an irrevocable joint use/access easement as specified in SDC 4.2.120(A). In the residential districts, when a proposed land division includes single or multiple panhandle lots/parcels and the front lot or parcel contains an existing primary or secondary structure, an irrevocable joint use/access easement is allowed in lieu of the panhandles when the required areas to meet both the applicable panhandle street frontage standard and the required five foot wide side yard setback standard for the existing structure is available. In this case, the irrevocable access easement width standard is as follows:

(1) Fourteen feet wide for a single panhandle lot or parcel in the R-1 District; or

(2) Twenty feet wide for a single panhandle in the R-2 and R-3 District, or where multiple panhandles are proposed in any residential district.

3.2.245 Single-Unit Dwellings, Detached, and Duplexes

(A) **Review Procedures.** Detached single-unit dwellings and duplexes on lawfully created lots or parcels within City limits, or in the City's urbanizable area that are less than five acres, may be approved under a Type 1 procedure concurrently with a building permit. The criteria for the Type 1 approval of a detached single-unit dwelling or duplex is consistency with the applicable standards for a detached single-unit dwelling in the underlying land use district.

(B) **Duplex or ADU Election.** In instances where a development can meet the definition of a duplex and also meets the definition of a primary single unit dwelling with an Accessory Dwelling Unit (ADU), the applicant must specify at the time of application whether the development is a duplex or a primary single unit dwelling with an ADU. The application will be reviewed according to the standards and criteria applicable to the applicant's election.

(C) Duplex Conversion. Additions to or conversion of an existing single unit detached dwelling to a duplex is allowed provided that the conversion does not increase nonconformance with applicable clear and objective standards.

(D) Standards Applicable to Duplexes. Clear and objective exceptions to public works standards granted to detached single-unit dwellings must also be granted to duplexes.

3.2.250 Middle Housing

(A) Review Procedures. Middle housing on lawfully created lots or parcels within the City limits may be approved under a Type 1 procedure concurrently with a building permit. The criteria for the Type 1 approval is consistent with the applicable standards for middle housing in the underlying land use district.

(A) Relationship to Other Code Standards/Conflicts. In the event of a conflict between middle housing code provisions in this section and other code standards applicable to middle housing, the standards in this section prevail.

(B) Sufficient Infrastructure. For all middle housing types (except duplexes) in the R-1 district, applicants must demonstrate that sufficient infrastructure is provided or will be provided. The applicant must provide the information to demonstrate that Sufficient Infrastructure will be provided with the submittal of the development application for the proposed middle housing. The sufficient infrastructure must be provided prior to occupancy of the proposed middle housing. Sufficient Infrastructure must meet the established service levels as specified below.

(1) Sanitary Sewer. The subject property and any existing and proposed dwellings must be connected to sanitary sewer. The sanitary sewer must be designed and constructed in conformance with SDC 4.3.105, and Chapter 2 of the *Engineering Design Standards and Procedures Manual* (EDSPM).

(2) Stormwater. The subject property and any existing and proposed dwellings must have a Stormwater management system that is sufficient to detain, on the lot or parcel of origin, any increase in on-site surface water drainage, including roof drainage or other impervious surface drainage, to not increase flows from the lot or parcel above the flow levels that existed from the lot or parcel prior to the development of new middle housing.

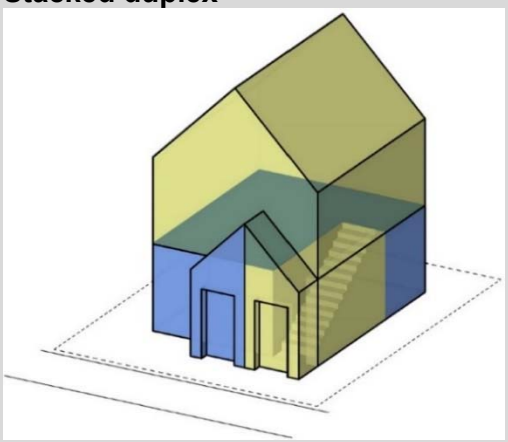
(3) Water. The subject property as well as any existing and proposed dwellings must be connected to a public water system. The public water system must be capable of meeting established service levels as determined by the Springfield Utility Board (SUB). Documentation must be submitted from SUB with the development application demonstrating that the water system meets the established service levels or what improvements must be completed by the applicant prior to occupancy of the proposed middle housing to ensure established service levels are met.

(4) Streets. The subject property must have access that meets the standards in SDC 4.2.120(A) and the fire apparatus access road standards as required by and in compliance with the Oregon Fire Code.

(5) Master Planned Areas. All middle housing types must be allowed in Master Plan areas subject to the applicable standards and criteria in this code.

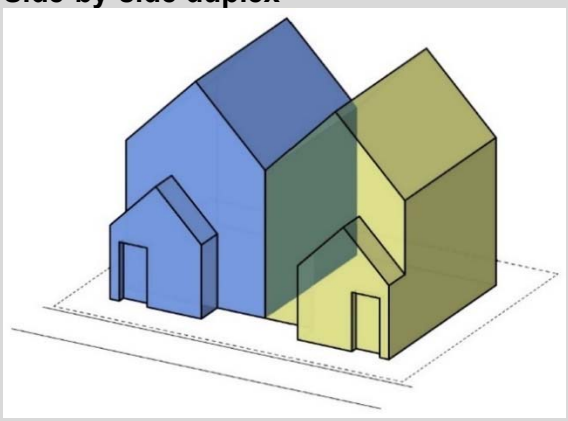
(C) Examples of Duplex, Triplex, and Fourplex configurations. The following figures illustrate examples of possible configurations for duplexes, triplexes, and fourplexes. Other configurations are also possible and acceptable, provided the development meets the definitions and development standards for middle housing.

Stacked duplex



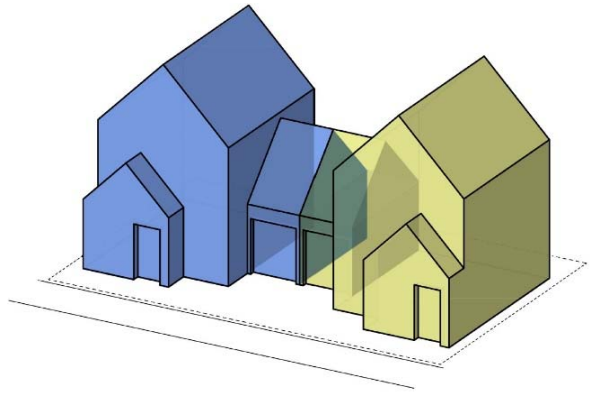
Detached duplex units side-by-side

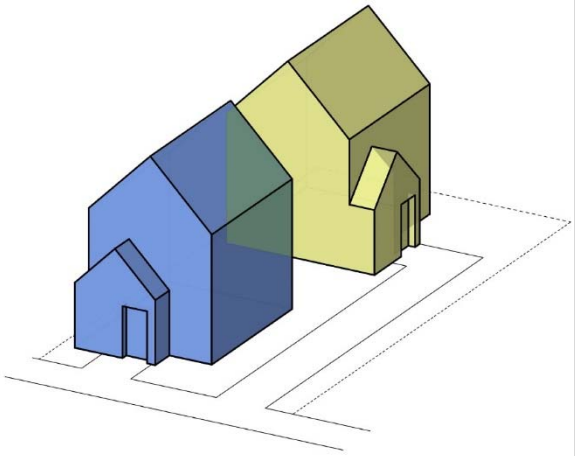
Side-by-side duplex



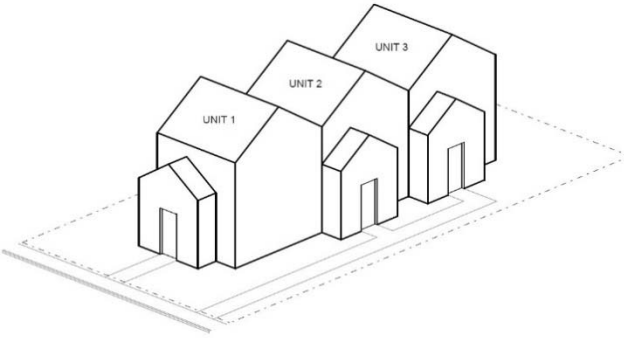
Duplex attached by garage wall

Duplex attached by breezeway

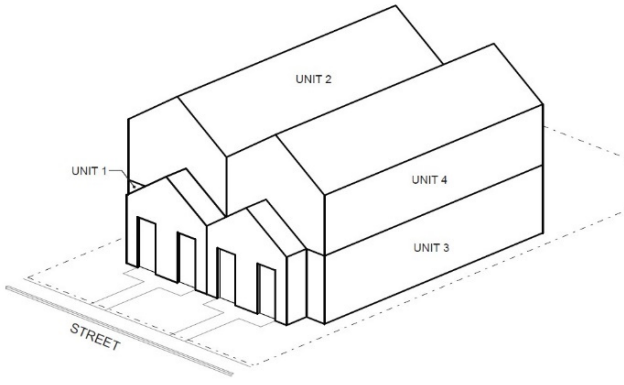




Attached triplex front and back

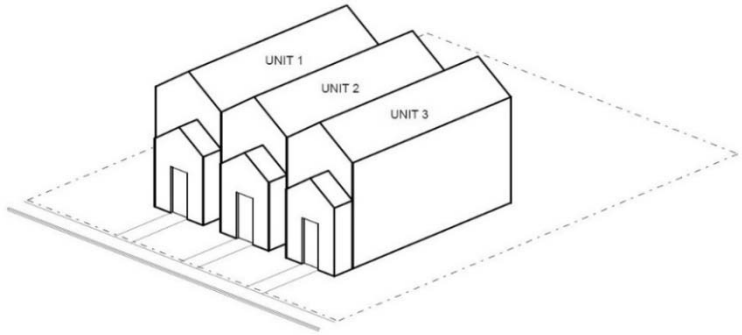


Stacked fourplex

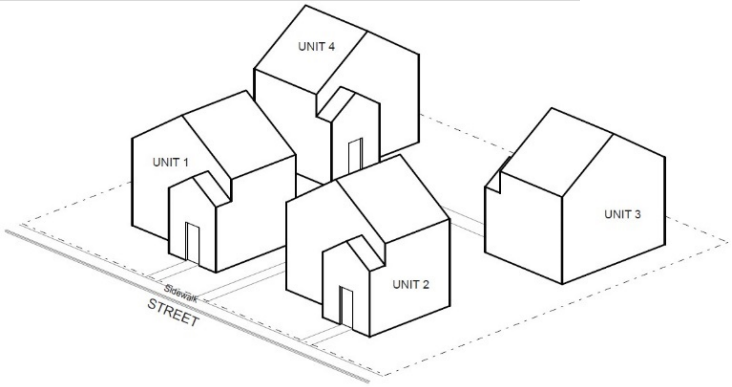


Detached duplex units front and back

Attached triplex side-by-side



Detached fourplex



3.2.255 Triplex and Fourplex

New triplexes and fourplexes, including those created by adding building square footage on a site occupied by an existing dwelling, must comply with the standards listed below. These standards do not apply to creation of a triplex or fourplex through conversion of a detached single-unit dwelling.

(A) Entry Orientation. At least one main entrance for each triplex or fourplex structure must meet the standards in subsections (1) and (2) below. Any detached structure for which more than 50 percent of its street-facing façade is separated from the street property line by a dwelling is exempt from meeting these standards.

(1) The main entrance must be within eight feet of the longest street-facing wall of the dwelling unit; and

(2) The main entrance must either:

(a) Face the street. See Figure 3.2-A;

(b) Be at an angle of up to 45 degrees from the street. See Figure 3.2-B;

(c) Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides. See Figure 3.2-C; or

(d) Open onto a porch (see Figure 3.2-D). The porch must:

(i) Be at least 25 square feet in area; and

(ii) Have at least one entrance facing the street or have a roof.

Figure 3.2-A. Main Entrance Facing the Street

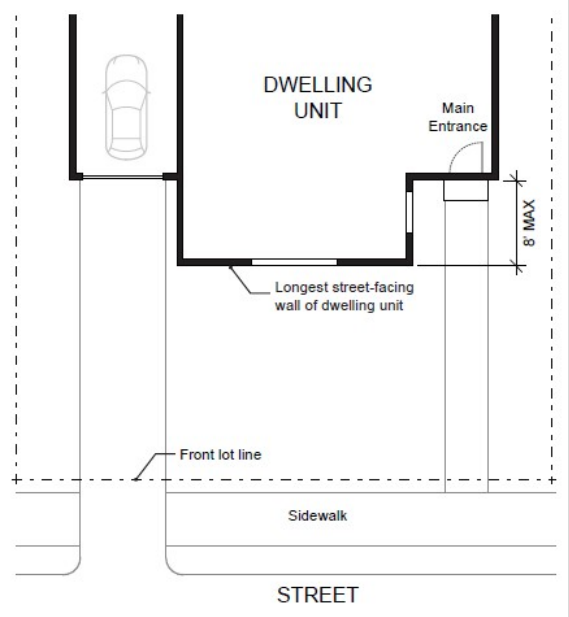


Figure 3.2-B. Main Entrance at 45 Degree Angle from the Street

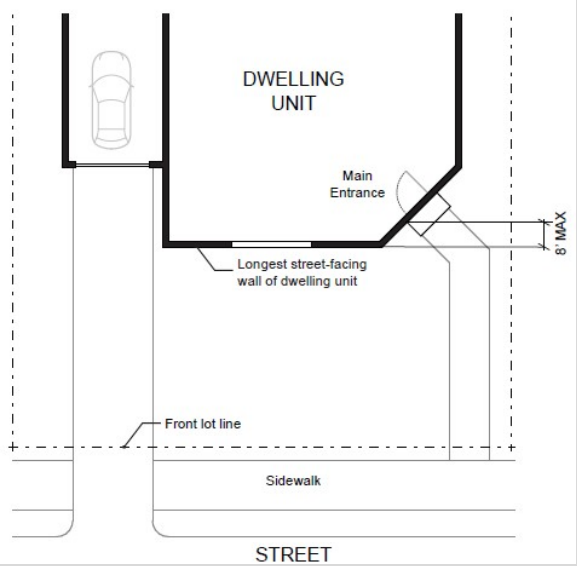


Figure 3.2-C. Main Entrance Facing Common Open Space

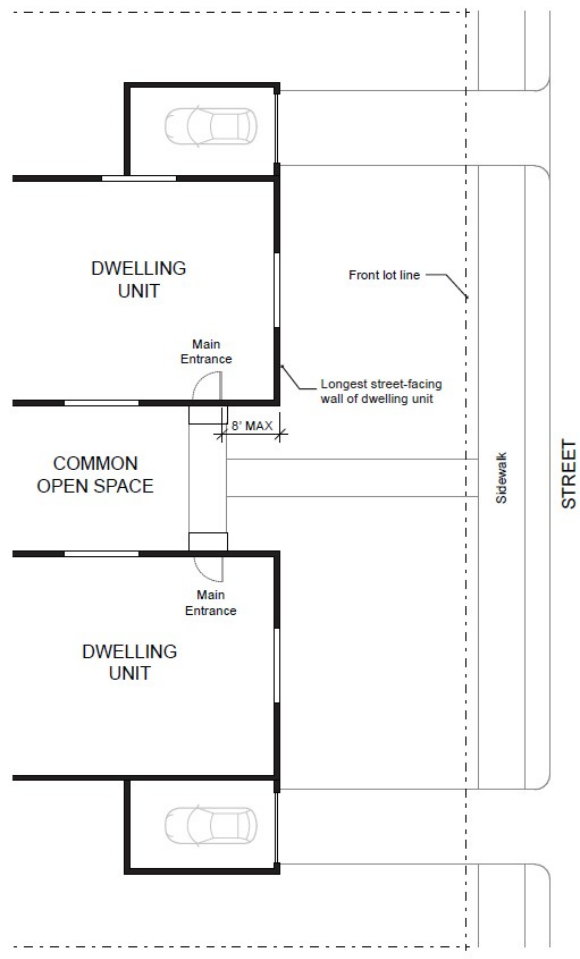
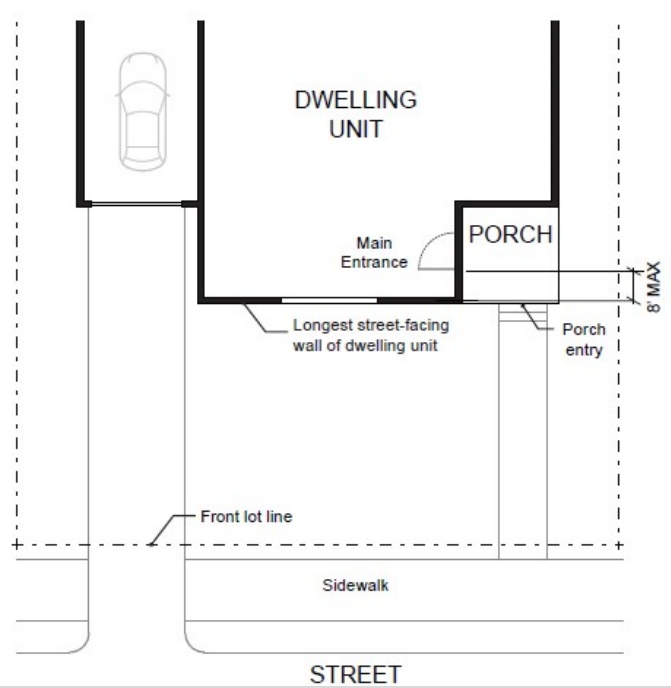


Figure 3.2-D. Main Entrance Opening onto a Porch



(B) Window and Door Coverage. A minimum of 15 percent of the area of all street-facing elevations must include windows or entrance door. Elevations separated from the street property line by a dwelling are exempt from meeting this standard. See Figure 3.2-E.

Figure 3.2-E. Window and Door Coverage

(C) Garages and Off-Street Parking Areas. Garages and off-street parking areas must not be located between a building and a public street (other than an alley), except in compliance with the standards in subsection (1) and (2) of this subsection.

(1) The garage of off-street parking area is separated from the street property line by a dwelling; or

(2) The combined width of all garages and outdoor on-site parking and maneuvering areas does not exceed a total of 50 percent of the street frontage.

(D) Driveway Approach. Driveway approaches must comply with the applicable standards in SDC 4.2.120.

(E) Conversions to Triplex and Fourplex. Internal conversion of an existing detached single unit structure or duplex to a triplex or fourplex is allowed provided that the conversion does not increase nonconformance with applicable clear and objective standards, unless increasing nonconformance is otherwise permitted according to SDC 5.8.125.

3.2.260 Cottage Cluster Housing

(A) Purpose and Title. Cottage Cluster Housing is a type of flexible site development or subdivision that allows four or more small-scale dwelling units, either attached or detached, grouped together around shared open space.

(B) Density and Lot Size. The net density and minimum lot size must be as provided in Table 3.2.215. There are no minimum dimensions for individual cottage lots if divided as specified in SDC 5.12.100 or 5.12.200.

(C) Number of Dwelling Units

(1) A Cottage Cluster development must include a minimum of four dwelling units.

(D) Dwelling Unit Size

(1) The maximum building footprint size for each dwelling unit is 900 square feet. For each dwelling unit, 200 square feet for an attached garage or carport is exempt from the 900 square foot maximum.

(2) Detached garages, carports, or other accessory structures are exempt from the 900 square foot maximum footprint.

(E) Accessory Structures. Accessory structures must not exceed 400 square feet in floor area.

(F) Setbacks. The following perimeter setbacks apply to the perimeter of a Cottage Cluster development area.

(1) Front setbacks: Ten feet.

(2) Side setbacks: Five feet.

(3) Rear setbacks: Five feet.

(G) Building Separation. The minimum distance between structures must be in accordance with the building code requirements.

(H) Building Height. The maximum height of structures in a Cottage Cluster Project is 35 feet.

(I) Orientation. Cottages must be clustered around a common courtyard, meaning they abut the associated common courtyard or are directly connected to it by a pedestrian path, and must meet the following standards. See Figure 3.2-J.

(1) Each cottage within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path.

(2) A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard by meeting the following:

(a) Have a main entrance facing the common courtyard;

(b) Be within ten feet from the common courtyard, measured from the elevation of the cottage nearest the courtyard to the nearest edge of the common courtyard; and

(c) Be connected to the common courtyard by a pedestrian path.

(3) Cottages within 20 feet of a street property line may have their entrances facing the street.

(4) Cottages not facing the common courtyard, or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.

(J) Common Courtyard Design Standards. Each cottage cluster must share a common courtyard to provide a sense of openness and community of residents. Common courtyards must meet the following standards. See Figure 3.2-J.

(1) The common courtyard must be a single, contiguous piece.

(2) Cottages must abut the common courtyard on at least two sides of the courtyard.

(3) The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster.

(4) The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.

(5) The common courtyard must be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational

amenities. Impervious elements of the common courtyard must not exceed 75 percent of the total common courtyard area.

(6) Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard count toward the courtyard's minimum dimension and area. Parking areas, and driveways do not qualify as part of a common courtyard.

(K) Community Buildings. Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day cares, or community eating areas. If community buildings are provided, they must meet the following standards.

(1) Each cottage cluster is permitted one community building.

(2) A community building that meets the development code's definition of a dwelling unit must meet the maximum 900 square foot footprint limitation that applies to cottages, unless a covenant is recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a dwelling.

(L) Pedestrian Access

(1) An ADA accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:

(a) The common courtyard;

(b) Shared parking areas;

(c) Community buildings; and

(d) Sidewalks in public rights-of-way abutting the site or rights-of-way if there are not sidewalks.

(2) The pedestrian path must be hard-surfaced and a minimum of four feet wide.

(M) Windows. Cottages within 20 feet of a street property line must meet any window coverage requirement that applies to detached single-unit dwellings in the same residential land use district.

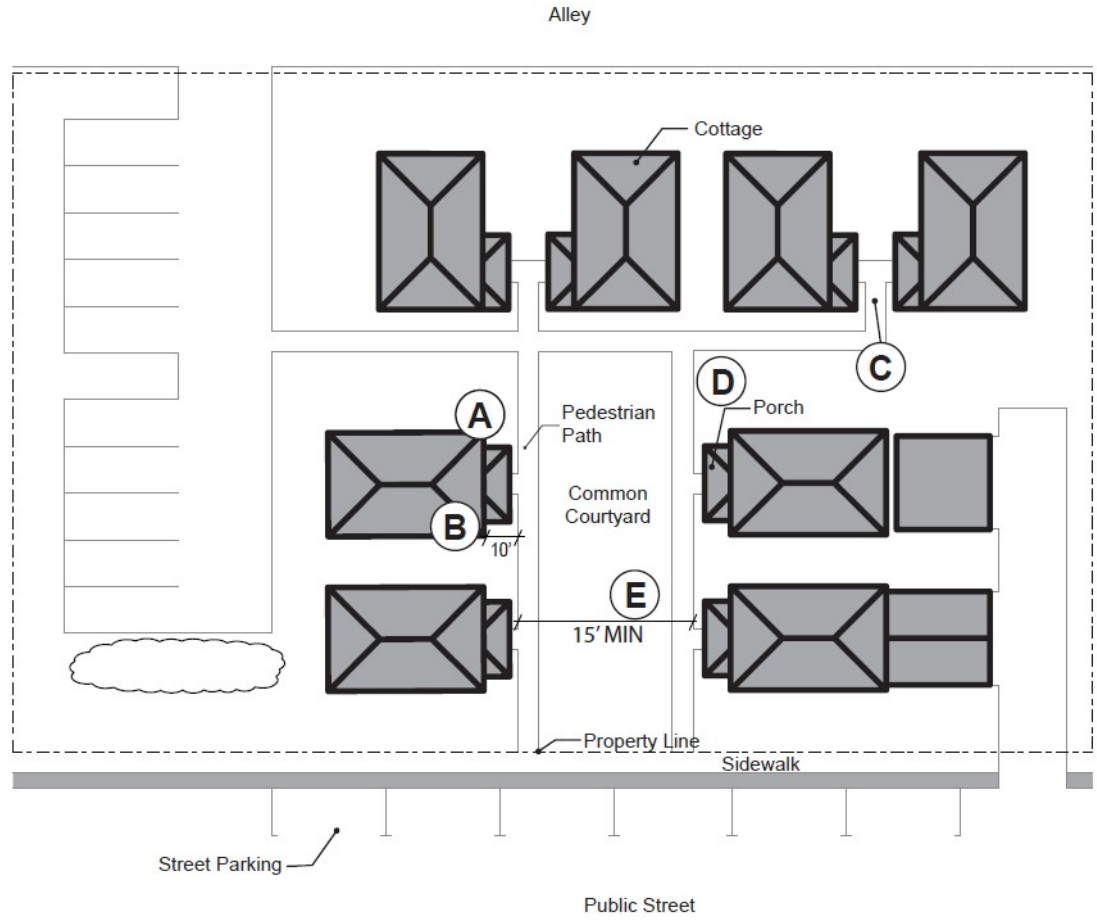
(N) Parking

(1) The minimum number of required off-street parking spaces for a cottage cluster project is one space per dwelling unit.

(2) Off street parking spaces may be provided in a garage or carport.

(3) Off street parking space credits are allowed in conformance with the standards of SDC 4.6.110.

Figure 3.2-J. Cottage Cluster Orientation and Common Courtyard Standards



A A minimum of 50% of cottages must be oriented to the common courtyard.

B Cottages oriented to the common courtyard must be within 10 feet of the courtyard.

C Cottages must be connected to the common courtyard by a pedestrian path.

D Cottages must abut the courtyard on at least two sides of the courtyard.

E The common courtyard must be at least 15 feet wide at it narrowest width.

(O) Parking Design. See Figure 3.2-K.

(1) Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards.

(a) A cottage cluster project with fewer than 16 cottages is permitted to have parking clusters of not more than five contiguous spaces in each parking cluster.

(b) A cottage cluster projects with 16 cottages or more is permitted to have parking clusters of not more than eight contiguous spaces in each parking cluster.

(c) Parking clusters must be separated from other spaces and other parking clusters by at least four feet of landscaping.

(d) Clustered parking areas may be covered.

(2) Parking location and access.

(a) Off-street parking spaces and vehicle maneuvering areas must not be located:

(i) Within five feet from any street property line, except alley property lines; or

(ii) Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.

(b) Off-street parking spaces must not be located within five feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within ten feet of other property lines.

(3) Driveway Approach. Driveway approaches must comply with the applicable standards in SDC 4.2.120.

(4) Screening. Landscaping, fencing, or walls at least three feet tall must separate clustered parking areas and parking structures from common courtyards and public streets.

(5) Garages and carports

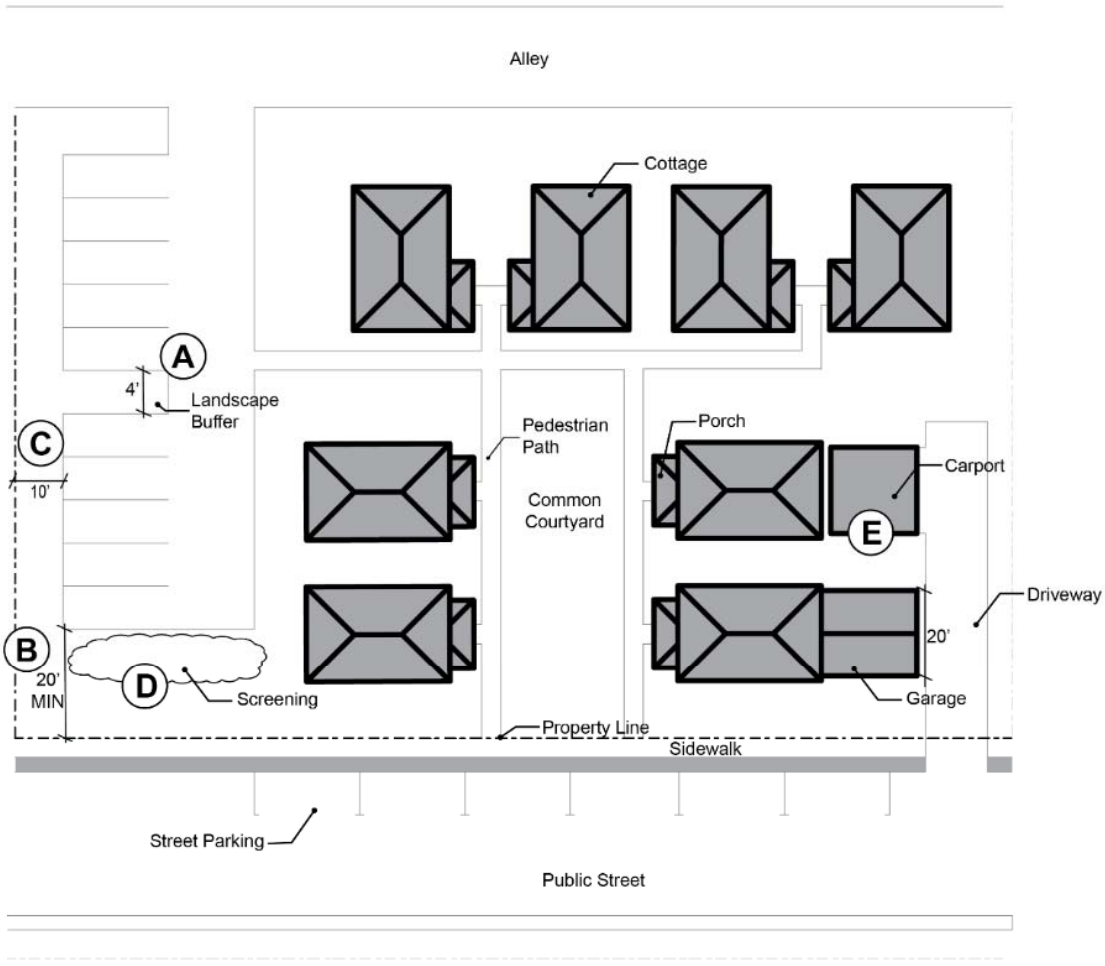
(a) Garages and carports (whether shared or individual) must not abut common courtyards.

(b) Individual attached garages up to 200 square feet is size are exempt from the calculation of maximum building footprint for cottages.

(c) Individual detached garages must not exceed 400 square feet in floor area.

(d) Garage doors for attached and detached individual garages must not exceed 20 feet in width.

Figure 3.2-K. Cottage Cluster Parking Design Standards



A Parking allowed in clusters of up to 5 spaces. Clusters separated by minimum 4 feet of landscaping.

B No parking or vehicle area within 20 feet from street property line (except alley).

C No parking within 10 feet from other property lines (except alley). Driveways and drive aisles permitted within 10 feet.

D Screening required between clustered parking areas or parking structures and public streets or common courtyards.

E Garages and carports must not abut common courtyards. Garage doors for individual garages must not exceed 20 feet in width.

(P) Existing Structures. On a lot or parcel to be used for a cottage cluster project, an existing detached single unit dwelling on the same lot or parcel at the time of proposed development of the cottage cluster may remain within the cottage cluster project area under the following conditions:

(1) The existing dwelling may be nonconforming with respect to the requirements of this code.

(2) The existing dwelling may be expanded up to the maximum height in (I) above or the maximum building footprint in (E) above; however, existing dwellings that exceed the maximum height and/or footprint of this code cannot be expanded.

(3) The floor area of the existing dwelling does not count towards the maximum average floor area of a cottage cluster.

(4) The existing dwelling is excluded from the calculation of orientation toward the common courtyard.

(Q) Accessory Structures. Accessory Structures must not exceed 400 square feet in floor area.

(R) Home Types

(1) Detached or attached dwelling unit types containing one to four dwelling units are allowed.

(2) Accessory dwelling units (ADUs) (either within, attached, or detached) are allowed for any detached or attached dwelling in a cluster housing development.

3.2.265 Townhouses

(A) New townhouse units must comply with the requirements in subsections (A)(1) through (4) of this section.

For purpose of this section, a "Townhouse" means (as defined in SDC 6.1.100) a dwelling unit that is part of a row of two or more attached dwelling units, where each unit is located on an individual Lot or Parcel and shares at least one common wall with an adjacent dwelling unit. Single unit attached homes may have detached garages or ADUs that share a common wall between the two lots or parcels.

(1) Areas Owned in Common. Common areas must be maintained by a homeowner's association or other legal entity. A homeowner's association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions, and conditions must be recorded and provided to the City prior to issuance of building permits.

(2) Entry Orientation. The main entrance of each townhouse must:

(a) Be within eight feet of the longest street-facing wall of the dwelling unit, if the lot has public street frontage; and

(b) Either:

(i) Face the street. See Figure 3.2-A;

(ii) Be at an angle of up to 45 degrees from the street. See Figure 3.2-B;

(iii) Face a common open space (See Figure 3.2-C) or private access or driveway that is abutted by dwellings on at least two sides; or

(iv) Open onto a porch. See Figure 3.2-~~C~~D. The porch must:

(aa) Be at least 25 square feet in area; and

(bb) Have at least one entrance facing the street or have a roof.

(3) Windows. A minimum of 15 percent of the area of all street-facing elevations on each individual unit must include windows or entrance doors. Half of the window area in the door of an attached garage may count toward meeting this standard. See Figure 3.2-E.

(4) Driveway Access and Parking. Townhouses with frontage on a public street must meet the following standards:

(a) Garage on the front façade of a townhouse, off-street parking areas in the front yard, and driveways in front of a townhouse are allowed if they meet the following standards. See Figure 3.2-M.

(i) Each townhouse lot has a street frontage of at least 15 feet on a local street.

(ii) The garage width must not exceed 12 feet, as measured from the inside of the garage door frame.

(iii) The driveway or driveways comply with the standards in SDC 4.2.120.

(b) The following standards apply to driveways and parking areas for townhouse projects that do not meet all the standards in subsection (a) in this section.

(i) Off-street parking areas must be accessed on the back façade or located in the rear yard. No off-street parking is allowed in the front yard or side yard of a townhouse.

(ii) A townhouse project that includes a corner lot must take access from a single driveway approach, that complies with the standards in 4.2.120 for single-unit dwellings, located on the side of the corner lot. See Figure 3.2-N.

Figure 3.2-M. Townhouses with Parking in Front Yard

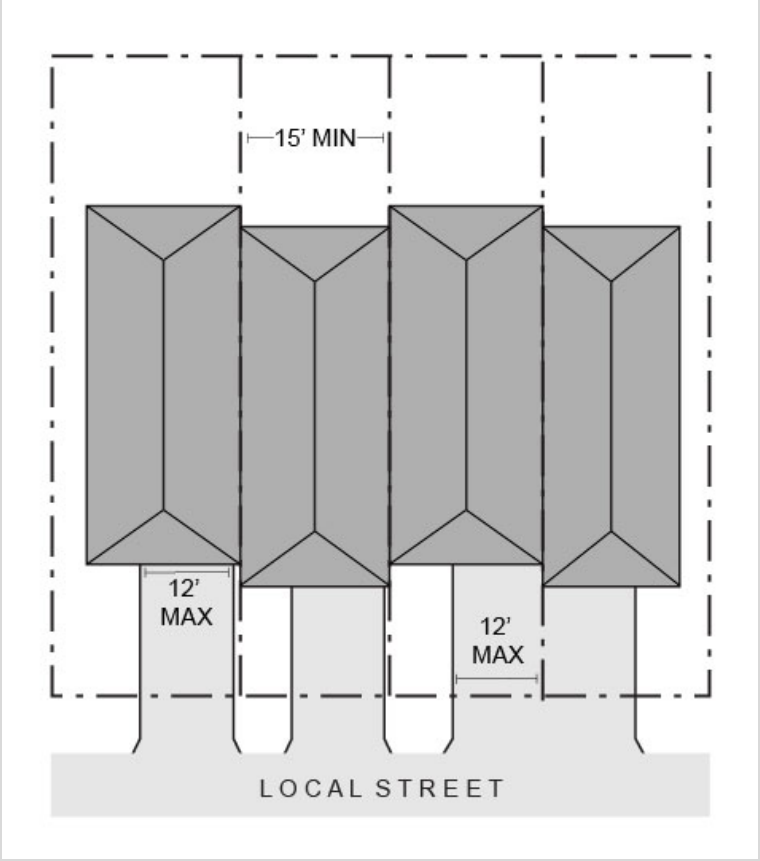
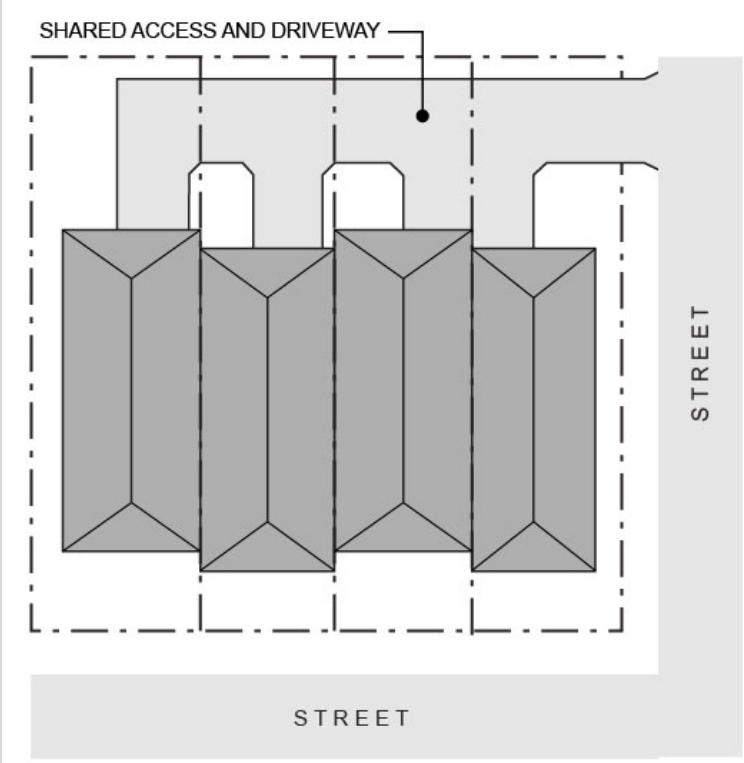
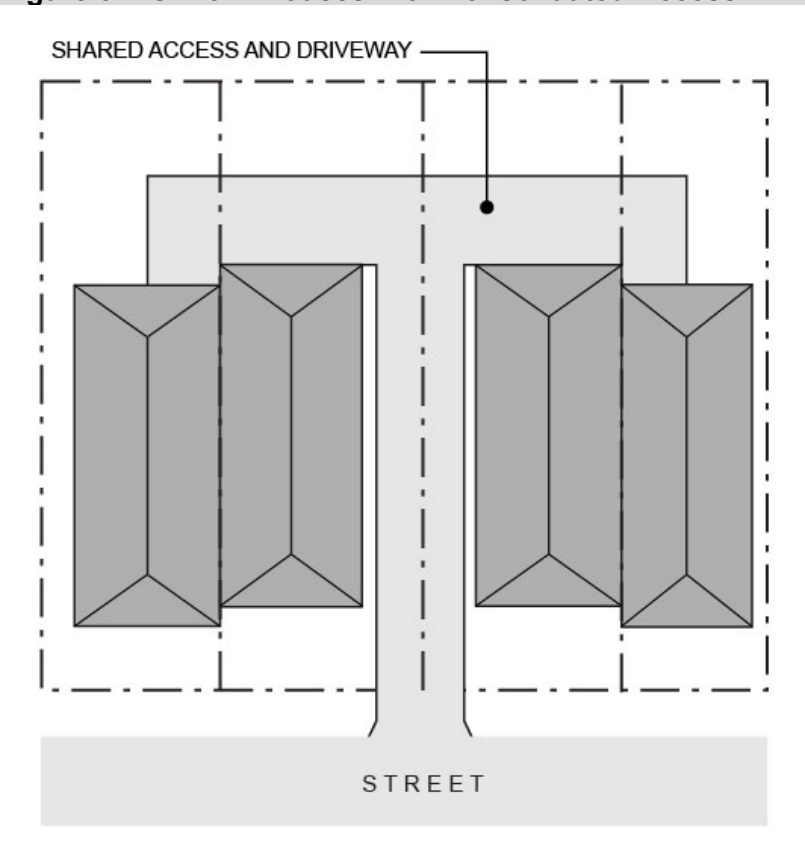


Figure 3.2-N. Townhouses on Corner Lot with Shared Access



(iii) Townhouse projects that do not include a corner lot must consolidate access for all lots into a single driveway that complies with the standards in 4.2.120 for single-unit dwellings. The driveway and approach are not allowed in the area directly between the front façade and front lot line of any of the townhouses. See Figure 3.2-O.

Figure 3.2-O. Townhouses with Consolidated Access



(iv) A townhouse project that includes consolidated access or shared driveways must grant access easements to allow normal vehicular access and emergency access.

(c) Townhouse projects in which all units take exclusive access from a rear alley are exempt from compliance with subsection (b) of this section.

3.2.270 Courtyard Housing

(A) Detached courtyard houses on individual lots are subject to the same standards as single unit detached housing, except that a three-foot minimum side yard setback is allowed on one side of a typical lot and a seven-foot setback is required on the other side of the lot. As shown in Figure 3.2-P, this type of housing is permitted to allow development on narrow lots and still provide usable outdoor living area in side-oriented courtyards. The following standards are intended to promote compatibility and privacy between adjacent buildings and allow for building maintenance.

(1) **Setbacks Adjacent to Non-Courtyard Housing Development.** When a courtyard house shares a side property line with a non-courtyard development (including vacant lots), the courtyard building must be set back from the common property line by a minimum of seven feet.

(2) **Construction and Maintenance Easement.** Prior to building permit approval, the applicant must submit a copy of a recorded easement for every courtyard house that guarantees rights for the purpose of construction and maintenance of structures and yards. The easement must stipulate that no fence or other obstruction can be placed in a manner that would prevent maintenance of structures on the subject lot.

(3) **Buffering.** The building placement and design of windows must provide a buffer for the occupants of abutting courtyard lots. This standard is met by:

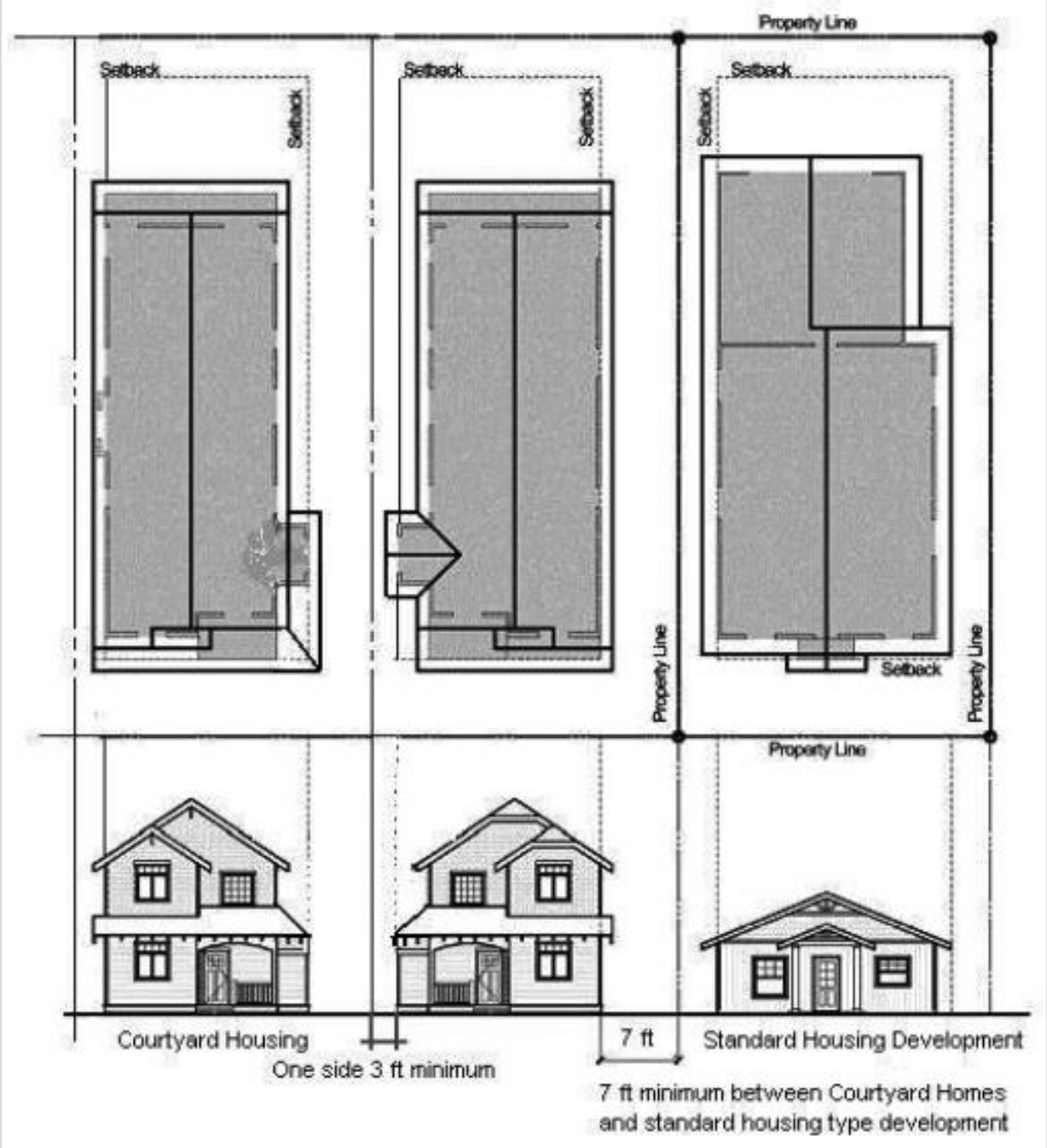
(a) Placing ground-floor windows along the courtyard side of the house where views are directed into the yard(s) for the subject house;

(b) By directing views away from neighboring lots yards (e.g., bay window); or

(c) By using frosted glass or other permanent window covering that obscures any view to the exterior but allows light into the interior.

These standards do not apply to adjoining non-zero lot line lots.

Figure 3.2-P – Courtyard Housing



3.2.275 Accessory Dwelling Unit (ADU)

(A) Purpose. An accessory dwelling unit is intended to:

(1) Provide the opportunity to add accessible and affordable units to existing neighborhoods and new residential areas;

(2) Provide flexibility to accommodate changes in household size or composition over the course of time, allowing for intergenerational living and on-site caretakers or assistants;

(3) Make efficient use of residential land; and

(4) Fit into the neighborhood while maintaining stability, property values.

(B) An accessory dwelling unit may be established by:

(1) Converting an attic, basement, or garage or any other portion of the primary dwelling;

(2) Adding floor area to the primary dwelling, including a second story;

(3) Constructing a detached accessory dwelling unit on a lot or parcel with a primary single unit dwelling; or

(4) Converting an existing dwelling unit to the accessory dwelling unit (if it is less than 800 square feet) and building a primary dwelling unit.

(C) Applicability

(1) Accessory dwelling units are permitted on R-1 properties with a primary dwelling.

(a) In instances where a development can meet the definition of a duplex and also meets the definition of a primary single unit dwelling with an Accessory Dwelling Unit (ADU), the applicant must specify at the time of application whether the development is a duplex or a primary single unit dwelling with an ADU.

(2) Accessory dwelling units are permitted on R-2 properties with a primary dwelling, according to the following standards.

(a) On a lot or parcel with area 6,650 square feet or less, one or two accessory dwelling units are permitted.

(b) On a lot or parcel with area greater than 6,650 square feet but not greater than 10,000 square feet, a minimum of two accessory dwelling units must be constructed.

(c) An accessory dwelling unit is not permitted on a lot or parcel with area greater than 10,000 square feet.

(d) If two accessory dwellings are constructed, at least one must be detached from the primary dwelling.

(3) Accessory dwelling units are permitted on R-3 properties with a primary dwelling, according to the following standards.

(a) On a lot or parcel with area 3,200 square feet or less, one or two accessory dwelling units are permitted.

(b) On a lot or parcel with area greater than 3,200 square feet but not greater than 4,800 square feet, a minimum of two accessory dwelling units are permitted.

(c) An accessory dwelling unit is not permitted on a lot or parcel with area greater than 4,800 square feet.

(d) If two accessory dwellings units are constructed, at least one must be detached from the primary dwelling.

(4) Accessory dwelling units are permitted within the Historic Overlay District subject to the provisions of SDC 3.3.910 through SDC 3.3.945.

(D) Review

(1) An accessory dwelling unit is reviewed under Type 1 procedure except in the Historic Overlay District or except as provided in SDC 3.2.275(F) and SDC 3.2.275(H)(3) when the accessory dwelling unit is reviewed under a Type 2 procedure.

(E) Submittal Requirements

(1) A plan drawn to scale and dimensioned showing:

(1) The proposed accessory dwelling unit and its relation to the property lines;

(2) The primary dwelling and other structures on the lot or parcel including fences and walls;

(3) Existing and proposed trees and landscaping;

(4) Lot or parcel area and dimensions, percent of lot or parcel coverage, building height, entrance locations; location of utilities and meters, curb cuts, sidewalks (public and private) and off-street parking area;

(5) Stormwater destination and/or facility;

(6) A detailed floor plan of the accessory dwelling unit, drawn to scale with labels on rooms indicating uses or proposed uses; and

(7) A separate written response demonstrating how the required development standards listed in SDC 3.2-275(G) can be met.

(F) Development Standards. An accessory dwelling unit must meet the following standards:

(1) The accessory dwelling unit must meet all applicable clear and objective standards in this Code that apply to the primary dwelling including, but not limited to setbacks, height, lot or parcel coverage.

(2) The accessory dwelling unit must contain a kitchen, bathroom, living, and sleeping area that are completely independent from the primary dwelling.

(3) The accessory dwelling unit must not exceed 800 square feet or the square footage of the primary dwelling (exclusive of the garage for the primary dwelling), whichever is less.

(4) The accessory dwelling unit must have an entrance that is separate from the entrance to the primary dwelling.

(5) A hard surface walkway, a minimum of three feet wide, must be provided from the primary entrance of the accessory dwelling unit to the street or walkway serving the primary dwelling.

(6) Each dwelling unit must have its own address.

(7) Outdoor storage and garbage areas must be screened from view from adjacent properties and those across the street or alley with a minimum 42-inch tall 100-percent sight obscuring fence or enclosure on at least three (3) sides.

(8) If a Type 2 manufactured home or a towable structure (that is permitted, inspected, and approved by the local authority having jurisdiction) is brought to the site as an accessory dwelling unit, it must have its tongue and towing apparatus removed

(G) Design Standards. An accessory dwelling unit within or attached to the main dwelling must either match the primary dwelling or meet the alternative standards. A newly constructed detached accessory dwelling unit must match the primary dwelling, meet clear and objective standards, or meet the alternative standards. Conversion of a structure permitted under SDC 4.7.105(A) to an accessory dwelling unit is not required to meet the design standards and may be approved under a Type 1 procedure; however, exterior alterations such as those necessary to meet building codes must meet relevant design standards below (match primary dwelling or meet clear and objective standards).

(1) Match Primary Dwelling. An accessory dwelling unit may be approved under Type 1 procedure if it meets the following design standards except that these standards may be altered when necessary to meet current fire or building codes:

(1) Exterior finish materials must be the same as or visually match those of the primary dwelling in terms of type, size, and placement.

(2) Roof pitch must be the same as the predominant roof pitch of the primary dwelling.

(3) The trim around the doors and windows must be the same type and finish as the primary dwelling.

(4) Windows must match those of the primary dwelling in terms of proportion (height and width ratio) and orientation (vertical vs. horizontal).

(5) Eaves must project from the accessory dwelling unit addition the same distance as the eaves on the primary dwelling.

(2) Meet Clear and Objective Standards. A detached accessory dwelling unit may be approved under Type 1 procedure if it meets the following design standards:

(1) Only non-reflective siding and roofing materials are allowed.

(2) Minimum roof pitch is 3 in 12.

(3) Eaves must project from the accessory dwelling unit at least one foot on all elevations.

(4) The primary entry must have a covered or roofed entrance with a minimum depth and width of three feet.

(3) Meet Alternative Standards. An accessory dwelling may be approved under Type 2 procedure if it meets the following design standards:

(1) Siding, roofing materials, and windows must be similar to those used on residential dwellings in the surrounding neighborhood.

(2) Entrances, windows, and balconies must be designed and located with consideration of the privacy of residential neighbors.

(H) Non-Conforming Lot or Parcel Sizes

(1) Accessory dwelling units are not permitted on lots/parcels that do not meet the applicable minimum lot or parcel size stated in SDC 3.2.215

(I) Prohibited Use

(1) Mobile homes, recreational vehicles, motor vehicles, and travel trailers cannot be used as an accessory dwelling unit. Type 2 Manufactured Homes and towable structures that are permitted, inspected, and approved by the local authority having jurisdiction are allowed.

4.7.300 – 4.7.400 - Standards and Regulations for Certain Uses in Residential Districts

Subsections:

4.7.345 Manufactured Dwelling Parks
4.7.355 Short Term Rentals
4.7.360 Accessory Structures and Uses
4.7.365 Home Business
4.7.370 Place of Worship
4.7.375 Architectural Design Standards
4.7.380 Multiple unit housing (Clear and Objective Standards)
4.7.385 Multiple unit housing (Discretionary option)
4.7.390 Multiple unit housing Variances
4.7.400 Emergency Medical Hardship

4.7.345 Manufactured Dwelling Park

A manufactured dwelling park is subject the following criteria:

(A) Minimum Area Required. A manufactured dwelling park must consist of a minimum area of one acre.

(B) Density. The manufactured dwelling park must comply with the applicable net density standards in SDC 3.2.235 as applied to the entire development area.

(C) Access. A manufactured dwelling park access must be located on public streets improved to meet minimum standards and which are improved to a point intersecting a collector or arterial street.

(D) Permitted Uses. A manufactured dwelling park may contain manufactured homes and accessory structures permitted in this chapter, community laundry and recreation facilities, and other common buildings for use by park residents only, and one residence other than a manufactured dwelling for the use of a caretaker or a manager responsible for maintaining or operating the property.

(E) Access Improvement Standards. The manufactured dwelling park may be improved with private streets as provided in SDC 4.2.110. If parking is provided alongside the private street, the parking area must be at least 8' wide in addition to the minimum width of the private street.

4.7.355 Short Term Rental

(A) Type 1

(1) Size. Must have five or fewer guest rooms (any room or rooms used or intended to be used by one or more guests for living or sleeping purposes) and 10 or fewer total occupants.

(2) Employees. The short-term rental may have up to one full time equivalent nonresident employee.

(3) Food Service. If food service is provided, it may only be provided to overnight guests.

(4) Owner- or Operator-Occupied. The dwelling must be occupied by the owner or operator.

(B) Type 2

(1) Food Service. If food service is provided, it may only be provided to overnight guests.

(2) Location. There must be at least 400 feet of separation along the same street between Type 2 short term rentals.

(3) Parking. There must be one on-site parking space for each guest room. No Each parking space must meet the applicable requirements of SDC 4.6.100.

4.7.360 Accessory Uses and Structures

Accessory uses and structures are those of a nature customarily incidental and subordinate to the primary use or structure on the same lot. Typical accessory structures include detached garages, sheds, workshops, greenhouses, and similar structures. This section does not apply to accessory dwelling units (ADUs). For standards applicable to ADUs, see SDC 3.2.275. Accessory structures must comply with all the following standards and the applicable land use district. Where conflicting or more permissive standards exist in this section, these standards prevail.

(A) Primary Use Required. An accessory structure or use is only allowed on a lot or parcel after the primary use is established. The accessory use must be a permitted use in the land use district.

(B) Restrictions

(1) A kitchen is not allowed.

(2) A wet bar is not allowed to be installed within an accessory structure unless the property owner signs a City of Springfield compliance form stating that the structure will not be used as a dwelling unit.

(C) Floor Area. The maximum floor area of an accessory structure in a residential land use district must not exceed 1,500 square feet.

(D) Building Height. The building height of a detached accessory structure must not exceed 25 feet. In order to consider the accessory structure to be attached to the primary dwelling unit, it must be attached by one of the following options and there must be an opening that allows for internal access through livable space to the primary portion of the dwelling unit:

(1) The accessory structure must share a common wall for at least 25 percent of the length of the common wall of the primary dwelling unit; or

(2) The entire length of one elevation of the accessory structure must be attached to the primary dwelling unit.

The shared or attached wall must be the wall of an enclosed interior space, and does not include porches, patios, decks, or stoops.

4.7.365 Home Business

A home business is a lawful activity carried on within a dwelling or accessory structure by a permanent occupant of the dwelling. A home business is permitted provided that meets all the following standards.

(A) The primary use of the building is a dwelling.

(B) The business is a secondary use that does not significantly affect the residential character of the dwelling or neighborhood.

(C) Compliance with the following standards must always be maintained.

(1) There must not be any display which would indicate from the exterior that the building is being used for any purpose other than a residential dwelling.

(2) There must not be any outside storage of materials visible from public property or adjacent private property.

(3) Mechanical equipment, unless compatible with residential purposes, is prohibited.

(4) There must not be any noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line resulting from the home business.

(5) The home business must not create hazardous traffic conditions or utilize on-street parking of nearby properties.

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

(7) No merchandise, other than what is produced on-site, can be sold to the public from premises.

(8) The use or storage of heavy equipment or heavy vehicles is not permitted. Heavy equipment and heavy vehicles includes but is not limited to semi-truck, truck and trailer, backhoe, tracked excavator, skid steer, refrigerator truck, livestock truck, commercial bus, farm tractor, garbage truck, tow truck, and log truck.

(9) Any home business, which requires more than one vehicle for its operation is prohibited. The one vehicle permitted is limited to a passenger vehicle, passenger van, or light-duty pick-up truck.

(10) No residence is allowed to be used as a headquarters or dispatch center where employees or subcontractors report to the residence to be dispatched elsewhere.

(11) Customers are not allowed to physically access a home business beyond the hours of 7 a.m. to 6 p.m. except as regulated by SDC 3.3.935.

(12) The applicant must sign an agreement with the City acknowledging any applicable standards listed in Subsections (1) through (11), above.

(D) The following uses are prohibited as a home business.

(1) Automobile repair, including, but not limited to tune-ups, alignments, body-fender work, painting, detailing, and upholstering.

(2) Health salons, gyms, group dance studios, group aerobic exercise studios, group karate, and group judo instruction.

(3) Medical or dental offices.

(4) Mortician, hearse services.

(5) Tow truck services.

(6) Veterinary uses (including care, grooming, and boarding).

(7) Wholesale distribution taking up more than the equivalent of 40 percent of the primary residence.

~~**(8)** Gun dealers involving the storage of guns for sale or customers visiting the residence.~~

4.7.370 Place of worship

(A) A place for people to gather for religious activity. Examples include church, synagogue, mosque, chapel, or meeting house. Includes the following associated uses (ORS 227.500).

(1) Worship services.

(2) Religion classes.

(3) Weddings.

(4) Funerals.

(5) Meal programs.

(6) Childcare, but not including private or parochial school education for prekindergarten through grade 12 or higher education.

(7) Providing housing or space for housing in a building or buildings that are detached from the place of worship provided:

(a) At least 50 percent of the residential units provided under this paragraph are affordable to households with incomes equal to or less than 60 percent of the median family income for Lane County.

(b) The real property is in a residential land use district and is located within the urban growth boundary.

(c) The housing or space for housing complies with applicable land use regulations and meets the standards and criteria for residential development for the underlying land use district; and

(d) The housing or space for housing is subject to a covenant appurtenant to the property. The covenant must restrict the owner and each successive owner of a building or any residential unit contained in a building from selling or renting any residential unit that is required to be affordable, as defined below, to a household with an income greater than the established affordability level for a period of 60 years from the date of the certificate of occupancy. The established affordability level is the household income is equal to or less than 60 percent of the median family income for Lane County.

4.7.375 Architectural Design Standards

(A) **Purpose.** The architectural standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles for certain types of development.

(B) **Applicability.** This section applies to the following types of buildings.

(1) Multiple unit housing.

(2) Public and institutional building in Residential Districts.

(3) Commercial building in Neighborhood Commercial District.

(4) Mixed-use building in Residential Districts and the Mixed-Use Residential District; and

(5) All other types of permitted/conditional nonresidential use buildings listed in Table 3.2.210 when built in a Residential District.

(C) Standards (Clear and objective). All buildings that are subject to this section must comply with all the following standards. The graphics provided with each standard are intended to show examples of how to comply and are for illustrative purposes only. Other building styles and designs can be used to comply, so long as they are consistent with the text of this section. An architectural feature may be used to comply with more than one standard.

(1) Building Form. All buildings must incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces, as shown in Figure 4.7-Q below. Along the vertical face of a structure, such features must occur at a minimum of every 40 feet, on each floor, and must contain at least two of the following features.

(a) Recess (e.g., deck, patio, courtyard, entrance, or similar feature) that has a minimum depth of six feet.

(b) Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of two feet and runs horizontally for a minimum length of four feet; and/or

(c) Offsets or breaks in roof elevation of two feet or greater in height.

Figure 4.7-Q Building Form (Multiple unit housing example)

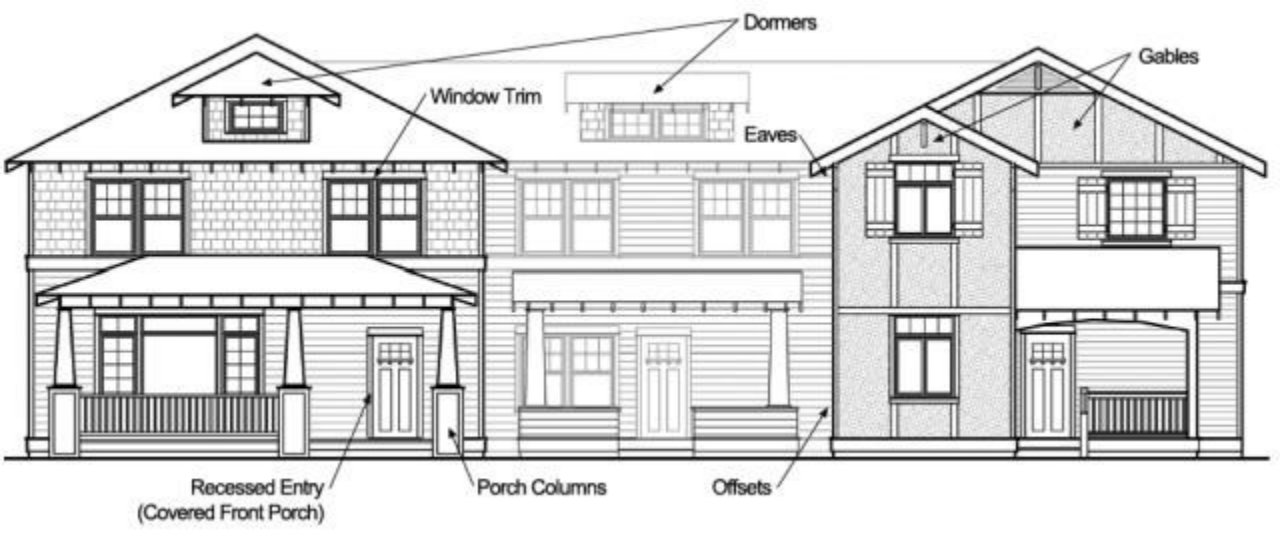
(2) Building Orientation. All building elevations adjacent to a street right-of-way must provide doors, porches, balconies, and/or windows. A minimum of 40 percent of street-facing elevations, and a minimum of 30 percent of side and rear building elevations, must meet this standard. Percent of elevation is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows. The standard applies to each full and partial building story.

(3) Detailed Design. All buildings must provide detailed design along all elevations which are visible from the street(s) adjacent to the property (i.e., front, rear and sides).

(a) Menu Option. Detailed design may be provided, through a Type 1 approval process according to SDC 5.1.300, by using at least six of the following 12 architectural features on all applicable elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations).

(i) Dormers.
(ii) Gables.
(iii) Recessed entries.
(iv) Covered front porches.
(v) Pillars or posts.
(vi) Eaves (minimum 12-inch projection).
(vii) Window trim (minimum 3 1/2 inches wide).
(viii) Bay windows.
(ix) Balconies.
(x) Offsets in the building face by a minimum of 18 inches.
(xi) Offsets or breaks in roof elevation of two feet or greater in height.
(xii) Decorative patterns on the exterior finish (such as using shingles, wainscoting, and/or board and batten).
(xiii) Variation in façade building materials, including, but not limited to, tile, brick, and wood.

Figure 4.7-R Examples of Architectural Details



(b) Design Review Option. Detailed design may be provided by showing compliance with the following design criteria through a Type 2 application process in accordance with SDC 5.1.400.

(i) The general size, shape, and scale of the structure(s) are architecturally compatible with the site and with the surrounding neighborhood, unless such compatibility with existing structures does not reflect the long-term purpose or intent of the underlying land use district of the subject site.

(ii) If the project includes a structure or structures greater than 20,000 square feet in floor area, the design must incorporate changes in direction and divide large masses into varying heights and sizes by breaking up building sections, or by using such elements as variable planes, projections, bays, dormers, setbacks, canopies, awnings, parapets, changes in the roofline, materials, color, or textures.

(iii) Exterior finish on vertical surfaces must be primarily of materials such as masonry/wood siding, shingles, or stucco. The use of sheet metal or plywood must not exceed 50 percent of the wall area. No smooth-faced cinder block construction is permitted on front elevations. Cinder block construction for side and rear elevations is permitted by approval through the review process.

4.7.380 Multiple Unit Housing (Clear and objective standards)

(A) Purpose. The purpose of the multiple unit housing standards is to provide for higher density housing in locations that are convenient to commercial uses and future transit opportunities.

(B) Review. Type 1 review process.

(C) Development Standards for Multiple Unit Housing Developments in the R-2 and R-3 Districts. The following standards apply to multiple unit housing developments unless otherwise stated. These standards do not apply to Cottage Cluster Housing development.

(1) Common Open Space

(a) Ten percent of the site area, for large scale (20 units or more) multiple unit housing developments, must be designated and permanently reserved as common open space. This standard is in addition to the required setback yard areas and any stormwater facilities.

(b) Five percent of the site area, for multiple unit housing developments under 20 units in size, must be designated and permanently reserved as common open space. This standard is in addition to the required setback yard areas and any stormwater facilities.

(c) For multiple unit housing developments that are part of a mixed-use building, there is no Common Open Space requirement.

(d) For multiple unit housing developments that have a net density of 20 dwellings units or more per acre in the R-2 district, or 30 dwelling units or more per net acre in the R-3 district the Common Open Space standard does not apply.

(2) **Site area.** The site area is defined as the lot(s) or parcel(s) on which the development is planned, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.). Inventoried Natural Resources and historic buildings or landmarks open to the public and designated by the Springfield Comprehensive Plan may be counted toward meeting the Common Open Space requirements.

(3) **Credit for Proximity to a Park.** A common open space credit as specified below is allowed when the development is located within walking distance of a public park. There must be a direct, ADA accessible pedestrian path between the development and the park, and the walking route must not cross an arterial street to use this credit.

(a) A 75 percent credit is allowed when the development is located within one-quarter mile walking distance.

(b) A 50 percent credit is allowed when the development is located within three-quarters mile walking distance.

(4) **Garbage and Recycling Receptacle Storage.** Garbage and recycling receptacle storage must meet the following standards:

(a) Receptacles must not be located within setbacks for property lines shared with R-1 district property.

(b) Receptacles must be covered and screened on at least three sides. Screening must be in conformance with the standards in SDC 4.4.110.

(c) Receptacles must be located to provide access by garbage and recycling pick-up vehicles.

(d) Receptacle storage areas must drain only to the sanitary sewer system, through hydraulic isolation of the receptacle storage area connected to the sanitary sewer system by a drain.

(5) **Landscaping, Fences, and Walls.** Multiple unit housing developments must provide landscaping as specified in the following standards and in compliance with SDC 4.4.105.

(a) A minimum of 15 percent of the site must be landscaped with a mix of vegetative ground cover, shrubbery, and trees. Trees, a minimum two inches (dbh – diameter at breast height) in caliper, and shrubbery, a minimum of 24 inches in height, must be planted. Bark mulch, rocks and similar non-plant material may be used to compliment the cover requirement but is not considered a sole substitute for the vegetative ground cover requirement.

(b) Street trees, a minimum two inches (dbh) caliper, must be placed within the planter strips between the curb and the sidewalk. Street trees must be planted

a minimum of one per every 30 linear feet of street frontage, as specified in SDC 4.2.140.

(c) Fences in front yards and along any frontage used to comply with the building orientation standard are limited to three feet in height. Fences in other yards must comply with the fence standards specified in SDC 4.4.115, and the vision clearance standards specified in SDC 4.2.130; and

(d) The use of non-invasive and/or drought-tolerant landscaping is encouraged. All landscaping must be irrigated with a permanent irrigation which may include a drip irrigation system unless a licensed landscape architect submits written verification that the proposed plant materials do not require irrigation. The property owner must maintain all landscaping.

(6) Pedestrian Circulation. Multiple unit housing developments with more than 20 units must provide pedestrian circulation as specified in the following standards.

(a) Continuous internal sidewalks must be provided throughout the site. Discontinuous internal sidewalks are permitted only where stubbed to a future internal sidewalk on abutting properties, future phases on the subject property, or abutting recreation areas and pedestrian trails.

(b) Internal sidewalks must be separated a minimum of five feet from dwellings, measured from the sidewalk edge closest to any dwelling unit.

(c) The internal sidewalk system must connect all abutting streets to primary building entrances.

(d) The internal sidewalk system must connect all buildings on the site and must connect the dwelling units to the parking areas, bicycle parking, storage areas, all recreational facilities, common areas, and abutting public sidewalks and pedestrian trails.

(e) Surface treatment of internal sidewalks/accessways must be concrete, asphalt, or masonry pavers. The sidewalks must be at least five feet wide. Multi-use accessways (e.g., for bicycles, pedestrians, and emergency vehicles) must be of the same materials, and at least ten feet wide. Where emergency vehicle access is required, there must be an additional five feet on either side of the accessway to provide for a clear accessway of 20 feet in width. The additional five-foot area may be turf-block, grass-crete, or similar permeable material on a base of gravel. The entire accessway used for emergency vehicle access must be capable of supporting fire equipment weighing 80,000 pounds.

(f) Where internal sidewalks cross a vehicular circulation area or parking aisle, they must be clearly marked with contrasting paving materials, elevation changes, raised pedestrian crossing, or striping. A raised pedestrian crossing is subject to review and approval by the Fire Marshal. Internal sidewalk design must comply with Americans with Disabilities Act (ADA) requirements.

(g) Where the internal sidewalks are parallel and abutting to a vehicular circulation area, the sidewalk must be raised or be separated from the vehicular circulation area by a raised curb, bollards, landscaping, or other physical barrier. If a raised sidewalk is used, the ends of the raised portions must be equipped with curb ramps.

(h) All on-site internal sidewalks must be lighted to a minimum of two foot-candles.

(7) Parking. Multiple unit housing developments must provide parking as specified in SDC 4.6.100 – 4.6.155.

(8) Vehicular Circulation. Multiple unit housing developments must provide vehicular circulation as specified in the following standards.

(a) The on-site driveway, or private street, system must connect with public streets abutting the site.

(b) Site access and driveways must conform to SDC 4.2.120.

4.7.385 Multiple Unit Housing (Discretionary option)

(A) Description. The Approval Authority may approve a proposal that is not in compliance with the clear and objective multiple unit housing design standards listed in SDC 4.7.380 that are not allowed through SDC 4.7.390 through a Type 2 procedure. In addition, the applicant may choose this Type 3 procedure when proposing an innovative design that may preclude compliance with one or more of the design standards under SDC 4.7.380. The multiple unit housing design standards are: Building Orientation; Building Form; Storage; Transition and Compatibility Between Multiple unit housing and R-1 Development; Open Space; Landscaping; Pedestrian Circulation; Parking; and Vehicular Circulation. The Approval Authority must find that the application complies with or exceeds the criteria for each applicable design standard; criteria are listed under the type of review procedure to which they apply. Upon appeal of a Type 2 approval granted under this section, the Type 2 criteria continue to apply. Criteria for design standards not relevant to the application do not require a finding by the Approval Authority, unless the guidelines in Subsections (B) through (I) are implemented.

(B) Building Orientation. The Approval Authority must find that the proposed design contributes positively to the neighborhood and overall streetscape by carefully relating building mass, frontages, entries, and yards to streets and to adjacent properties. This criterion may be met by complying with either (1) or (2) below.

(1) Type 2 process. Building Oriented to the street along a minimum of 50 percent of the site's frontage (See Figure 4.7-M). The "orientation" standard is met when all of the following criteria are met:

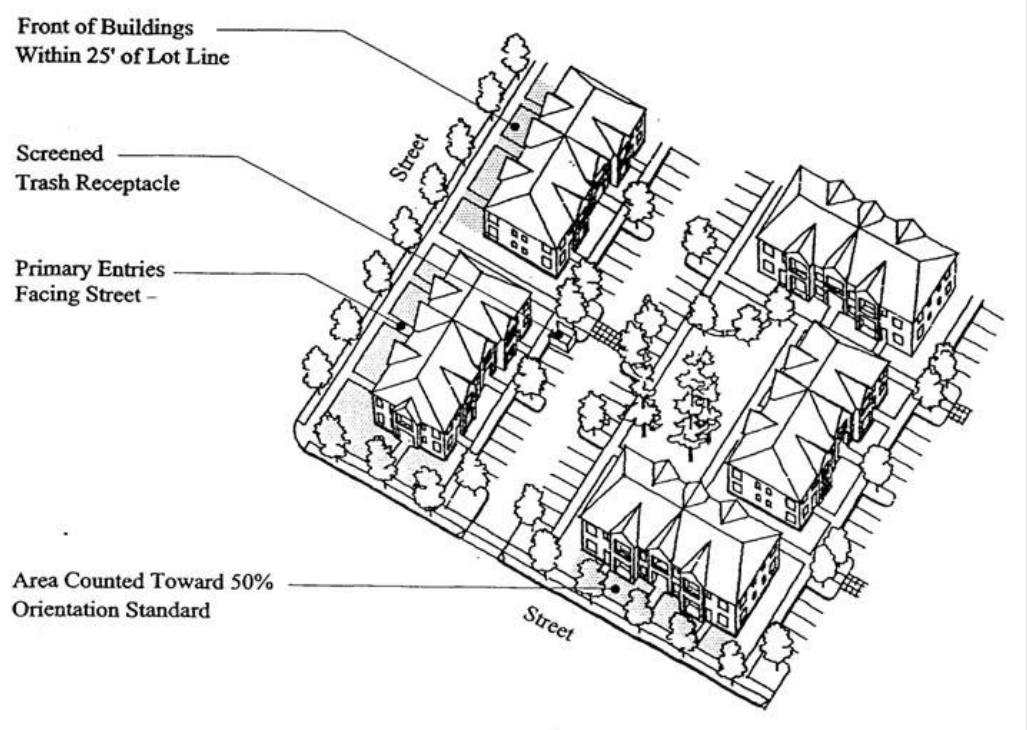
(a) Primary building entrances must face the street.

(b) The front of the buildings must be within 25 feet of the front lot/parcel line, However, open, courtyard space in excess of 25 feet may be placed in front of building entrances. Open courtyard space is defined as usable, hard-surfaced space with pedestrian amenities including benches, seating walls or similar furnishings.

(c) Off-street parking or vehicular circulation must not be placed between buildings and streets used to comply with this standard.

(d) Wetlands, slopes over 15 percent as specified in SDC 3.3.500, and wooded areas protected by SDC 5.19.100, must not be counted as "frontage" for determining required building orientation. For example, if jurisdictional wetlands and/or wetland buffer occupy 100 feet out of a total of 400 feet, then only 300 feet is counted as "frontage" for determining required building orientation. In this example, 150 feet (50 percent) is the required amount of frontage to meet the building orientation requirement.

Building Orientation and Storage
Figure 4.7-M



(2) Type 3 process. Considering the following guidelines:

(a) Orient buildings to an internal circulation system that mimics a public street in appearance (including, but not limited to sidewalks, landscaping, cross-walks, lighting, parallel parking), and does not diminish the appearance and safety of abutting primary public streets. Examples of "diminished appearance" include a fence along the sidewalk that isolates pedestrians between it and the street; the location of garbage and recycling receptacles, utility vaults, etc. in the "rear" yard (abutting a public street); and similar impacts on the streetscape.

(b) Other design elements that provide exceptional design, and on balance, justify approval of the development with less than full compliance with the building orientation standard. Examples of such design elements include protection of natural and cultural resources; minimization of slope and tree cutting impacts; provision of pedestrian amenities along the public street; and similar public benefits that effectively accomplish the intent of the standard.

(C) Building Form. The Approval Authority must find that the proposed design promotes building forms that contribute positively to a sense of neighborhood and to the overall streetscape. This criterion may be met by complying with either (1) or (2) below or by meeting SDC 4.7.390.

(1) Type 2 process (See Figure 4.7-N).

(a) Structures that have 1 or 2 stories must not have continuous horizontal distance exceeding 160 feet (measured from end wall to end wall). Structures that have 3 or greater stories must not have a continuous horizontal distance exceeding 120 feet (measured from end wall to end wall).

(b) A minimum of 15 percent of the front façade (area measurement) must contain windows or doors. All windows and doors must provide 4-inch trim or be recessed (i.e., into the front façade) to provide shadowing.

(c) Garages attached to living units and accessed from the street (front setback) must be recessed at least 4 feet behind the front façade of a dwelling structure; and

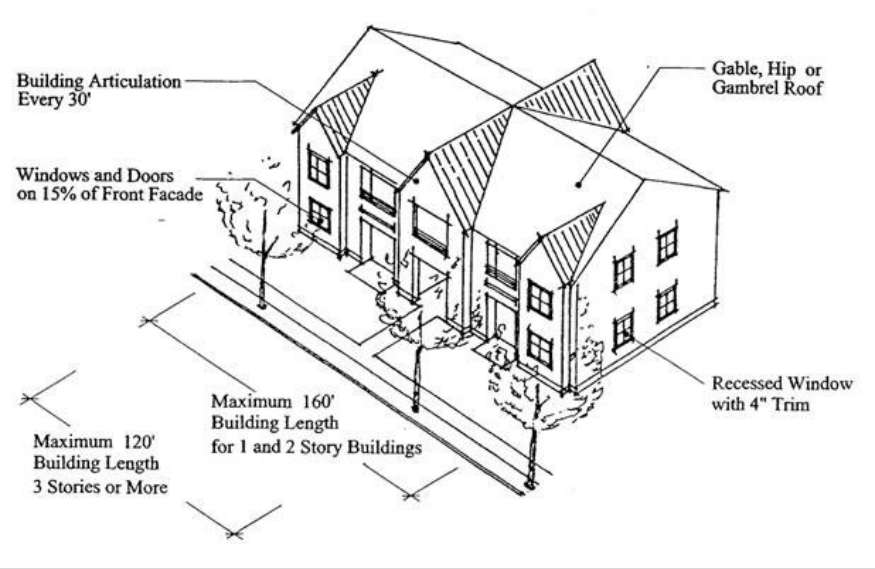
(d) Exterior building elevations must incorporate design features including offsets, balconies, projections, window reveals, or similar elements to preclude large expansions of uninterrupted building surfaces. Along the vertical face of a structure, the features must occur at a minimum of every 30 feet, and on each floor must contain a minimum of 2 of the following features:

(i) Recesses (e.g., deck, patio, courtyard, entrance, window reveals) that have a minimum depth of 3 feet;

(ii) Extensions (e.g., floor area, deck, patio, entrance) that have a minimum depth of 2 feet and minimum length of 4 feet; and/or

(iii) Offsets or breaks in roof elevation of 2 feet or greater in height.

Building Form
Figure 4.7-N



(2) Type 3 process

(a) Design exterior building elevations to avoid large expanses of uninterrupted building surfaces.

(b) Depict building scale consistent with nearby buildings; "scale" relates to the size of various features (including, but not limited to entries, roof surfaces, façades, windows and materials) as compared to those features on nearby buildings.

(c) Provide transitions to nearby buildings by massing; "mass" relates to the overall size or bulk of a building or its principal parts.

(d) Provide porches, bays, and balconies that compliment nearby buildings.

(e) Provide roof variations through offsets, breaks and/or extensions.

(f) Provide transition between the multiple unit housing and R-1 districts.

(g) Protect on-site and off-site natural and designated historic features.

(h) Provide human-scaled architectural detail.

(i) Provide visual variety in elevations, architectural details, colors, and materials, compatible with existing development

(D) Storage. The Approval Authority must find that unsightliness, noise and odor of exterior utilities, garbage and recycling receptacle storage, and roof-mounted mechanical equipment is minimized by providing site facilities that are adequate and convenient for residents' needs and ensuring that site facilities are practical, attractive, and easily maintained. This criterion may be met by complying with either (1) or (2) below or by meeting SDC 4.7.390.

(1) Type 2 process

(a) Adequate, accessible, and secure storage space must be provided for each dwelling. A minimum of 112 cubic feet of enclosed storage is required separate from the living unit. Garages and storage units adjoining a dwelling (e.g., attached to decks and patios) qualify as storage space.

(b) Garbage and recycling receptacles must be screened from view by placement of a solid wood fence, masonry wall, or similar sight-obscuring, gated enclosure, from 5 to 6 feet in height, Obscuring landscaping must be planted a minimum 24 inches in height at planting around all exposed sides of the wall or fence, unless breaks are provided for gates. The required screening must meet the standards of SDC 4.4.100.

(c) No garbage and recycling receptacles are allowed in any front yard setback, or within 25 feet of property lines abutting R-1 land use district or designated properties; and

(d) Ground-mounted equipment, including exterior transformers, utility pads, cable television, telephone boxes, and similar utility services, must be placed underground. Alternatively, equipment placed above ground, must be placed to minimize visual impact; or screened with a wall or landscaping. When walls are used they must be tall enough to completely screen the equipment at the time of the equipment installation. Landscaping must be planted tall enough to attain 50 percent coverage after 2 years and 100 percent coverage within 4 years.

(2) Type 3 process

(a) Provide garbage and recycling receptacle areas that are adequately signed, accessible to residents and collection service, separated or buffered from living areas in order to avoid noise and odor problems

(b) Provide mailboxes large enough to accommodate large envelopes, packages, and newspapers.

(c) Keep the number and size of television and other receiving structures to a minimum. Screen or locate these structures to minimize visibility to on-site residents, residents of adjacent properties and the public, to the extent practicable.

(d) Provide adequate, accessible, and secure storage space for each dwelling.

(e) Provide ground or interior mounted mechanical equipment with screening as an alternative to roof-mounted equipment.

(f) Group together roof penetrations such as plumbing and exhaust vents, air conditioner units and transformer boxes whenever practicable. Use ridge vents on pitched roofs that are in public view.

(E) Transition and Compatibility Between Multiple unit housing and R-1 District development. The Approval Authority must find that the development is located and designed in a manner compatible with surrounding development by creating reasonable transitions between multiple unit housing and sites and adjacent R-1 districts. This criterion may be met by complying with either (1) or (2) below or by meeting SDC 4.7.390.

(1) **Type 2 process**: Multi-unit developments adjacent to properties designated R-1 district must comply with the transition area and compatibility standards listed below, unless it can be demonstrated that adjacent R-1 district property is committed to a non-residential use e.g., church) that is unlikely to change. In evaluating the status of an adjacent property, the Metro Plan designation must take precedent over the current zone or use.

(a) When a single unit dwelling is within 75 feet of the subject multiple unit housing development site and the single unit dwelling is on the same side of the street and same block as the multiple unit housing site, a setback similar to that of the nearest single unit dwelling must be used for the front yard. “Similar” means the multiple unit housing development setback is within 5 feet of the setback provided by the nearest single unit dwelling. For example, of the single unit dwelling setback is 20 feet, then the multiple unit housing building must be set back by 15 to 25 feet. The minimum front yard setback is 10 feet, as specified in SDC 3.2.220; and

(b) A 25-foot buffer area must be provided between multiple unit housing development and property lines abutting an R-1 district property line, not including those property lines abutting right-of-ways. Within the 25-foot buffer area, the following standards apply:

(i) No vehicular circulation (i.e., driveways, drive lanes, maneuvering areas, and private streets) is allowed within the buffer, unless driveway placement within a buffer is required in order to comply with City, County or ODOT access management standards;

(ii) Site obscuring landscaping is required and must meet the standards of SDC 4.4.100;

(iii) Building encroachments are allowed, provided no building may encroach more than 10 feet into the 25 foot buffer and no primary entrance can face the abutting R-1 district property. Buildings must not exceed one story or 21 feet within the buffer, and must comply with all other applicable setbacks and transition areas specified elsewhere in this Code;

(iv) No active recreation areas (including, but not limited to: children's play areas, play fields, swimming pools, sports courts) are allowed within the 25-foot buffer (garden spaces are not considered active recreation areas);

(v) Lighting must meet the standards in SDC 4.5.100;

(vi) Mechanical equipment must be screened from view in conformance with the standards of SDC 4.4.100, and must be buffered so that noise does not typically exceed 45 to 50 decibels as measured at the R-1 property line. The City may require a noise study certified by a licensed acoustical engineer; and

(vii) All rooftop equipment must be hidden behind parapets or other structures designed into the building.

(c) Buildings, or portions of buildings abutting an R-1 district property line or designation (i.e., side or rear lot/parcel line) outside of the 25-foot buffer described above, must not exceed a building height greater than one foot for each foot distance from the R-1 district property line. For example, a building or portion of a building 30 feet in height must be 30 feet from the R-1 district property line. This standard applies up to a distance or 50 feet from the R-1 district property line.

(d) Structures within 50 feet of an R-1 district must not have a continuous horizontal distance exceeding 120 feet (measured from end wall to end wall).

(2) Type 3 process

(a) Setbacks, building heights, and massing are similar to, and/or promote a visual gradient between the multiple unit housing site and adjacent R-1 district.

(b) Screen with landscaping or place balconies and windows to maintain the privacy of abutting R-1 districts and multiple unit housing residents on-site and in abutting developments.

(c) Window treatments and other building components are similar in size, scale, and placement to those in the adjacent R-1 districts, unless variation aids in transition.

(d) On site vehicular circulation and parking guides traffic away from abutting R-1 districts.

(e) Orient buildings along street frontages shared by the R-1 district, particularly when such orientation aids in transition.

(f) Use site obscuring landscaping, shade trees planted a minimum of six feet from property lines, or a minimum six foot high fence, when such screening aids in transition.

(g) Locate components of the multiple unit housing, which generate noise (such as recreation areas, parking lots, garbage and recycling receptacles, heating and cooling equipment, etc.) where they will least disturb an abutting R-1 district.

(h) Locate and screen lights and mechanical equipment to minimize glare and noise to an adjoining R-1 district.

(i) Allow enclosed garage structures (not carports) between multiple unit housing buildings and abutting R-1 properties as a transition device when the width and height of proposed garage structures are similar to (or subordinate to) the width and height of adjacent R-1 garage structures.

(F) Open Space

(1) The Approval Authority must find that the open space component is located and designed in a manner compatible with surrounding development when:

(a) On-site and abutting natural features are integrated into the open space system of the multiple unit housing development.

(b) Amenities such as seating, children's play areas, lighting, and recreation facilities are provided within common open space areas and proportional to the needs of the development.

(c) A range of usable open space types (general, common, and private) is provided and they are integrated with abutting public open space, if it exists.

(d) Negative impacts to on-site or abutting wetlands, waterways, and natural areas are negligible.

(2) This criterion may be met by complying with either (a) or (b) below or by meeting SDC 4.7.390.

(a) **Type 2 process**. Multiple unit housing developments must provide both Common Open Space and Private Open Space as specified in the following standards (See Figure 4.7-Q).

(i) General. Inclusive of required yards, a minimum of 15 percent of the gross site area must be designated and permanently reserved an open space. The total required open space is the sum of setbacks, common open space, and private open space. Inventoried natural features (including regulated wetlands) and/or historic features on-site may be counted toward up to 50 percent of common open space requirements. See Chapter 6 for definitions of open space; open space, common; and open space, private.

(aa) Multiple unit housing developments in mixed-use buildings are exempt from these standards.

(ba) Multiple unit housing developments at densities exceeding 30 units per gross acre must include a minimum of 10 percent of the gross site as open space, which may be any combination of yards, common open space, or private open space.

(ca) Multiple unit housing developments at densities less than 30 units per gross acre must provide open space as specified in the amounts specified below.

(ii) Common Open Space must be provided in all newly constructed multiple unit housing development as specified in the following standards:

(aa) A minimum of 0.25 square feet of common open space is required for each square foot of gross residential floor area;

(ba) Common open space areas provided to comply with this standard must be at least 500 square feet with no horizontal dimension less than 15 feet;

(ca) A maximum of 15 percent of the required common open space can be on slopes greater than 25 percent; and

(da) Multiple unit housing developments must designate within common open space a minimum of 250 square feet of active recreation area (including, but not limited to: children's play areas, play fields, swimming pools, sports courts; garden spaces are not considered active recreation areas) for every 20 units or increment thereof. For example, a 60 unit development must provide a minimum area of 750 square feet for active recreation. No horizontal dimension can be less than 15 feet. Alternatively, as determined by the Director, qualified senior housing developments may be excluded from this requirement; however, all other common open space requirements apply;

(ea) Placement of children's play areas must not be allowed in any required yard setback or transition area;

(fa) Landscaping and/or natural vegetation must occupy a minimum of 50 percent of required common open space. On-site natural resources and historic features which are accessible to residents (including, but not limited to: by trails, boardwalks) may be used to partially or fully satisfy this requirements; and

(ga) Indoor or covered recreational space (including, but not limited to: swimming pools, sports courts, weight rooms) must not exceed 30 percent of the required common open space area.

(iii) **Credit for Proximity to a Park.** A common open space credit as specified below is allowed when the development is located within walking distance of a public park. There must be a direct, ADA accessible pedestrian path between the development and the park, and the walking route must not cross an arterial street to use this credit.

(aa) Up to a 75% credit to the common open space standard may be granted for multi-unit developments of up to 60 units (or for the first 60 units of a larger development) when the developments are within 1/4 mile (measured walking distance) to a public park; and there is a direct, improved, permanent, public, Americans with Disabilities Act (ADA)-accessible, maintained pedestrian trail or sidewalk between the site and the park. An exemption will be granted only when the nearby park provides active recreation area, as defined by Subsection (da), above.

(iv) Phasing must not be used to circumvent common open space standards.

(v) Common Open Space does not include required yards or transition areas unless authorized under SDC 4.7.385(F)(2)(b) or SDC 4.7.390.

(vi) Private Open Space must be provided in all newly constructed multiple unit housing developments, to comply with the following standards:

(aa) All private open space must be directly accessible from the dwelling unit through a doorway;

(ba) Dwelling units located at or below finished grade, or within five feet of finished grade, must provide a minimum of 96 square feet of private open space, with no dimension less than six feet; and

(ca) Private Open Space provided may be deducted from the required amount of Common Open Space. For example, a project with 37,500 square feet of gross floor area requires 9,375 square feet of Common Open Space under Subsection (ii)(aa), above. If 2,400 square feet of Private Open Space is provided, the minimum Common Open Space requirement may be reduced to 6,975 square feet (9,375 - 2,300)

(b) **Type 3 process**. Alternatively, this criterion may be found to be met by complying with the following guidelines:

(i) Locate buildings, parking, and circulation to minimize adverse impacts on natural features.

(ii) The amount of common recreation area is equal to the SDC 4.7.380(C)(1) standard unless adjacent public recreation facilities, unique on-site facilities, or other similar open space/recreation facilities will be available to all residents of the site.

(iii) Provide linkages between on-site common open space and abutting public open spaces when open space uses are compatible.

(iv) The amount of private open space is equal to the SDC 4.7.300(F)(2)(a)(vi)standard unless equivalent opportunities for common open space are demonstrated (e.g., individual units enjoy common open space).

(G) **Landscaping**. The Approval Authority must find that landscaping, fences, and walls contribute to a quality living environment for all residents, improve the appearance of multiple unit housing developments, and promote transition between multiple unit housing development and surrounding land uses. This criterion may be met by complying with either (1) or (2) below or by meeting SDC 4.7.390.

(1) **Type 2 process**. This criterion may be met by meeting the following standards.

(a) A minimum of 15 percent of the site must be landscaped with a mix of vegetative ground cover, shrubbery and trees. Trees, a minimum two inches (dbh) in caliper, and shrubbery, a minimum of 24 inches in height, must be planted. Bark mulch, rocks and similar non-plant material may be used to compliment the cover requirement, but must not be considered a sole substitute for the vegetative ground cover requirement;

(b) Street trees, a minimum two inches (dbh) caliper, must be placed within the planter strips between the curb and the sidewalk. Street trees must be planted one per every 30 linear feet (minimum) of street frontage, as specified in SDC 4.2.140;

(c) Fences in front yards and along any frontage used to comply with the building orientation standard are limited to three feet in height. Fences in other yards must comply with the fence standards specified in SDC 4.4.115, and the vision clearance standards specified in SDC 4.2.130; and

(d) The use of non-invasive and/or drought-tolerant landscaping is encouraged. All landscaping must be irrigated with a permanent irrigation system which may include drip irrigation unless a licensed landscape architect submits written verification that the proposed plant materials do not require irrigation. The property owner must maintain all landscaping.

(2) **Type 3 process**. Alternatively, this criterion may be found to be met by complying with the following guidelines:

(a) Plant outdoor spaces around multiple unit housing developments with a mix of vegetative ground cover, shrubbery and trees. Also incorporate hard landscaping elements (e.g., paved sidewalks, courtyards) into the development.

(b) Use plants to provide visual relief along blank exterior walls, reduce building mass and bulk, define and shelter open space, provide privacy, break up and shade parking areas and help define building entries and sidewalks.

(c) Include enhancements, such as plazas, galleries, courtyards, widened sidewalks, benches, shelters, street furniture, artwork or kiosks for pedestrian amenities.

(d) Use vegetation, grade changes and low fences to define open space areas. Plant transition areas between multiple unit housing dwellings and surrounding R-1 and less intensive uses to minimize the visual impact of the development.

(e) Incorporate a planting design that emphasizes:

(i) Visual surveillance by residents of common open space, parking areas, internal sidewalks, dwelling unit entries, abutting streets and public open spaces (i.e., mature plants do not block views of these areas);

(ii) Climate controls for summer shading and solar access during winter, and/or shielding from winter winds. Balance this guideline with visual surveillance objectives, above.

(f) Preserve significant trees and shrubbery on the site as reasonable. Significant trees mean trees which measure five inches DBE or greater. Significant shrubbery means shrubbery that is greater than 40 inches in height and is a non-invasive, noninvasive species. Trees and shrubs preserved to meet this standard must be identified on a Tree Protection Plan.

(g) Provide small ornamental plants or other landscape features in coordination with the building's architecture to define the primary entry of a dwelling unit.

(h) Avoid high solid fences and walls along streets (e.g., fences greater than 3 feet in height), unless required for noise abatement or retaining walls.

(i) Incorporate landscaping, fences and walls that clearly delineate the public, communal and private areas of a development.

(j) Provide street tree planting, as required by SDC 4.2.140 standards.

(k) Incorporate landscaping, fences and walls that do not conflict with sight lines for vehicles and pedestrians, and comply with the vision clearance standards specified in SDC 4.2-130.

(l) Choose landscape species for efficient maintenance. Incorporate non-invasive, drought-resistant species.

(m) Use noise-reducing, ornamental walls (e.g., masonry), as necessary, to minimize the transmission of noise.

(n) Incorporate landscaping, fencing and/or walls with dwellings that are close to high noise sources such as active recreation, busy streets, railway lines, or industry.

(o) Obscure or screen outlooks from windows, balconies, stairs, landings, terraces and decks or other private, communal or public areas within a multiple unit housing development. This can be accomplished with landscaping, fences or walls, where a direct view is available into the private open space of an existing adjacent single-family or multiple unit housing.

(p) Screen private open space and balconies by solid translucent screens or perforated panels or trellises which have a maximum of 25 percent openings and are permanent, of durable materials and designed, painted or colored to blend with the development.

(H) Pedestrian Circulation. The Approval Authority must find that pedestrian circulation systems are designed to provide separation between vehicles and pedestrians and provide clear, direct, safe, and identifiable connections within the multiple unit housing development and to other neighborhood uses. This criterion may be met by complying with either (1) or (2) below or by meeting SDC 4.7.390.

(1) Type 2 process. Multiple unit housing developments with more than 20 units must provide pedestrian circulation as specified in the following standards (See Figure 3.2-R).

(a) Continuous internal sidewalks must be provided throughout the site. Discontinuous internal sidewalks are permitted only where stubbed to a future internal sidewalk on abutting properties, future phases on the subject property, or abutting recreation areas and pedestrian trails;

(b) Internal sidewalks must be separated a minimum of five feet from dwellings, measured from the sidewalk edge closest to any dwelling unit;

(c) The internal sidewalk system must connect all abutting streets to primary building entrances;

(d) The internal sidewalk system must connect all buildings on the site and must connect the dwelling units to the parking areas, bicycle parking, storage areas, all recreational facilities and common areas, and abutting public sidewalks and pedestrian trails;

(e) Surface treatment of internal sidewalks/accessways must be concrete, asphalt or masonry pavers, at least Five feet wide. Multi-use accessways (e.g., for bicycles, pedestrians and emergency vehicles) must be of the same materials, and at least ten feet wide. Where emergency vehicle access is required, there must be an additional Five feet on either side of the accessway. The additional Five foot area may be turf-block, grass-crete or similar permeable material on a base of gravel. The entire accessway used for emergency vehicle access must be capable of supporting fire equipment weighing 80,000 pounds.

(f) Where internal sidewalks cross a vehicular circulation area or parking aisle, they must be clearly marked with contrasting paving materials, elevation changes, speed humps, or striping. Speed humps are subject to review and

approval by the Fire Marshal. Internal sidewalk design must comply with Americans with Disabilities (ADA) requirements;

(g) Where the internal sidewalks are parallel and abutting to a vehicular circulation area, the sidewalk must be raised or be separated from the vehicular circulation area by a raised curb, bollards, landscaping or other physical barrier. If a raised sidewalk is used, the ends of the raised portions must be equipped with curb ramps; and

(h) All on-site internal sidewalks must be lighted to a minimum of two foot-candles.

(2) **Type 3 process**. Alternatively, this criterion may be met by considering the following guidelines.

(a) Design each multiple unit housing development to contain an internal pedestrian circulation system that makes clear, easily identifiable and safe connections between individual units, parking, storage, common open spaces areas, and public sidewalks. Design of internal sidewalks to comply with the American with Disabilities Act (ADA) requirements.

(b) Design the pedestrian circulation system to provide safe crossings of streets, driveways, and parking areas, where crossings are necessary. Consider design elements such as textured pavers, patterned concrete and raised surfaces to emphasize crossings.

(c) Design internal walkways and other pedestrian links to provide privacy for ground floor residents.

(d) Link the multiple unit housing development internal sidewalks to neighborhood uses that may be used by residents.

(e) Minimize vehicle and pedestrian conflicts.

(f) Integrate the design of the internal sidewalks with natural contours, topography, trees, other vegetation, waterways, wetlands, and other natural resources and features.

(g) Provide a convenient, accessible, direct, barrier-free route design.

(l) **Parking**. The Approval Authority must find that the placement of parking contributes to attractive street frontages and visual compatibility with surrounding areas and is located with consideration for the safety of residents. This criterion may be met by complying with either (1) or (2) below or by meeting SDC 4.7.390.

(1) **Type 2 process**. Multi-unit developments must provide parking design as specified in the following standards.

(a) Parking lots must be placed to the side or rear of buildings as specified in the Building Orientation Standards. Parking must not be placed along that portion of the street where building frontages are used to comply with the building orientation standard;

(b) Lighting must be provided for safety purposes, and focused/shielded to avoid glare on adjacent properties or dwellings as specified in SDC 4.5-100;

(c) There must be one planter island for every eight parking spaces. Planter islands must be a minimum of six feet wide, exclusive of the curb, the full length of a parking space containing one shade tree (a minimum two inches (dbh) in caliper at planting) and vegetative ground cover. Trees must be specimens capable of attaining 35 feet or more in height at maturity and must not produce excessive fruit, nuts, or sap (i.e., die to pest damage). Bark mulch is not an acceptable substitute for vegetative ground cover in the planter island. Water quality features may be incorporated into planter islands. Landscape areas must be evenly distributed throughout the perimeter of interior parking areas, where practicable. See SDC 4.4.105(F). for recommended shade trees;

(d) A minimum six foot wide planter area must separate and visually screen parking from living area windows. The planter area must include a mix of ground cover, shrubbery, and trees with appropriate growth habit (i.e., for narrow planters and any height limitations including balconies, overhangs, and eaves). Shrubbery in this planter area must be at least 24 inches in height at the time of planting, and trees a minimum of two inches (dbh) in caliper at the time of planting. See SDC 4.4.110;

(e) Parking lots must be connected to all building entrances by means of internal sidewalks;

(f) All parking stalls fronting a sidewalk, or landscaped area must be provided with a secure wheel bumper not less than six inches in height and set back from the front a minimum of two feet to allow for vehicle encroachment. Wheel bumpers, if used, must be a minimum of six feet in length. As an option, the sidewalk or planter may be widened two feet beyond the minimum dimension required to allow for vehicle encroachment. The sidewalks and planters must be protected by a curb not less than six inches in height. See also, SDC 4.6.120(C);

(g) On corner lots/parcels, parking areas must not be located within 30 feet of an intersection, as measured from the center of the curb return to the edge of the parking area (curb or wheel stop);

(h) All parking, maneuvering and loading areas abutting a property line or right-of-way must provide perimeter lot/parcel landscaping. A minimum five foot wide planting strip must be planted with shade trees, a minimum two inches (dbh) in caliper, and a low level (e.g., 30 to 40 inches) evergreen hedge. See also SDC 4.4-105;

(i) Decorative walls may be used in place of the hedge in Subsection h., above, and be placed no closer than four feet from the property line. The decorative wall must be a minimum of 30 inches in height and no more than 40 inches in height, and must comply with the vision clearance standards specified in SDC 4.2-130. Decorative walls must be constructed of textured concrete masonry (CMU) or similar quality material, and include a cap. The wall may be partially see-through (up to 40 percent) as appropriate for security purposes. The area between the wall and property line must be landscaped with shade trees;

(j) Parking area landscaping must be designed to reduce storm water runoff (e.g., through infiltration swales and other measures), as practicable; and

(k) Bicycle parking must be provided as specified in SDC 4.6.140 - .155 and may be incorporated into the landscaping design.

(2) **Type 3 process**. Alternatively, this criterion may be met by considering the following guidelines.

(a) Avoid placing parking lots, carports, garages, and driveways between the buildings and the street. To minimize the visual impacts, locate parking to a portion of the site least visible from the street.

(b) Provide rear and below grade parking where practicable.

(c) Use alley access for parking areas where practicable.

(d) Use low, dense hedges or landscape berms at the edges of parking lots to screen autos and direct pedestrians to entry and exit points.

(e) Provide no more parking than the “minimum” parking requirement, where practicable.

(f) Avoid placing parking lots, garages, and carports that abut and/or are visible from R-1 areas. As an alternative, locate parking next to arterial and collector streets with landscape buffering, when possible.

(g) Design garages and free standing carports to be visually compatible with, or screened from, adjacent R-1 uses and dwellings on-site (e.g., similar siding, trim, roof line and materials, detailing, and color, as applicable).

(J) Vehicular Circulation

(1) The Approval Authority must find that on-site vehicular circulation systems are:

(a) Designed to be clearly identifiable, safe, pedestrian-friendly, and interconnected.

(b) Designed to provide connectivity to the surrounding neighborhood streets while minimizing impacts on the arterial street system.

(2) This criterion may be met by complying with either (a) or (b) below or by meeting SDC 4.7.390.

(a) **Type 2 process**. Multiple unit housing developments must provide vehicular circulation as specified in the following standards.

(i) The on-site driveway (or private street) system must connect with public streets abutting the site;

(ii) Shared driveways must be provided whenever practicable to minimize cross turning movements on adjacent streets. On-site driveways and private streets must be stubbed to abutting R-2/R-3 properties, at locations determined during Site Plan Review process to facilitate development of shared driveways; and

(iii) Parking areas must be accessed from alleys when properties abut an alley, or an alley can reasonably be extended to serve the development.

(b) **Type 3 process**. Alternatively, this criterion may be met by considering the following guidelines.

(i) Design driveways and private streets to enhance connectivity to abutting streets.

(ii) Design internal site circulation to provide accessibility to and from the site.

(iii) Design the vehicular circulation system, together with other design elements, to reduce the apparent scale of large developments by organizing the site into smaller land units.

(iv) Where practicable, consolidate or share driveways and internal streets with driveways or internal streets serving abutting sites.

(v) Incorporate aesthetic and functional site design as it relates to vehicular circulation.

(vi) Provide vehicular circulation linkages that will integrate multiple family development with the surrounding area.

(vii) Provide the separation of pedestrian, bicycle, and vehicular traffic.

(viii) Avoid out-of-direction travel between buildings and other facilities on the site (e.g., for delivery, service, etc.).

(ix) Locate service areas for ease of use and minimal conflict with circulation systems.

(x) Provide circulation systems that respond to site topography, natural contours, and natural resources, to minimize grading and resource impacts.

(xi) Provide shared parking with abutting sites where practicable.

(xii) Provide the use of alleys for vehicular access.

(xiii) Provide lighting for the safety of pedestrians and drivers.

4.7.390 Multiple Unit Housing Variances

(A) Description. The Director may approve an adjustment to a numerical, quantitative standard of up to 20 percent to the multiple unit housing design standards listed in SDC 4.7.380. Adjustments to nonnumerical qualitative standards may be approved only as provided in SDC 4.7.385. The multiple unit housing design standards are: Building Orientation; Building Form; Storage; Open Space; Landscaping; Pedestrian Circulation; Parking; and Vehicular Circulation. There is one general criterion in Subsection (B), below that applies to all the design standards. In addition, each design standard has applicable criteria as specified in Subsections (C) through (G), below.

The Director must find that the application complies with the criteria for each applicable design standard; i.e., a design standard modification that the applicant does not specifically request in the application does not require a finding by the Director, and is not subject to review under this Section. Requests to modify the standards of SDC 4.7.380 by more than 20 percent requires review under SDC 5.21.130.

(B) General Criterion. The adjustment is necessary due to topography, natural features, easements, or similar physical or legal constraints that precludes full compliance. Self-imposed conditions do not satisfy this criterion.

(C) Building Orientation. The adjustment results in a better overall streetscape. For example, design elements include: protecting and preserving vegetation and trees five inches (dbh)

in caliper or greater; providing pedestrian amenities (i.e., between buildings and the street); providing building mass and architectural detailing that compliment adjacent uses and landscaping; and similar elements that effectively accomplish the intent of the standard.

(D) Building Form

(1) The adjustment provides equivalent neighborhood compatibility either by providing similar building mass and architecture, or through protection of vegetation and trees greater than five inches (dbh) in caliper (i.e., screening allows for contrasting building form).

(E) Open Space

(1) The adjustment results in protecting vegetation and preserving trees five inches (dbh) in caliper or greater; providing pedestrian amenities; or providing locations for common open space which enhances safety and visibility.

(2) The Director may approve an adjustment in the common open space requirements for developments with 61 units or more if up to 50 percent if the site is within 1/4 mile (measured walking distance) of a public park with active recreation areas [as defined by SDC 4.7.385(F)(2)(a)(ii)(da)]; and there is a direct, improved, permanent, public, ADA - accessible, lighted, maintained pedestrian trail or sidewalk between the site and the park.

(3) The Director may approve a reduction in either the required private open space or required common open space areas if the proposal includes a proportional increase in the other type of required open space. This adjustment does not apply to required active recreation areas.

(F) Landscaping

(1) The adjustment results in a better overall transition from neighboring R-1 designated property, such as: protecting and preserving trees five inches (dbh) in caliper or greater; and

(2) The adjustment provides an equivalent degree of privacy, visual separation, and visual enhancement for residents and adjacent R-1 designated property.

(G) Pedestrian Circulation

(1) The adjustment provides an equivalent degree of pedestrian circulation, safety, and comfort, as provided by the pedestrian circulation standards.

(2) The Director may approve an adjustment in the pedestrian circulation standard, notwithstanding Subsection (B), above and SDC 4.7.385(H) if the residents do not require an internal sidewalk system in full compliance with the pedestrian circulation standards.

4.7.400 Emergency Medical Hardship

(A) Purpose

(1) The Emergency Medical Hardship allows the placement of temporary living quarters, on a property with a habitable primary dwelling, for a person who is determined by a licensed physician, as specified in Subsection (D)(2)(a), below to be either:

(a) Terminally ill; or

(b) Recuperating from an illness, surgery, or injury; and

(c) The person is not physically or mentally capable of self-maintenance and is dependent upon a care provider being on site for assistance.

(2) Temporary means a period of 24 months, unless otherwise permitted in Subsection (G), below. The 24-month period includes an approval timeline of 12 months with an opportunity to obtain up to two six-month time line extensions at the staff level.

(3) Temporary living quarters means a road worthy, licensed, and insured recreational vehicle (RV). Tent trailers are not be permitted as a temporary living quarters.

(4) The temporary living quarters must be occupied only by the person requiring medical assistance, or the care provider.

(5) The care provider must be a person who lives on-site, either in the primary dwelling, or the temporary living quarters, and provides necessary medical procedures, monitoring, and attention to the person requiring that care.

(B) Applicability. The Emergency Medical Hardship process is permitted only on property designated Low Density Residential (LDR) on the Eugene Springfield Metropolitan Area General Plan diagram (Metro Plan) and zoned R-1 within the city limits or R-1/UF-10 within the City's urban service area.

(C) Review. The initial application and any timeline extensions are reviewed under Type 2 procedure.

(D) Submittal Requirements.

(1) The application must include a plot plan, drawn to scale, showing:

(a) Existing structures on the property and their setbacks from property lines;

(b) The proposed location of the temporary living quarters and its setbacks from property lines and other structures on the property; and

(c) The required utility connections for the temporary living quarters.

(d) For those applications within the City's urban service area, the plot plan must also show the location of any wells, septic tanks, and drain fields.

(2) The application must also include:

(a) A written report from a licensed physician, therapist, or professional counselor on official letterhead that indicates that the patient has a medical or physical hardship that requires care and attention in such a manner that the caretaker must reside on the same property.

(b) A statement from the applicant addressing:

(i) Whether the person requiring medical assistance or the care provider will reside in the temporary living quarters;

(ii) The type of temporary living quarters proposed, either: a motor home, residential trailer, a travel trailer, truck camper, or other RV;

(iii) Proof that the temporary living quarters is licensed and insured; and

(iv) A statement explaining why the circumstances are temporary in nature (estimated at 12 months or less) and what steps are being undertaken to address the circumstances prior to the elapsing of 12 months, or any extension thereof.

(E) **Criteria.** The Director must grant approval of the emergency medical hardship application if all the following criteria are met, including any conditions imposed in accordance with Subsection (F), below.

(1) A written report is provided from a licensed physician, therapist, or professional counselor on official letterhead that indicates that the patient has a medical or physical hardship that requires care and attention in such a manner that the caretaker must reside on the same property.

(2) The temporary living quarters must house either the person requiring medical assistance or the care provider.

(3) The temporary living quarters must be located on the same legal parcel as the primary dwelling. Only one temporary living structure is allowed on a property.

(4) The temporary living quarters is not permitted within the front yard or street side yard setback, except within an approved driveway.

(5) All residential trailers and other similar units used as temporary living quarters must be connected to sewer, water, and electrical services as proscribed by the Oregon State Building Code as adopted by the City. Travel trailers and similar units must have sewer, water, and electrical services that meet state requirements for RV parks.

(F) Conditions

(1) The following conditions of approval are applied to all medical hardship approvals:

(a) No change in occupancy of the temporary living quarters is allowed under the permit; either the person requiring care or the care provider must reside within the temporary living quarters.

(b) The temporary living quarters use is limited to the use permitted in this Section and is not transferable to other persons or property. Under no circumstance can the temporary living quarters be used as a rental unit.

(c) The temporary living quarters use must cease upon the occurrence of the first of the following events:

(i) The medical hardship no longer exists; in this case, the temporary living quarters must be removed within 30 calendar days of cessation of the provision of care; or

(ii) Within 12 months of the date of application approval, unless there is an approved extension as specified in Subsection (G), below.

(2) Additional conditions of approval may be imposed to the extent necessary to satisfy the approval criteria in Subsection (E), above.

(G) Time Line Extensions. A request for an extension will not require a new application; however, a written request must be submitted to the Director 30 days prior to the expiration of the initial 12-month approval timeline. The request must include written verification from a licensed physician stating that the person requiring care as specified in Subsection (D)(2)(a)., above continues to need care. Staff must review the request to ensure that the applicant remains compliant with the approval criteria specified in Subsection (E), above and any conditions of approval required under Subsection (F), above. Upon expiration of the initial 12-month approval timeline, the temporary living unit may be extended as follows:

(1) Staff Approved Timeline Extensions. The applicant may obtain no more than two six-month timeline extensions from staff.

(2) Criteria of Approval for Timeline Extensions. Staff approval of any timeline extension request is based upon:

(a) The physician's verification of condition that the patient still requires care; and

(b) Staff's verification that the temporary living quarters is still in compliance with the initial conditions of approval.

(H) Compliance. The temporary living quarters must maintain compliance with all conditions of approval. Violation of the provisions of this Section, or determination that the need can no longer be verified, is the basis for termination of approval.

5.12.200 – Expedited and Middle Housing Land Divisions

Subsection:

5.12.205 Purpose and Applicability
5.12.210 Expedited Review
5.12.215 Submittal Requirements
5.12.225 Criteria of Approval – Expedited Land Division
5.12.225 Criteria of Approval – Middle Housing Land Division
5.12.230 Conditions of Approval – Expedited and Middle Housing Land Division
5.12.235 Final Plat for Expedited and Middle Housing Land Division
5.12.240 Appeals

5.12.205 Purpose and Applicability

(A) **Purpose**. The purpose of the Expedited and Middle Housing Land Division process is to implement requirements in ORS 197.360 to 197.380 for expedited land divisions in residential districts, and 2021 Oregon Laws Ch. 103 (S.B. 458) regarding middle housing land divisions.

(B) **Applicability.** The procedures of this section are applicable to partitions and subdivisions within residential zoning districts as provided in ORS 197.365.

5.12.210 Expedited Review

Expedited land divisions and middle housing land divisions are reviewed under a Type 2 procedure except as provided in this section SDC 5.12.205 to 5.12.235. Where the provisions of this section conflict with the Type 2 procedures in SDC chapter 5, the procedures of this section will prevail.

5.12.215 Submittal Requirements

(A) An application for an expedited land division or middle housing land division is subject to the completeness check requirements of SDC 5.1.405 and timeliness provisions of SDC 5.1.410 except as follows:

(1) The timeline for the completeness check in SDC 5.1.405(A) is 21 days, rather than 30 days.

(2) The notice of decision must be provided to the applicant and parties entitled to receive notice under SDC 5.12.215(B), within 63 days of a completed application.

(B) Mailed notice of an application for an expedited land division or middle housing land division must be provided in the same manner as for a Type 2 decision, as specified SDC 5.1.425 and 5.1.430, to the following persons:

(1) The applicant.

(2) Owners of record of property, as shown on the most recent property tax assessment roll, located within 100 feet of the property that is the subject of the notice.

(3) Any state agency, other local government, or special district responsible for providing public facilities or services to the development area.

(C) A notice of decision must be provided to the applicant and to all parties who received notice of the application. The notice of decision must include:

(1) A written determination of compliance or non-compliance with the criteria of approval in SDC 5.12.220 for an expedited land division or SDC 5.12.225 for a middle housing land division.

(2) An explanation of the right to appeal the Director's decision to the Hearings Official, as provided in ORS 197.375.

5.12.220 Criteria of Approval – Expedited Land Division

(A) The Director will approve or deny an application for expedited land division within 63 days of receiving a complete application, based on whether it satisfies the applicable criteria of approval. The Director may approve the land division with conditions to ensure the application meets the applicable land use regulations.

(B) The land subject to the application is within the R-1, R-2, or R-3 districts.

(C) The land will be used solely for residential uses, including recreational or open space uses that are accessory to residential use.

(D) The land division does not provide for dwellings or accessory buildings to be located in the following areas:

(1) The Willamette Greenway Overlay District;

(2) The Historic Overlay District;

(3) Riparian areas for watercourses shown on the Water Quality Limited Watercourse Map, as defined in SDC 4.3.115(A);

(4) Development setbacks for locally significant wetlands and riparian resource areas as defined in SDC 4.3-117(C).

(E) The land division satisfies the minimum street and right-of-way connectivity standards in SDC 4.2.105 Public Streets, SDC 4.2.125 Intersections; SDC 4.2.135 Sidewalks; SDC 4.2.150 Multi-Use Paths; and SDC 4.2.160 Accessways.

(F) The land division satisfies the following development standards contained in this code, in an adopted neighborhood refinement plan, or in an applicable Master Plan:

(1) Applicable lot or parcel dimensional standards;

(2) Applicable standards that regulate the physical characteristics of permitted uses, such as building design standards;

(3) Applicable standards in this code for transportation, sewer, water, drainage and other facilities or services necessary for the proposed development, including but not limited to right-of-way standards, facility dimensions and on-site and off-site improvements.

(G) The land division will result in development that either:

(1) Creates enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site; or

(2) Will be sold or rented to households with incomes below 120 percent of the median family income for the county in which the project is built.

5.12.225 Criteria of Approval – Middle Housing Land Division

(A) The Director will approve a tentative plan for middle housing land division based on whether it satisfies the following criteria of approval:

(B) The application provides for the development of middle housing in compliance with SDC 4.7.315 as applicable to the original lot or parcel.

(C) Separate utilities are provided for each dwelling unit.

(D) The application provides for easements necessary for each dwelling on the plan for:

(1) Locating, accessing, replacing and servicing all utilities;

(2) Pedestrian access from each dwelling unit to a private or public road;

(3) Any common use areas or shared building elements;

(4) Any dedicated driveways or parking; and

(5) Any dedicated common area.

(E) The application proposed exactly one dwelling unit on each resulting lot or parcel, except for lots, parcels, or tracts used as common areas.

(F) The application demonstrates that buildings or structures on a resulting lot or parcel will comply with applicable building codes provisions relating to new property lines and, notwithstanding the creation of new lots or parcels, that structures or buildings located on the newly created lots or parcels will comply with the Oregon residential specialty code.

(G) The original parcel or lot dedicated and improved the abutting street right of way sufficient to comply with the following:

(1) Minimum right of way and improvement standards SDC 4.2.105(C);

(2) Vision clearance areas in SDC 4.2.130;

(3) Sidewalks and planter strips in SDC 4.2.135;

(4) Street trees in SDC 4.2.140 for street trees; and

(5) Street lighting in SDC 4.2.145.

5.12.230 Conditions of Approval - Expedited and Middle Housing Land Division

(A) The Director may add conditions of approval of a tentative plan for a middle housing land division or expedited land division as necessary to comply with the applicable criteria of approval. Conditions may include but are not limited to the following:

(B) A condition to prohibit the further division of the resulting lots or parcels.

(C) A condition to require that a notation appear on the final plat indicating that the approval was given under Section 2 of Senate Bill 458 (2021) as a middle housing land division.

(D) A condition to require recording of easements required by the tentative plan on a form acceptable to the City, as determined by the City Attorney.

5.12.235 Final Plat for Expedited and Middle Housing Land Division

(A) An expedited land division or middle housing land division is subject to the final plat standards and procedures as specified in SDC 5.12.140 to 5.12.150, and to the replat standards and procedures in SDC 5.12.155 to 5.12.165, except as specifically provided otherwise in this section.

(B) A middle housing land division tentative plan is void if and only if a final plat is not approved within three years of the tentative approval.

5.12.240 Appeals

The procedures in SDC 5.1.800 do not apply to appeals of an expedited land division or middle housing land division. Any appeal of an expedited land division or middle housing land division

must be as provided in ORS 197.375. The Approval Authority for any appeal of an expedited land division or middle housing land division is the Hearings Officer.

6.1.100 – Definitions

Subsections:

6.1.105 Meaning of Common Words
6.1.110 Meaning of Specific Words and Terms

6.1.105 Meaning of Common Words

(A) All words used in the present tense include the future tense.
(B) All words in the plural include the singular, and all words used in the singular include the plural unless the context clearly indicates to the contrary.
(C) The word "shall" directly and clearly imposes a duty upon someone or something; the subject of the sentence is obligated to do something. The term means "is required to" or "has a duty to". This term is mandatory.
(D) The word "must" is mandatory.
(E) The word "may" is permissive.
(F) Words defined in this Section may also be defined in Springfield Development Code (SDC) 6.1.100.
(G) Where words are not defined in this Section, the following sources are consulted: the Springfield Development Code, including specifically SDC 6.1.100; the Metro Plan; State of Oregon Revised Statutes (ORS), State of Oregon Administrative Rules (OAR's); and any dictionary of common usage, all of which will be interpreted by context.

6.1.110 Meaning of Specific Words and Terms

A

AASHTO. American Association of State Highway and Transportation Officials.

Abutting (or Abut). Adjoining with a common boundary line. However, where two or more lots or parcels adjoin only at a corner or corners, they are not be considered abutting unless the common property line between the two lots or parcels measures eight feet or more in a single direction.

Access. The approved means by which vehicles have ingress and/or egress to an approved lot/parcel or development area.

Accessory Dwelling Units (ADU's). A secondary, self-contained dwelling that may be allowed only in conjunction with a detached single-unit dwelling. An accessory dwelling unit is subordinate in size to the primary detached single-unit dwelling. An accessory dwelling unit has its own outside entrance and a separate kitchen, bathroom, and sleeping area. An accessory dwelling may be located within, attached to, or detached from the primary single unit dwelling.

Accessory Structure. A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure. Accessory structures are generally detached from the primary structure. If accessory structures are attached to the primary structure, their structural framework is independent or semi-independent from the primary structure. For example, a porch, deck, or stairs that have their own footings or foundation are accessory structures even though they may be attached to the primary structure. A balcony that is supported totally

by the framework of the primary structure is not considered an accessory structure. Agricultural structures, including, but not limited to, barns, silos, hay sheds, drying sheds, and greenhouses are exempt from the Specific Development Standards of the underlying zoning district when located on land two acres or larger or on any lot/parcel with a valid farm deferral tax classification from the Oregon State Department of Revenue. Notwithstanding this exemption, land use activities conducted on land with agricultural structures must otherwise conform to the list of permitted uses within the underlying zoning district. (See also **Primary Structure**; **Extension, Architectural**; and **Incidental Equipment;** in SDC 6.1.100)

Accessway. A dedicated easement or right-of-way intended to allow pedestrians and bicyclists convenient linkages, where no public street access exists, to streets, residential areas, neighborhood activity centers, industrial or commercial centers, transit facilities, parks, schools, open space, or trails and paths.

Adaptive Reuse. A permitted use of a building that is different from its original or previous use, often involving conversion work involving substantial modifications.

Adjacent. Abutting or located directly across a right-of-way.

Administrative Office. A building or portion of a building, in which persons are employed in the day-to-day management or direction of a single business or division of that business.

Agriculture. The cultivation of tree crops, plants, orchards, pasture, flower, berry and bush crops or the keeping, raising or breeding of livestock or poultry where permitted by the Springfield Municipal Code, 1997, and on any lot/parcel with a valid farm deferral tax classification from the Oregon State Department of Revenue. Agricultural structures, as defined elsewhere in this Code, also is defined as “Agriculture.”

Alley. A service way providing means of public access to abutting property and not intended for general traffic circulation.

Alter, Alteration. A modification in use of a structure that may or may not involve construction. As used in SDC 3.3.900, any construction, erection, remodeling, restoration, reconstruction, removal, or exterior painting affecting the appearance or position of an Historic Landmark Site or Structure within or outside of a designated Historic District.

Animal Clinic. A business establishment in which veterinary services are provided to small domestic pets on an out-patient basis with no overnight boarding allowed.

Animal Hospital. A place where animals are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

Appeal. A request for a review of a final decision by the Director, Planning Commission, or City Council in accordance with applicable procedures, based on the standards of this Code.

Applicant. A person submitting an application; the owner of affected property, or the owner's duly authorized representative. The City Attorney may require proof of the

sufficiency of the representative's authorization by the owner to act as applicant on the owner's behalf.

Approval Authority. The individual or public body which has jurisdiction for making a decision on an application under the provisions of this Code: specifically, the Director, Planning Commission, Hearings Officer, or City Council of the City of Springfield.

Aquifer. A geologic formation, group of formations, or part of a formation that is capable of storing and transmitting water in sufficient quantity to supply wells or springs.

Automobile-dependent. A use where automobiles and/or other motor vehicles are served by the use and the use would not exist without them, such as vehicle repair, gas station, car wash, or auto and truck sales. Automobile-dependent also includes a drive-up or drive-through that does not have any indoor customer seating.

Automobile-oriented use. A use where automobiles and/or other motor vehicles are an integral part of the use, such as drive-up, drive-in, and drive-through facilities. Automobile-oriented drive-up and drive-throughs must have indoor seating. Without indoor customer seating the use is classified as automobile dependent as defined above.

Automobile wrecking. The dismantling or disassembling of motor vehicles, including large truck or heavy machinery, or trailers, or the storage, sale salvage, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles, or their parts. An automobile wrecking use includes a wrecking yard. More than two dismantled, obsolete, or inoperable motor vehicles or parts thereof on one lot constitutes a wrecking yard.

B

Base Flow. The portion of a stream flow that is not run-off and results from seepage of water from the ground into a channel. The primary source of running water in a stream during dry weather.

Berm. A mound of earth used to deflect sound or used as a buffer in landscaping provisions to separate incompatible areas or to provide aesthetic enhancement in site design.

Bicycle Lane or Bike Lane. A portion of a street that has been designated, by striping, signage, and pavement markings, for the exclusive use of bicycles.

Bicycle Parking Space. A space for one standard bicycle within a lighted and secure bicycle rack, placed in a paved area.

Bikeway. Any street, path, or way which in some manner is specifically designated for bicycle travel, regardless of whether the facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

Block. An area of land containing one or more lots/parcels surrounded by public or private streets.

Block Length. The distance along a public or private street between the centerline of two intersecting streets, including “T” intersections but excluding cul-de-sacs.

Block Perimeter. The sum of all block lengths for a given block, also measured as the distance to travel once completely around the block, ending at the starting point as measured from the centerline of the street.

Bond, Performance or Security. Collateral security for the performance of a specific action or duty imposed by the City.

Buildable Area of a Lot/Parcel. The area of a lot/parcel enclosed within the setback boundaries, exclusive of easements.

Building. Any structure used or intended for sheltering any use or occupancy.

Building Board of Appeals. A board appointed in accordance with Section 2.500 to 2.574 of the Springfield Municipal Code, 1997, to hear requests for alternate building methods/materials.

Building Envelope. That portion of a lot/parcel that has no development restrictions where the placement of driveways and structures can be established. The building envelope does not include the area of any required setbacks, tree protection plans, conservation zones or other protected areas as authorized by a limited land use decision.

Building footprint. As applicable to Cottage Cluster Housing development the horizontal area as seen in plan, measured from outside of all exterior walls and supporting columns. It includes dwellings and any area of attached garage that exceeds 200 square feet. It does not include detached garages or carports; accessory structures; trellises; patios; areas of porch, deck, and balcony less than 30 inches from finished grade; cantilevered covers, porches, or projections; or ramps and stairways required for access.

Building Height. The vertical distance above a reference datum measured to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the gables of a pitched or hipped roof. The maximum height of a stepped or terraced building is the maximum height of all segments of that building. The reference datum is, which either of the following of the 2 measurements that results in the greater building height.

(1) The reference datum is the lowest grade when the highest ground surface within a 5-foot horizontal distance of the exterior wall is not more than 10 feet above the lowest grade.

(2) The reference datum is 10 feet higher than the lowest grade when the ground surface described in A, above is 10 feet above the lowest grade.

Building Official. The person responsible for the administration and enforcement of the Building Safety Code

Building Permit. Written permission issued by the Building Official that construction may commence in accordance with this Code and the Building Safety Codes.

Building Safety Codes. A book of codes including the Springfield Building Code Administrative Code, the Structural Specialty Code, the Mechanical Specialty Code, the Electrical Specialty Safety Code, and the Plumbing Specialty Code.

Build-To Line. A line parallel to the property line that prescribes a consistent plane of building façades along a public street and in certain circumstances, alley frontages. The build-to line provides predictable results in the urban form by requiring a set location for the buildings as opposed to the range of possible locations that a minimum setback allows. The build-to line can be adjusted by utilizing maximum building setbacks.

Burden of Proof. The duty of producing evidence or establishing a given proposition to establish that the party seeking affirmative relief or action is entitled to relief or action by the applicable ordinances and statutes.

Business Park. A development on one or more lots/parcels under common ownership with 2 or more separate buildings to accommodate light industrial uses, including, but not limited to, office research and development, manufacturing, assembly, warehousing and distribution, large administrative headquarters, and other professional and administrative uses. Light industrial uses permitted within the business park have no significant potential for major pollution, adverse visual impacts, or nuisance or hazard factors; and are planned, designed, constructed and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, off-street parking, utility needs, building design and orientation and open space, landscaping, noise control, outdoor storage and other site improvements as may be required by this Code.

C

Calendar Day. Any day of the year, including official City holidays and weekends. If any effective date or deadline falls on a weekend or holiday, the date or deadline will be effective on the next City working day.

Cannabinoid. Any of the chemical compounds that are the active constituents of marijuana.

Cannabinoid Concentrate. A substance obtained by separating cannabinoids from marijuana by:

(1) A mechanical extraction process; or

(2) A chemical extraction process using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol, or ethanol.

Cannabinoid Edible. Food or potable liquid into which a cannabinoid concentrate, cannabinoid extract or dried marijuana leaves or flowers have been incorporated.

Cannabinoid Extract. A substance obtained by separating cannabinoids from marijuana by:

(1) A chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane or propane;

(2) A chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the process uses heat or pressure; or

(3) Any other process identified by the commission, in consultation with the authority, by rule.

Cannabinoid Product. A cannabinoid edible and any other product intended for human consumption or use, including a product intended to be applied to the skin or hair that contains cannabinoids or dried marijuana leaves or flowers.

Carport. A roofed accessory structure providing parking space which is open on two or more sides.

Certificate of Occupancy. A document issued by the Building Official allowing the occupancy or use of a structure and demonstrating that the structure or use has been constructed in compliance with all applicable City codes and ordinances.

Change of Use. A change from one land use category to another land use category.

Child Care Center. As defined in ORS 329A.440.

Church. See “Place of worship”.

City. The City of Springfield.

City Council. The Springfield Common Council.

City Engineer. An Oregon Registered Professional Engineer who is an officer of the City and is charged with the supervision and construction of public improvements and the enforcement of City ordinances as they relate to public improvements, or a duly authorized representative.

City Surveyor. An Oregon Registered Professional Land Surveyor who is charged with conducting surveys of City facilities and with the enforcement of certain City ordinances and State statutes as they relate to subdivision and partitioning of land.

Clinic. A facility consisting of single or multiple offices where a group of medical, allied health professions and alternative caregivers provide diagnosis, care, and treatment of persons primarily on an outpatient basis.

Club. An association of persons (whether or not incorporated), religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit.

Commercial Use – the use of land involving buying or selling of goods or services as the primary activity.

Common Courtyard. A common area for use by residents of a cottage cluster. A common courtyard may function as a community yard. Hard and soft landscape features may be included in a common courtyard, such as pedestrian paths, lawn, groundcover, trees, shrubs, patios, benches, or gazebos.

Common Wall. A wall or set of walls in a single structure shared by two or more dwelling units. The common wall must be shared for at least 25 percent of the length of the side of the building of the dwelling units. The common wall may be any wall of the building, including the walls of attached garages.

Community Park. A park, normally between 15 and 100 acres in size, which provides a variety of moderate density use recreation and/or cultural opportunities and is centrally located for citizens of the community and immediate outlying areas.

Conceptual Street Map. A map adopted into the Transportation System Plan depicting existing and future multi-use path and arterial and collector street alignments.

Condominium. A form of ownership that is regulated in part by ORS 100.005 et seq. that may be applied to any dwelling type. Existing and new dwellings may be converted to condominium ownership; however, new dwellings must comply with the development standards specified in this Code for the particular type of dwelling.

Congregate Care Facility. A building serving more than 15 elderly or infirm persons where daily meals are provided outside of each individual dwelling unit, on-site nursing facilities are available and the majority of residents do not own automobiles.

Construction Activity. Includes, but is not limited to, clearing, grading, excavation, and other site preparation work related to the construction of buildings, and heavy construction (for example, highways, streets, bridges, tunnels, pipelines, transmission lines and industrial non-building structures)

Convenience Store. A small grocery typically open extended hours.

Corporate Headquarters. A building or portion of a building in which persons are employed in the management or direction of a business consisting of one or more divisions or groups of companies. To be considered a corporate headquarters, the business must meet the applicable employee threshold specified elsewhere in this Code. Businesses that do not meet the applicable employee threshold are considered an administrative office.

Cottage. An individual dwelling unit that is part of a cottage cluster.

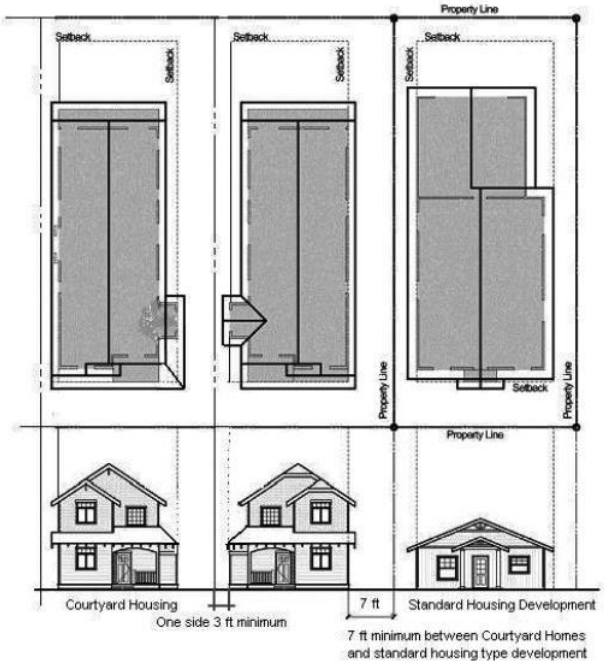
Cottage Cluster. A grouping of no fewer than four dwelling units per gross acre, each with a footprint of less than 900 square feet that includes a common courtyard. Cottage Cluster units may be located on a single Lot or Parcel, or on individual Lots or Parcels. Cottage cluster may also be known as “cluster housing,” “cottage housing,” “bungalow court,” “cottage court,” or “pocket neighborhood”.

Cottage Cluster Project. A development area with one or more cottage clusters. Each cottage cluster that is part of the cottage cluster project must have its own common courtyard.

Courtyard. An open, unoccupied space other than a required exterior yard, which usually provides amenities such as gardens, planters, seating, or art.

Courtyard housing. Detached "zero lot line" dwellings on individual lots subject to the same standards as detached single unit dwellings, except that a three-foot minimum side yard setback is required on one side of a typical lot. This type of housing allows development on smaller (i.e., narrower) lots and provides usable outdoor living area in side-oriented yards.

Figure 6.1-A. Courtyard housing



Cul-de-Sac. A short local street which has one end open to traffic and is terminated by a vehicle turn around, the cul-de-sac bulb.

Cultivation or Cultivate. All phases of growth of marijuana from seed to harvest.

Curb. The raised concrete border along the edge of a street or paved area.

Curb Cut. The opening along the curb line at which point vehicles may enter and/or leave the public street.

Cut. A portion of land surface from which earth is removed by excavation; the depth below the original ground surface or excavated surface.

D

Dance Hall. Any place of business whose primary function is dancing.

Dbh. The diameter of a tree measured 4-1/2 feet above the ground at the base of the tree.

Dedication. The transfer of property interests from private to public ownership for a public purpose.

Delineation. (From Oregon Health Department rules): The determination of the extent, orientation, and boundaries of a wellhead protection area using factors, for example: geology, aquifer characteristics, well pumping rates, and time of travel.

Demolition. Razing, destroying, dismantling, defacing, or in any other manner causing partial or total ruin of a Structure.

De Novo. A hearing where new evidence may be provided, distinguished from a hearing based solely on an existing record.

Density, net. The number of dwelling units for each acre of land in residential use, excluding: dedicated streets; dedicated parks; dedicated sidewalks; and other public facilities.

Density, gross. The number of dwelling units for each acre of land including, but not limited to, areas devoted to streets, parks, sidewalks, and other public facilities.

Design Standard. A standard related to the arrangement, orientation, materials, appearance, articulation, or aesthetic of features on a dwelling unit or accessory elements on a site. Design standards include, but are not limited to, standards that regulate entry and dwelling orientation, façade materials and appearance, window coverage, driveways, parking configuration, pedestrian access, screening, landscaping, and private, open, shared, community, or courtyard spaces.

Designated Beneficial Use. The purpose or benefit to be derived from a watercourse. For the Willamette and McKenzie Rivers and all other streams and tributaries, the following beneficial uses apply: Public domestic water supply, private domestic water supply, industrial water supply, irrigation, live stock watering, anadromous fish passage, salmonid fish rearing, salmonid fish spawning, resident fish and aquatic life, wildlife, fishing, boating, water contact recreation aesthetic quality and hydro power (excluding the Willamette River).

Developable Acre. 43,560 square feet of land that can be developed that includes common open space or recreational facilities reserved for the use of residents in a development, but excludes public property, including, but not limited to, parks and dedicated streets. At the request of the developer, the Director may exclude portions of the site that cannot be developed due to physical constraints, including, but not limited to, natural resources that are listed within a local inventory.

Development. Any human-made change to improved or unimproved real estate, including, but not limited to, a change in use; construction, installation or change of a structure; subdivision and partition; establishment or termination of a right of access; storage of materials, equipment, or vehicles on the land; drilling and site alteration due to land surface mining, filling, grading, dredging, paving, excavation or clearing of trees and vegetation. Agricultural uses (including agricultural structures), when otherwise permitted

by the base zoning district, are exempt from this definition As used in SDC 3.4.280(C), any activity within the Glenwood Riverfront portion of the Willamette Greenway Overlay District that would alter the elevation of the land; remove or destroy plant life; cause structures of any kind to be installed, erected, or removed; or result in a measurable change of any kind.

Development and Public Works Department. The department responsible for the administration of this Code and the implementation of the Metro Plan within Springfield's Urban Growth Boundary.

Development Approval. Approval granted by the Director for a development which is in compliance with this Code and the Metro Plan and precedes the issuance of a Building Permit.

Development Area. The area subject to any application required by this Code.

Development, Phased. A project that is developed incrementally, with each phase capable of functioning independently of the others.

Development Review Committee. City staff, representing each affected division and department of the City, and affected agencies and utility providers that meet on a regular basis to review land use requests and development proposals.

Direct Tributary to a Water Quality Limited Watercourse. A direct tributary to a Water Quality Limited Watercourse (WQLW) is one that flows directly into a WQLW, excluding those watercourses that flow into the WQLW as a piped connection, where the pipe system extends more than 200 feet upstream of the connection point or is one that is a diversion from a WQLW and that discharges into either a WQLW or other direct tributary to a WQLW and where the water quality of the diverted flow at the discharge point has been degraded when compared with the water quality at the diversion point.

Director. The Development and Public Works Director or the duly authorized representative who is responsible for the administration and interpretation of this Code.

Discretionary Use. Any use not permitted outright in a particular zoning district because of its potentially incompatible characteristics requiring review by the Planning Commission or Hearings Official to determine whether that use should be permitted, and if so, adding any conditions of approval necessary to ensure compatibility with adjacent uses.

DNAPL, Dense Non-Aqueous Phase Liquids. A group of hazardous materials that are denser-than-water (specific gravity greater than one), have low solubility rate, and degrade slowly to other compounds that are even more of a health hazard. For the purpose of Springfield's drinking water protection, DNAPL chemicals are defined as "all chemicals displaying the characteristics of a DNAPL chemical or a material containing a substance considered a DNAPL chemical." A list of DNAPLs regulated within the Drinking Water Protection Overlay District must be as adopted by SUB on November 10, 1999.

Door area. The area of the portion of a door other than a garage door that moves and does not include the frame.

Downtown Exception Area. An area defined by the Willamette River on the west, 8th Street on the east, the alley between north B and north C Streets on the north, and a line north of the Southern Pacific Railroad tracks on the south.

Downtown Planning Area. The area under the jurisdiction of the Springfield Downtown Refinement Plan that includes Springfield's traditional Downtown area and the Booth-Kelly redevelopment area.

Drainage Way. A natural or constructed watercourse which has the specific function of transmitting stream water or storm run-off water from a point of high elevation to a point of low elevation which convey significant seasonal concentrations of water over the surface of the land.

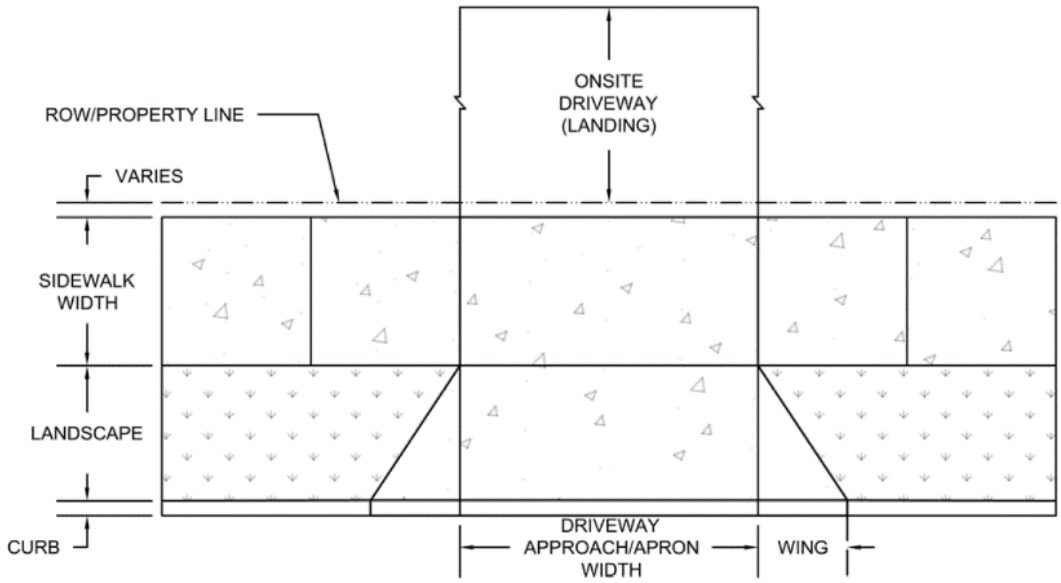
Dripline. A roughly circular land area measured beneath a tree. The approximate center of the area is the trunk of the tree, and the radii are equal to the horizontal measures of the longest branches.

Drive-Through Business. An establishment that sells products or provides services to occupants in vehicles where payment is made and the product or service is picked up at a drive-up window. This use includes, but is not limited to, the operation of drive-up or a drive-through service at a restaurant, bank or financial institution, personal services, and retail sales (e.g., pharmacy).

Driveway. A vehicular access that provides connection between a structure or parking area on private property and the public street system. "Driveway" may include a private easement to provide vehicular access to more than two or more properties.

Driveway Approach. The edge of a driveway where the driveway abuts a public right of way, including the approach wings (see figure 6.1-B below).

Figure 6.1-B. Driveway approach



Driveway, Curb Return. A driveway defined on both sides by a full height curb.

Driveway, Joint Use. A driveway serving two or more properties.

Driveway, Standard Driveway. A driveway created by depression of the street curb at its approach.

Drop-Off Space. A paved, clearly marked short-term (less than 20 minutes) parking space, generally within 50 feet of a main building entrance, separated from required parking for staff and long-term visitors.

DSL. The Oregon Department of State Lands.

Duplex. Two dwelling units on one lot or parcel in any configuration. Units may be attached vertically or horizontally or detached.

Dwelling Unit (Dwelling or unit). A single unit providing complete independent living facilities for one or more persons, including a kitchen and permanent provisions for living, sleeping, and sanitation.

E

Easement. An interest in property owned by another that entitles its holder to a specific limited use or enjoyment of that property.

Elevation. The term is based on context and is either: a vertical distance above or below a fixed reference level; or a particular side of a building.

Emergency Shelter. The use of a church, school, motel, hotel, or other structure for housing the homeless on a short-term basis due to a natural disaster or other reason.

Endangered Species Act (ESA). A Federal law established in 1973 that provides significant protection for various species of fish, wildlife and plants facing extinction that are listed as needing protection.

Engineer. A Registered Professional Engineer, licensed by the State of Oregon to practice in a specific branch of engineering.

Engineering Design Standards and Procedures Manual (EDSPM). A document containing design standards and procedures prepared by the Public Works Department and adopted by resolution of the City Council. These standards and procedures are applicable to public and private improvements and allow City staff to provide certainty to developers and consultants to ensure safe, efficient, and cost effective transportation, sanitary sewer, and stormwater management system projects within the City and its Urban Growth Boundary.

Excavation. The mechanical removal of earth material.

Exempt Tree or Vegetation. The full height and breadth of vegetation that the Director has identified as “solar friendly” as specified in this Code; and any vegetation listed on a plat map, a document recorded with the plat, or a solar access guarantee as exempt.

Ex Parte, Communication. A communication made at the instance of, or for the benefit of one party without notice to, contest by, or at least without an opportunity to be heard being given to other parties who will be bound or directly affected by the communication.

Ex Parte, Proceeding. An action taken at the instance or benefit of one side only without notice to, contest by, or without the opportunity to be heard by other parties who will be bound or directly affected by the proceeding.

Extension, Floor Area. An increase in the amount of floor area within an existing building.

Extension, Architectural. Architectural appendages, including, but not limited to, cornices, eave overhangs, porches and balconies extending beyond an exterior wall of a building. (See also Accessory Structure.)

Exterior. Any portion of the outside of a Structure.

F

Family Child Care Home. As defined in ORS 329A.440.

FCC. The Federal Communications Commission; the Federal agency that regulates interstate and international communications by radio, television, wire, satellite and cable.

Fell. To remove or cut a tree or the intentional use of any procedure, the natural result of which is to cause the death or substantial destruction of the tree. Fell does not include normal trimming, or pruning of trees.

Fence. A structure which serves as an enclosure, barrier or screen that is not part of a building.

Fence, Sight Obscuring. A fence which screens an area or object, including, but not limited to, solid wood or metal fences or slatted chain link fences.

Fill. Sand, gravel, earth, or other approved materials of any composition placed or deposited on the earth's surface by humans.

Final Map. The finished drawing of the survey of a property line adjustment containing information necessary to comply with this Code and requirements resulting from review of the Preliminary Plan.

Final Site Plan. The plan containing information necessary to comply with this Code and requirements resulting from review of the Preliminary Site Plan to which all construction improvements must conform.

Final Survey. The recorded survey of a property line adjustment containing information necessary to comply with this Code and any conditions of approval resulting from review of the Preliminary Survey.

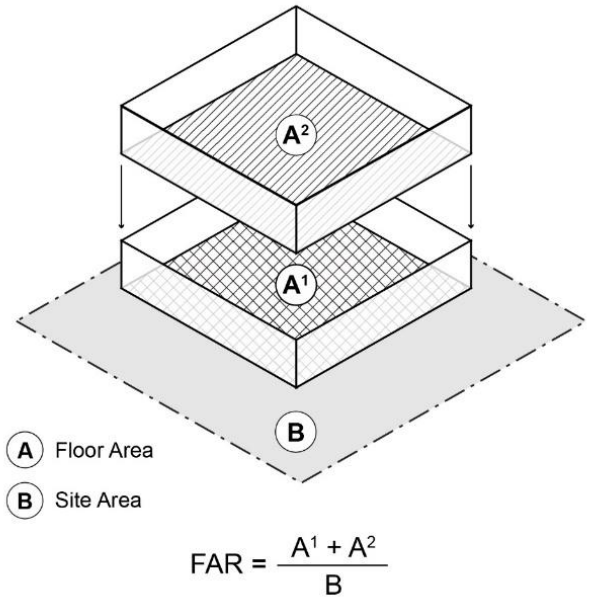
Finance Department. The Springfield Finance Department.

Finding. A written statement of facts, reasoning in support of conclusions, and determinations based on the evidence presented in relation to adopted criteria that are accepted by the Approval Authority in support of a decision.

Floor Area. The enclosed area of each full floor area a building measured to the external face of the external walls.

Floor Area Ratio (FAR). The amount of floor area of a building or structure in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of 0.7 to 1 means 0.7 square feet of floor area for every one square foot of site area. FAR is calculated by dividing the total floor area of building by the total site area. See Figure 6.1-C

Figure 6.1-C. Floor Area Ratio



Fourplex. Four dwelling units on one lot or parcel. Units may be attached vertically or horizontally or detached.

Fraternal Organization. A group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals, and formal written membership requirements.

Frequent Transit Corridor. Arterial and collector roadways forming a Frequent Transit Network, as identified in the adopted Springfield Transportation System Plan, representing the highest order of transit service along major thoroughfares within the City. Characteristics of Frequent Transit Network corridors include but are not limited to: 10-15 minute transit frequency during peak travel times, a well-connected street and transit network providing circulation integrated with pedestrian and bicycle connections, support and compatibility with urban design goals for development along the corridors,

geographically equitable coverage serving populations protected by Title VI of the 1964 Civil Rights Act, and high-quality transit station amenities.

Front Façade. The façade with the main entry door and front porch or recessed entry.

Frontage. That portion of a lot or parcel that abuts a dedicated public alley, street, or highway or an approved private alley, street, or shared court private access drive.

Future Development Plan. A line drawing (required for some land division proposals, or building permits in the City's urbanizable area) that includes the following information: the location of future right-of-way dedications based on the Springfield Transportation System Plan (including the Conceptual Street Map); block length and lot/parcel size standards of the SDC; a re-division plan at a minimum urban density established in this Code based on the existing Metro Plan designation of the property for any lot/parcel that is large enough to further divide; and the location of hillsides, riparian areas, drainage ways, jurisdictional wetlands and wooded areas showing how future development will address preservation, protection or removal.

G

Garage. A completely enclosed accessory building or portion of a main building intended for the parking of motor vehicles.

Garage, Repair. A building used for the repair of motor vehicles, including body and fender work, painting, or engine and transmission overhaul.

Garbage and Recycling Area. A place where waste containers, including compactors, dumpsters, and garbage cans, are stored. Waste storage includes, areas used to collect and store refuse or recyclable materials. Exempt from this subsection are waste storage areas for detached Single-unit Dwellings, middle housing types, and areas used for the temporary storage of wood pallets or cardboard.

Grade. The degree of rise or descent of a sloping surface.

Grade, Average Finished. The average finished ground level at the midpoint of all walls of a building. Where walls are parallel to and within five feet of a sidewalk, alley or public way, the ground level is measured at the elevation of the sidewalk, alley, or public way.

Grade, Finished. The final elevation of the surface following completion of any excavation or fill placement.

Grading. Any stripping, cutting, filling, stockpiling of earth or land, including the land in its cut or filled condition.

Gross Acre/Gross Acreage. A measurement of land that occurs before public streets or other areas reserved for public use are deducted from that land.

Gross Density. See "Density, gross".

Gross Floor Area. The total floor area of a building including areas used exclusively for the service of a building; for example: mechanical equipment spaces and shafts;

elevators; stairways; escalators and ramps; public restrooms; and enclosed loading docks or ramps.

Ground Cover. Grasses or nursery plants cultivated to keep soil from being blown or washed away.

H

Hazardous Materials. Those chemicals or substances which are physical or health hazards as defined and classified in the most recently adopted or amended Fire Code by the City, whether the materials are in usable or waste condition.

Hazardous Waste. Consistent with the Federal Resource Conservation and Recovery Act, a waste or a combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in serious irreversible illness or pose a substantial present or potential hazard to human health, safety, welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed; however, not to include solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under the Federal Water Pollution Control Act of 1967 as amended, or source, special nuclear, or by product material as defined by the Atomic Energy Act of 1954.

Hearings Authority. An individual or group designated to hear Type 3 applications for land use decision.

Hearings Officer. An individual designated to hear Type 3 applications for land use decisions and code enforcement matters outside the City limits, and the referee designated to hear appeals of expedited land divisions and middle housing land divisions as provided in ORS 197.375.

Heliport. An area, either at ground level or elevated on a structure, licensed or approved for the loading and takeoff of helicopters, and including auxiliary facilities, for example: parking, waiting room, fueling and maintenance equipment.

Helistop. A heliport, but without auxiliary facilities, for example: parking, waiting room, fueling and maintenance equipment.

High Impact Facility. A public or semi-public facility which serves development and which requires pre-planning or discretionary approval and special design features to mitigate land use conflicts, including, but not limited to, visual, olfactory, or auditory impacts.

Highway Ready. Reference to a recreational vehicle that is on wheels or a jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

Hillside Area. Any area in which the average slope exceeds 15 percent.

Historical Commission. The Springfield Historical Commission.

Historic Site. A structure or place of historic and cultural significance and designated accordingly by the City, State or Federal Government.

Historic Landmark District. A geographic area designated in accordance with this Code which includes Historic Landmark Sites or Structures.

Historic Landmark Inventory. A list of sites or structures which have been designated "Historic Landmark" in accordance with this Code.

Historic Landmark Site or Structure. A building, structure, object, site, or geographic area, within the city limits and the City's urbanizable areas, within or outside of a designated Historic Landmark District, which has been listed on the Historic Landmark Inventory.

Homeowner's Association. A non-profit association governed by a declaration of protective restrictions, conditions, covenants, and charges made by the developer through which each lot/parcel owner or other described land area owner of a development is automatically subject. The purpose of the homeowner's association is to provide reasonable rules and regulations to enforce the covenants and restrictions and to keep, control, and maintain the common properties within the development. The association also provides for the assessment procedure to assure necessary funds. If the property is to be developed in phases, all phases must belong to the same association. The City Attorney must review drafts of the declaration prior to Final Plat approval.

Hospital. A facility consisting of one or more buildings where health practitioners, allied health professions and alternative caregivers provide diagnosis, care and treatment of persons including convalescence and care during and after pregnancy, or for any other reason, where patients may be admitted for short-stay, day surgery, emergency service or overnight stay, or for a longer period.

Hotel. A building, not including a building designed or arranged as a single unit dwelling, in which lodging is provided to guests for compensation, consisting of a lobby and individual sleeping quarters, typically without cooking facilities, with separate entrances opening directly to an internal hallway. Parking may be on-site or in a separate parking structure.

Hybrid Multi-Way Boulevard. A street design that accomplishes the fundamental goal of vehicular through traffic movement including transit facilities and also creates a pedestrian-friendly environment by providing slip lanes for local traffic, on-street parking, safe pedestrian and bicycle facilities, and by locating buildings closer to or at the right-of-way line.

I

Impervious Surface. Any surface that either prevents or delays the infiltration of water into the soil as it entered under natural conditions preexistent to development, and/or a surface area that causes water to run off the surface in greater quantities or at an increased rate of flow than prior to development. Common impervious surfaces include:

building roofs; traditional concrete or asphalt paving on walkways, driveways, parking lots, gravel lots and roads; and heavily compacted earthen materials.

Improvement Agreement. A written agreement, executed by the property owner in consideration for the City deferring the construction of public improvements required for the development.

Incidental Equipment. Rooftop or pole mounted structures that cast insubstantial shadows or have minimal visual impact, including, but not limited to: antennas, chimneys, solar collectors, small satellite dishes and flagpoles, but excluding large satellite dishes. (See also Accessory Structure.)

Increase in Impact/Increased Impact. This definition includes, but is not limited to, additional traffic or noise generation, additional run-off or increase in impervious surface, additional shadow casting or diminished views, additional air or water borne pollution, additional hours of operation, or an increase in the risk of fire or structural hazard as the result of development.

Incubator Development. Facilities that accommodate new business establishments spun-off from the research, development, and testing laboratories of a major institution, a related institution, or larger high- or bio-technology industry. If on-site manufacturing or production capabilities are included within an incubator development, the establishment will be classified as an industrial use.

Industrial Park. A development on one or more lots/parcels under common ownership with two or more separate buildings that are designed, constructed, and managed on an integrated and coordinated basis. Industrial parks are intended to accommodate heavy industrial uses as primary uses and office research and development, light manufacturing, light assembly, warehousing and distribution, large administrative headquarters, and other professional and administrative uses as secondary uses.

Infill. The development of vacant, bypassed lands located in an area that is mainly developed.

Infill, residential:

(1) The development of up to four dwellings on land that is designated for residential use where at least 75 percent of the abutting properties have a structure, but not counting any abutting property that is large enough that it can be divided into five or more lots or is currently developed with multiple unit housing.

(2) A situation in which a single unit dwelling is removed to make way for up to four new dwellings (e.g., a single unit dwelling, duplex, triplex, or fourplex).

(3) “Residential infill” does not apply to land that is large enough that it can be divided into five or more lots consistent with the minimum lot size of the land use district.

Invasive Plants. Non-native plants that spread quickly, are highly competitive and difficult to control or eliminate. Introduced intentionally or accidentally through human actions and spread by seed, by birds, by wind, or vegetatively, these exotic plants can destroy native plants, choke waterways, degrade recreational areas and necessitate

costly maintenance. The Invasive Plants List is a listing of plants that the City considers undesirable for use in landscaping within its jurisdiction.

Inventoried Natural Resource. Any scenic areas, water areas, vegetation, wildlife and wildlife habitat that appears in an adopted Metro Plan Inventory.

J

Joint Use Access Agreement. A legally binding agreement between two or more property owners describing the rights and responsibilities of each owner regarding the use of a shared access to a public street.

K

Kennel. Any premises on which three or more dogs over the age of 6 months are housed, groomed, boarded, trained, or sold for compensation.

Kitchen. Any indoor habitable area designed or used for preparation or cooking of food, and including any three or more of the following: a sink larger than 18 inches by 18 inches; a 220-volt electrical outlet; a gas or propane service line; a dishwashing machine; a range hood, exhaust vent, or similar equipment; or a stove, range, or oven.

L

Land and Drainage Alteration Permit (LDAP). A City permit for any fill, grading and excavation that is required before any site preparation work can begin.

Landscape Architect. A person registered with the State of Oregon to practice Landscape Architecture.

Landscaping. The term “landscaping” includes, but is not limited to, vegetative ground cover, grass, shrubs, trees, flowers and garden areas, ornamental concrete or stonework areas, permanent outdoor furniture and permanent irrigation. “Landscaping” also includes retention or reintroduction of native vegetation.

Land Use Decision. A final decision or determination made by the Approval Authority that concerns the adoption, amendment, or application of the Statewide Planning Goals; a Metro Plan or refinement plan provision; a land use regulation; or new land use regulation. This definition does not include a decision which does not require interpretation or the exercise of factual, policy, or legal judgment; approves, approves with conditions, or denies a subdivision or partition; or approves or denies a building permit.

LEED (Leadership in Energy and Environmental Design). A nationally accepted benchmark for the design, construction, and operation of high-performance, energy-efficient buildings.

Light Industrial Manufacturing. The secondary processing of previously prepared materials into components or the assembly of components into finished products. In the Campus Industrial District this use is divided into categories as follows based upon the number of employees at occupancy: large-scale means 50 or more employees; medium-scale means 20—49 employees; small-scale means fewer than 20 employees per business. These thresholds are applicable at the time of new development. In the case

of redevelopment, the Director may reduce these thresholds if the applicant submits a business plan stating that the threshold can be met by a date certain.

Linear Park. A public or private park that provides public access to trail-oriented activities, which may include walking, running, biking, or skating, and preserves open space. A linear park consists of a multi-use path, pedestrian trail, or bikeway, and related facilities.

Listed Species. The Endangered Species Act provides for listing plant and animal species into the following categories: Listed Endangered Species and Listed Threatened Species. An endangered species is an animal or plant listed by regulation as being in danger of extinction. A threatened species is any animal or plant that is likely to become endangered within the foreseeable future.

Live/Work Unit. An integrated dwelling unit and working space that is occupied and utilized by a single housekeeping unit in a structure that has been modified or designed to accommodate joint residential occupancy and work activity. The live/work unit must include complete kitchen and sanitary facilities in compliance with applicable building standards. The working space must be reserved for and regularly used by one or more occupants of the unit (e.g., professionals, entrepreneurs, and artists), in addition to any other employees. The commercial/employment use must be allowed only as permitted by the applicable zoning district.

Loading Space. An off-street space or berth serving a business for the temporary parking of commercial vehicles while loading or unloading, while not block driveway aisles and having an appropriate means of ingress and egress.

Lot. A portion of land shown as part of a recorded subdivision or any area of land described by metes and bounds in a recorded deed, record of survey or other appropriate document, recorded in the office of the County Recorder that complies with the provisions of the State of Oregon and this Code. Unless specifically exempted, land that is divided or reconfigured without having been approved in accordance with this Code cannot be deemed a buildable lot.

Lot Coverage. The area of a lot, parcel, property, or development area covered with a structure excluding up to 18-inch eave overhangs.

Lot/Parcel, Corner. A lot/parcel abutting two or more streets at their intersection, in which the interior angle formed by the extensions of the street lines is 135 degrees or less. In the event that any street line is a curve at its point of intersection with a lot/parcel line other than a street line, the tangent of the curve at the point is considered the direction of the street line.

Lot/Parcel Depth. The distance from the midpoint of the front lot/parcel line to the midpoint of the rear lot/parcel line.

Lot/Parcel Dimension, North-South. The length of a line beginning at the midpoint of the northern lot/parcel line and extending in a southerly direction perpendicular to the northern lot/parcel line until it reaches a property boundary.

Lot/Parcel Frontage. That portion of a lot/parcel which abuts a street. For the purpose of determining yard requirements, all sides of a lot/parcel abutting a street is considered frontage.

Lot/Parcel, Interior. A lot/parcel other than a corner lot/parcel and having frontage on only one street.

Lot/Parcel Line. A line of record bounding a lot/parcel which divides one lot/parcel from another or from a public or private street or any other public space.

Lot/Parcel Line, Front. The lot/parcel line abutting a street right-of-way. Where more than one lot/parcel line abuts street right-of-way, the property address determines the front lot/parcel line. For purposes of the solar access standards, it is the lot/parcel line abutting a street. For corner lots/parcels, the front lot/parcel line is that with the narrowest frontage. When the lot/parcel line abutting a street is curved, the front lot/parcel line is the chord or straight line connecting the ends of the curve. For a panhandle lot/parcel, the front lot/parcel line is the lot/parcel line that is most parallel to and closest to the street, excluding the handle portion of the lot/parcel.

Lot/Parcel Line, Northern. The lot/parcel line that is the smallest angle from a line drawn true east-west and intersecting the northernmost point of the lot/parcel, excluding the handle portion of a panhandle lot/parcel. If the north line adjoins an un-developable area other than a required yard area, the northern lot/parcel line is at the north edge of the un-developable area. If two lot/parcel lines have an identical angle relative to a line drawn true east-west, then the northern lot/parcel line is a line 10 feet in length within the lot/parcel parallel with and at a maximum distance from the front lot/parcel line.

Lot/Parcel Line, Rear. The lot/parcel line which is opposite and most distant from the front lot/parcel line. For a triangular shaped lot/parcel, the “rear lot/parcel line” is a line 10 feet in length entirely within the lot/parcel, connecting the side lot/parcel lines, which is parallel to the front lot/parcel line or parallel to the chord of a curved front lot/parcel line.

Lot/Parcel Line, Side. Any lot/parcel line other than a front or rear lot/parcel line.

Lot/Parcel, Minimum Area of. The smallest lot/parcel area established by this Code on which a use or structure may be located in a particular district.

Lot/Parcel, Panhandle. A lot/parcel which has access to a public right-of-way by means of a narrow strip of land, commonly known as the “panhandle” or “handle.”

Lot/Parcel, Pan Portion. The portion of a panhandle lot/parcel, exclusive of the handle, on which a structure may be placed.

Lot/Parcel, Through. A lot/parcel which fronts upon two streets which do not intersect at the boundaries of the lot/parcel.

Lot/Parcel Width. The horizontal distance between the midpoints of the side lot/parcel lines. The handle of a panhandle lot/parcel is not included when computing lot/parcel width.

Low Impact Facility. Any public or semi-public facility that has minimal olfactory, visual or auditory impacts which is permitted subject to the design standards of this Code.

M

Maintain. To continue in existence; to preserve and care for a development area so that it remains attractive and functional in accordance with the provisions of this Code.

Maintenance Inspection. A site inspection that identifies precisely what must be done to a development previously approved by the City in order to comply with standards and conditions in effect when the development was originally approved.

Major Electrical Transmission Line. An electrical transmission line which carries 115 KV or more of electricity.

Mall. A shopping center where stores front on both sides of a pedestrian way which may be enclosed or open.

Manufactured Dwelling. A residential trailer, mobile home, or manufactured home.

(1) Residential Trailer. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy that is being used for residential purposes and was constructed before January 1, 1962.

(2) Mobile Home. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

(3) Manufactured Home. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, and was constructed on or after June 15, 1976 in accordance with federal manufactured housing construction and safety standards in effect at the time of construction.

Manufactured Dwelling Park. Any place where four or more manufactured dwellings are located within 500 feet of one another on a lot/parcel or tract under the same ownership, the primary purpose of which is to rent space to any person for a charge or fee paid or to be paid for the rental use of facilities or to offer space free in connection with securing the trade or patronage of the person. Manufactured dwelling park does not include a lot located within an approved subdivision being rented or leased for occupancy by no more than one mobile home per lot if the subdivision was approved by local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.190.

Manufactured Dwelling Pad. A paved space in a manufactured dwelling park for the placement of a manufactured dwelling that includes utility connections.

Manufactured Dwelling Space. Any portion of a manufactured dwelling park which is designated or used for occupancy of one manufactured dwelling, including its accessory

structures and its outdoor living areas, but exclusive of space provided for the common use of tenants for example, roadways and guest parking.

Manufactured Dwelling Space Line. A line within a manufactured dwelling park which establishes setback distances from streets, accessory buildings or structures and other manufactured dwellings.

Marijuana. The plant Cannabis family Cannabaceae, any part of the plant of the Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae. “Marijuana” does not include industrial hemp, as defined in ORS 571.300.

Marijuana Business. Any person or entity appropriately licensed by the Oregon Health Authority or the Oregon Liquor Control Commission that sells, produces, cultivates, grows, wholesales, processes, researches, develops, or tests medical marijuana or recreational adult use marijuana within the City of Springfield.

Marijuana Grow Sites. A specific location registered by the Oregon Health Authority and used by the grower to produce marijuana for medical use by a specific patient.

Marijuana Items. Marijuana, cannabinoid products, cannabinoid concentrates and cannabinoid extracts.

Marijuana Processing. The preparing, compounding, testing or conversion of marijuana into cannabinoid products, cannabinoid concentrates, and cannabinoid extracts for medical or recreational purposes.

Marijuana Production. The manufacture, planting, cultivation, growing, or harvesting of marijuana as licensed by the Oregon Liquor Control Commission or Oregon Health Authority.

Marijuana Retailer. A person or entity licensed by the Oregon Liquor Control Commission or Oregon Health Authority to sell marijuana items to a consumer in this state.

Marijuana Retail Outlet. A business location that sells marijuana items to a consumer or patient.

Marijuana Testing Laboratory. A laboratory that tests marijuana items for producer, processor, wholesaler or retail outlets.

Marijuana Wholesaler. A person or entity that purchases marijuana items in this state for resale to a person other than a consumer.

Market Area. The geographic area from which a particular use can reasonably expect to attract customers.

Medical Marijuana Dispensary. A medical marijuana facility or entity registered with the Oregon Health Authority under ORS 475.300.

Metro Plan/Eugene-Springfield Metropolitan Area General Plan. The general land use plan and policies for the Eugene/Springfield metropolitan area including any subordinate refinement plan or functional plan. The controlling land use document for urban, urbanizable and rural land under the jurisdiction of the Metro Plan.

Mid-Block Connector. A narrow street and/or a bicycle/pedestrian corridor not less than 20 feet in width that reduces larger blocks to more walkable dimensions (250 to 350 feet maximum). A mid-block connector may be a public right-of-way or privately owned and may include active use frontages with overlooking windows and pedestrian-level lighting. Limited service or parking access to the interior of a block is encouraged. On-street public parking may be provided, where feasible. Sidewalks may be located on each side of a two-way street or on one side for a one-way street. A non-vehicular connector must be designed as a “24-7” publicly accessible bicycle/pedestrian way.

Middle Housing. Duplexes, triplexes, fourplexes, cottage cluster housing, and townhomes.

Minerals. Includes soil, coal, stone, crushed hard rock quarry products, metallic ore and any other solid material or substance excavated for commercial, industrial or construction use from natural deposits. “Minerals” do not include loam, sand, gravel or other aggregate materials created and/or deposited by water movement.

Minimum Level of Key Urban Services. The minimum level of facilities and services that are provided to an area in an orderly and efficient manner to allow urban development to occur. They consist of sanitary sewers, solid waste management, water service, fire protection, police protection, parks and recreation programs, electric service, land use controls, communications facilities, public schools on a district-wide basis, and paved streets with adequate provision for storm-water run-off and pedestrian travel.

Mining Spoils. All waste materials, solid, rock, mineral, liquid, vegetation and other materials resulting from or displaced by quarry and mining extraction operations within the operating permit area, including all waste materials deposited in or upon lands within the operating permit area.

Mini-Warehouse. A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of a customer's goods or wares. No sales, service, or repair activities other than the rental of storage units are permitted on the premises.

Mixed-Use Building or Development. A building or development characterized by either a vertical or horizontal physical integration of uses. A mixed-use building is a structure at least two stories in height that includes a mix of uses such as retail and office uses, residential and commercial uses, or commercial and light industrial uses. A mixed-use development includes multiple buildings, usually of multiple stories, designed to assure a diversity of compatible land uses that may include a mixture of residential, office, retail, services, recreational, live/work units, flex space uses, and other miscellaneous uses allowed in a zoning district.

Modification. A request submitted to change a final approval of any development proposal or a modification as may be permitted to a Plan District development or building standards.

Modification of application. The applicant's submittal of new information after an application has been deemed complete and prior to the close of the record on a pending application that would modify a development proposal by changing one or more of the following described components: proposed uses, operating characteristics, intensity, scale, site layout (including but not limited to changes in setbacks, access points, building design, size or orientation, parking, traffic or pedestrian circulation plans), or landscaping in a manner that requires the application of new criteria to the proposal or that would require the findings of fact to be changed. It does not mean an applicant's submission of new evidence that merely clarifies or supports the pending application.

Motel. A building or group of buildings, not including a building designed or arranged as a single unit dwelling, in which lodging is provided to guests for compensation, consisting of individual sleeping quarters, with or without cooking facilities, with separate entrances opening directly on a parking area.

Multi-Use Path. A paved facility intended to be used by pedestrians, skaters (inline or roller), and bicyclists that has no or minimal cross-flow by motor vehicles. The multi-use path is generally designed for two-way travel. The multi-use path may be separated from and aligned with the public right-of-way within an easement or located within the public right-of-way.

Multiple Unit Housing. Five or more dwelling units on an individual lot or parcel, except for Cottage Cluster housing, and not counting Accessory Dwelling Units (ADUs).

N

National Register of Historic Places. The official list, established by the National Historic Preservation Act, of sites, districts, buildings, structures and objects significant in the nation's history or whose artistic or architectural value is recognized.

Native Plants, Native Vegetation. Plant species that are indigenous to a local area and adaptable to the local climate, soils and hydrology as distinguished from plant species that have been deliberately or accidentally imported or introduced from other areas by humans or human activities.

Natural Resources. These include, but are not limited to, water and geologic features, significant natural vegetation, wildlife habitats and archaeological and scenic resources as inventoried in the working papers of the Metro Plan.

Neighborhood Activity Center. Any public park or recreation facility, public or private school, government service, commercially zoned property, or mixed-use zoned property.

Neighborhood Park. A park, traditionally from five acres to 15 acres in size, which provides easily accessible recreation areas serving neighborhood citizens and providing high density active or passive use.

Neighboring. The area in the immediate vicinity of a proposed development that would be materially affected by a proposal.

Net Density. See “Density, net”.

Noise Attenuating Barrier. A structural barrier designed and constructed with the primary function of containing sound within a specific use area.

Noise Sensitive Property. Real property normally used for sleeping, or normally used for schools, churches, hospitals, or public libraries, excluding industrially related residential uses, i.e., night watchman quarters.

Non-Commercial Agricultural Uses. The raising of crops, plants or farm animals on property where allowed by this Code for the sole use of the owners or tenants of that property and not for wholesale or retail sale.

Non-Exempt Tree or Vegetation. Vegetation that is not exempt from the solar access regulations.

Notice. The announcement of a decision of the Director by mail to adjacent property owners/occupants within 300 feet of the subject property indicating the nature of the decision and the method of appeal; the announcement of a public hearing by mail to property owners/occupants within 300 feet of the subject property and advertisement in a newspaper of general circulation in the area, indicating the time, place and nature of the public hearing in compliance with ORS 197.762.

NPDES. National Pollutant Discharge Elimination System.

O

OAR. Oregon Administrative Rule.

Official Zoning Maps. Maps delineating the boundaries of the various zoning districts within the city limits and the City’s urbanizable area that are adopted by ordinance and maintained by the Development Services Department.

Occupancy, Certificate of. A required certificate allowing occupancy of a structure or development area after it has been determined that the requirements of this Code and other applicable Codes have been met. No structure or development area may be occupied without having first received a Certificate of Occupancy.

Open Space. Land or water essentially unimproved and set aside, dedicated, designed or reserved for public use or enjoyment, or for the use and enjoyment of owners and occupants of land abutting or neighboring the open space.

Open Space, Common. Land normally within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include recreational and other accessory structures and improvements in accordance with this Code.

Open Space, Private. Areas intended for the private use of an individual dwelling unit, normally including patios and landscaped areas; not to include off-street parking, maneuvering, loading or delivery areas, and designed for outdoor living and recreation.

Open Space, Public. Areas intended for public use, either privately owned and maintained or dedicated to the City, normally including swimming pools, recreation courts, patios, open landscaped areas, and greenbelts with pedestrian, equestrian, and bicycle trails, not to include off-street parking or loading areas or driveways, and designed for outdoor living and recreation or the retention of an area in its natural state.

ORS. Oregon Revised Statutes.

Outdoor Storage. The keeping in an unroofed area of any goods, junk, material, merchandise, or vehicles for more than 24 hours.

Outdoor Storage Area. A primary use that occurs on property for the purpose of outdoor storage of vehicles, equipment, or materials, including, but not limited to, vehicle, equipment and boat sales or rental lots; commercial storage lots; mobile/manufactured home, camper and RV sales lots; fleet parking lots; and lumber, gardening, fuel and other similar building material yards.

Outdoor Storage Yard. A secondary use that occurs on any property for the purpose of the outdoor storage of associated materials and equipment, other than wrecking yards.

Outfall. The point of discharge from a river, pipe, drain or other device to a receiving watercourse.

Overburden. The soil, rock and similar materials that lie above natural deposits or minerals.

Owner. An individual, firm, association, syndicate, partnership or corporation having proprietary interest to seek development of land.

P

Parcel. This term includes a unit of land created by partitioning land as defined in ORS 92.010 that is in compliance with this Code and in the case of Property Line Adjustments, properties created by deed or land sales contract, if there were no applicable planning, zoning, or partitioning ordinances or regulations. A Parcel does not include a unit of land created solely to establish a separate tax account.

Parking. The temporary storage of operational motor vehicles that are not for sale, lease or rent and which are intended to be used for customers and employees of a business and industry or residents and visitors in a residential development.

Parking Bay. An extension of the width of a street that allows for the parking of motor vehicles, usually associated with hillside development.

Parking Lot. An off-street area with a permanently maintained paved surface, for the parking of motor vehicles.

Parking Space. A permanently maintained paved surface with proper access for one standard size or compact automobile.

Parking Space, Disabled. A parking space that is reserved for use by disabled persons who hold the appropriate permit issued by the Oregon Department of Motor Vehicles and/or the Springfield Police Department.

Parking Space, Off-Street. An approved space for the parking of a motor vehicle which is not located on a dedicated street right-of-way.

Partition Land. The division of land into two or three parcels within a calendar year, but does not include:

(1) A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;

(2) An adjustment of a property line by the relocation of boundaries where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment is not in conflict with any applicable Ordinance;

(3) A sale or grant by a person to a public agency or public body for State highway, county road, city street or other right-of-way purposes provided that the road or right-of-way complies with the applicable comprehensive plan and ORS 215.213(2)(q) to (s) and 215.283(2)(q) to (s). However, any property divided by the sale or grant of property for State highway, county road, city street or other right-of-way purposes continue to be considered a single unit of land until the property is further subdivided or partitioned;

(4) The division of land resulting from the recording of a subdivision or condominium plat; or

(5) A sale or grant by a public agency or public body of excess property resulting from the acquisition of land by the State, a political subdivision or special district for highways, county roads, city streets or other right-of-way purposes when the sale or grant is part of a property line adjustment incorporating the excess right-of-way into adjacent property. The property line adjustment must be approved or disapproved by the applicable local government. If the property line adjustment is approved, it must be recorded in the deed records of the county where the property is located.

Partition Plat. A final map and other writing containing all the descriptions, locations, specifications, provisions, and information concerning a partition.

Party or Parties. The following persons or entities are defined as a party:

(1) The applicant and all owners or contract purchasers of record, as shown in the files in the Lane County Department of Assessment and Taxation, of the property which is the subject of the application.

(2) Any person who makes an appearance and/or submits testimony to the Approval Authority.

Pedestrian Trail. A surfaced path that is designed and reserved for the exclusive use of pedestrian travel.

Pedestrian Way. A paved right-of-way through a block to facilitate pedestrian access to adjacent streets and properties.

Permanent Irrigation System. An approved water piping system installed underground for the purpose of irrigating all portions of landscaped areas.

Permit. Discretionary approval of a proposed development of land. “Permit” does not include:

(1) A limited land use decision;

(2) A decision which determines the appropriate zoning classification for a particular use by applying criteria or performance standards defining the uses permitted within the zone, and the determination applies only to land within an urban growth boundary;

(3) A decision which determines final engineering design, construction, operation, maintenance, repair, or preservation of a transportation facility which is otherwise authorized by and consistent with the comprehensive plan and land use regulations; or

(4) An expedited land division.

Person. An individual, corporation, governmental agency, business trust, estate, partnership, association, or any other legal entity.

Petition for Improvement. A petition submitted for construction and improvements as required by this Code.

Physical Features. These features include, but are not limited to, significant clusters of trees and shrubs, watercourses shown on the Water Quality Limited Watercourse Map and their riparian areas, wetlands, and rock outcroppings.

Pipeline. A line of pipe with pumps, valves and control devices for conveying liquid, gasses, or finely divided solids.

Place of worship. A place for people to gather for religious activity. Examples include church, synagogue, mosque, chapel, or meeting house. Includes associated uses as described in SDC 4.7.370. (ORS 227.500)

Plan District. A planning tool that addresses concerns unique to an area when other zoning tools cannot achieve the desired results. An area may be unique based on natural, economic, or historic attributes; be subject to problems from rapid transition in land use; or contain public facilities that require specific land use regulations for their efficient operation. Plan Districts provide a means to modify zoning regulations for specific areas defined in special plans or studies. Each Plan District has its own nontransferable regulations. This contrasts with base zone and overlay zone provisions, which are intended to be applicable in more than one area. However, Plan Districts are not intended for small areas or individual properties.

Planning Commission. The Springfield Planning Commission.

Planted. Landscaping with living plant materials consistent with SDC 4.4.100.

Plat. A map, containing all the descriptions, locations, specifications, dedications, provisions, or other information concerning a subdivision, partition or replat of either.

Plot Plan. A rough sketch map of a site plan or land division of sufficient accuracy to be used for the purpose of the identification of issues and development impacts.

Prefabricated Dwelling. A building or structural unit that has been in whole or substantial part manufactured at an off-site location to be wholly or partially assembled on-site, but does not include a mobile home, trailer, or recreational vehicle. Prefabricated structures are regulated under the State of Oregon Structural Specialty Code.

Preliminary Approval. The approval prior to Final Approval, after specific elements of a development or Site Plan have been approved by the Approval Authority and agreed to by the applicant.

Preliminary Map. A clearly legible drawing of the proposed lay out of the lots/parcels involved in a property line adjustment which provides a basis for the Approval Authority to approve or disapprove the application.

Primary Structure. A structure of chief importance or function on a site. In general, the primary use is carried out in a primary structure. However, in the R-1 District (unless specified elsewhere in this Code), a site may have more than one primary structure. The difference between primary and accessory structure is determined by comparing the size, placement, similarity of design, use of common building materials and the orientation of the structures on the site (See also **Accessory Structure** and **Accessory Dwelling Unit**).

Private Elementary/Middle Schools. A facility operated by a person or private agency offering education in kindergarten and/or grades one through eight or any part thereof not as defined in ORS 345.505 et. seq.

Private Park. A park available for public use owned by a non-public agency or private individual.

Properly Functioning Condition. The state of the physical, chemical, and biological aspects of watershed ecosystems that will sustain healthy salmonid populations. Properly functioning condition generally defines a range of values for several measurable criteria rather than specific, absolute values, including, but not limited to, hydraulic run-off, transport, channel migration, native vegetation succession.

Property line. A line which divides one property from another or from a public or private street or any other public space.

Property Line Adjustment. The relocation of a common property line between two abutting properties.

Public Facilities Plan. A Refinement Plan of the Metro Plan addressing sanitary and storm sewers, water distribution systems and transportation.
Public Hearing. A meeting announced and advertised in advance that is open to the public, with the public given an opportunity to provide testimony.

Public Utility Facility. Structures, facilities, and equipment necessary to serve development by a government, public utility, utility cooperative, or private company.

(1) Low Impact. Telephone and cable telephone lines, poles, junction boxes, exchanges and repeater stations; electric power distribution lines (less than 69 KV) and poles; sanitary sewer pipe lines, pumps or lift stations; storm sewer pipe lines, ditches and other storm-water management or water quality ponds, wetland, or swales; gas distribution pipe lines; water pipe lines, valves, well fields, pump stations and attendant facilities; water reservoirs and water storage tanks less than 300,000 gallons or 30 feet in height, and water treatment facilities, including filtration plants, less than 2.5 million gallon capacity per day.

(2) High Impact. Electric power transmission lines (greater than 69 KV), poles and substations; gas pipe line valve stations; sanitary sewer treatment plants or effluent ponds; water reservoirs and water storage tanks greater than 300,000 gallons or 30 feet in height; water treatment facilities, including filtration plants greater than 2.5 million gallon capacity per day; fire/ambulance stations.

Q

Quarry and Mining Extraction Operation. All or any part of the process of removing mineral deposits exposed by any method, including open-pit mining operations, auger mining operations, shaft mining, the construction of borrow pits, processing of extracted minerals and exploration activities. Expansion of a quarry and mining extraction operation is the enlargement of the operation requiring the modification of the Reclamation Permit specified under ORS 517.790. Quarry mining and extraction operation does not include normal road maintenance and stabilization of hillsides.

Quarry and Mining Operator. Any individual, public, or private corporation, political subdivision, agency, board or department of this State, any municipality, partnership, association, firm, trust, estate, or any other legal entity whatsoever that is engaged in quarry and extraction operations.

Quarry and Mining Owner. The person possessing legal rights to the mineral deposit being mined.

R

Reclamation, quarry or mining. The employment of procedures in a quarry and mining extraction operation designed to minimize as much as practicable the impact the operations have on the environment, and to provide for the rehabilitation of land affected by the operations. Reclamation includes the rehabilitation of plant cover, soil stabilization, water resource protection and other measures appropriate to the subsequent beneficial use of the mined and reclaimed lands.

Reclamation Permit. Permission to operate a quarry and mining extraction operation (to include a plan for reclamation) granted to an operator by the State Department of

Geology and Mineral Industries under the requirements of ORS 517.790, upon referral, review, and approval by the Director.

Recreation Center, Community. A public, indoor facility providing for a variety of recreation/leisure-related activities, for example: swimming, meetings, court sports, arts and crafts, dancing, banquets, parties, games, day-care, classes/instruction, performances, fitness/exercise, and social referral services.

Recreational Marijuana. Any marijuana intended for recreational use which meets all requirements for recreational marijuana contained in this Chapter, Oregon state law, and any other applicable law.

Recreational Vehicle (RV). A vacation trailer or other unit, with or without motive power, which is designed for human occupancy and to be used temporarily for recreational, seasonal, or emergency purposes and has a gross floor space of less than 400 square feet. The term includes camping trailers, camping vehicles, motor homes, park trailers, bus conversions, van conversions, tent trailers, travel trailers, truck campers and any vehicle converted for use or partial use as a recreational vehicle. The unit must be identified as a recreational vehicle by the manufacturer or converter.

Redevelopment. A project that entails construction activities, occurs on a previously developed site and results in the addition or replacement of impervious surface. Redevelopment does not include: Maintenance activities; Construction Activities conducted to ameliorate a public health or safety emergency or natural disaster; and/or Construction Activities within an existing footprint to repair or replace a site or a structure damaged by a public health or safety emergency or natural disaster.

Refinement Plan Diagram. A map contained in a Refinement Plan showing plan designations that are more specific than shown on the Metro Plan Diagram.

Regional Headquarters. A building or portion of a building in which persons are employed in the regional management or direction of a business consisting of a number of divisions or a regional subsidiary of a corporate headquarters. The divisions can be either geographical or located within one building. To be considered a regional headquarters, the business must meet the applicable employee threshold specified elsewhere in this Code. Businesses that do not meet the applicable employee threshold is considered an administrative office.

Regional Park. A large area of natural quality for outdoor recreation for example, swimming, boating, camping, and picnicking, and for wildlife habitat and natural resource conservation. Generally comprising 100 acres or more, where 80 percent of the land is reserved for natural open space and 20 percent is used for recreation development.

Registered or Certified Family Child Care Home. See Definition for Childcare Facility. Also see ORS 329A.

Registered Geologist. A person who is registered as a geologist by the State of Oregon.

Replat, Major. The elimination and/or relocation of more than two exterior and/or interior common boundary lines or *property* lines within a recorded Subdivision; or an increase in the number of lots; or decrease of two or more lots within a recorded Subdivision.

Replat, Minor. The elimination and/or relocation of no more than two exterior and/or interior common boundary lines or *property* lines within a recorded Subdivision or Partition; or a decrease of one lot/parcel within a recorded Subdivision or Partition.

Relocation. A shift or rotation of a common boundary between two abutting lots or parcels.

Research and Development. The study, testing, analysis, and development of products, processes, or services, including the manufacturing of products. This use is divided into categories as follows based upon the number of employees at occupancy: large-scale means 50 or more employees; medium-scale means 20-49 employees; small scale means fewer than 20 employees per business. These thresholds are applicable at the time of new development. In the case of redevelopment, the Director may reduce the at occupancy threshold if the applicant submits a business plan stating that the threshold can be met by a date certain.

Reserve Strip. A strip of property, usually one foot wide, controlling access to a street.

Residential Care Facility. A facility licensed under ORS 443.400 to 443.455 that provides residential care in one or more buildings on contiguous properties:

(1) For six or more socially dependent individuals or individuals with physical disabilities; or

(2) For fewer than six socially dependent individuals or individuals with physical disabilities if the purpose of the facility is to serve individuals with co-occurring behavioral health needs who are more appropriately served in smaller settings.

Residential Home. A home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements must not be counted in the number of facility residents, and need not be related to each other or to any other resident of the residential home. This definition includes residential treatment homes, residential training homes and adult foster homes.

Residential infill. See “Infill, residential”.

Residential use. Of, relating to, or connected with a residence or residences.

Retail Sales. Establishments engaged in selling goods or services to the general public for personal or household consumption. Retail trade may include wholesale trade, but only as a secondary use.

Retaining Wall. An engineered structure constructed to hold back or support an earthen bank.

Review Authority. See “Approval Authority.”

Right-of-Way. Land acquired by purchase, reservation, dedication, forced dedication, prescription or condemnation intended to be occupied by a street, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water *line*, sanitary/storm sewer and other similar facilities.

Riparian Area. Riparian areas are vegetated areas (generally consisting of trees, shrubs, and grasses) located along the side of a water body and are transitional boundaries between land and water environments. Riparian zones act as buffers to protect surface waters from contamination and are habitats for a large variety of animals and birds.

Riparian Area Functions. These functions include, but are not limited to, maintaining temperature; maintaining channel stability; providing flood storage; providing groundwater recharge; removing sediments; reducing contaminants, for example, excess nutrients, oils and grease, metals, and fecal coliform; moderating stormwater flows; and providing fish and wildlife habitat. Degraded riparian function means that one or more of the functions listed above are at risk.

Roadway. The portion of a street right-of-way used for vehicular traffic.

Run-Off. Water that flows across land surfaces rather than being absorbed.

S

Safe Drinking Water Act (SDWA). A federal law established in 1974, to protect drinking water and its sources (rivers, lakes, reservoirs, springs, and ground water) and sets standards for drinking water quality and oversees the states, localities, and water suppliers who implement those standards.

School. A building where individuals gather to receive educational instruction, either public or private, except as otherwise specifically defined in this Code. School does not include a childcare facility as defined in this Chapter.

Screen. A visual barrier obscuring an abutting or neighboring structure or use by fencing, walls, berms, or densely planted vegetation.

Service Station. An establishment selling fuel and oil for vehicles which may include the following additional services: selling, servicing, and installing tires, batteries, accessories, and related products; furnishing minor repair and service when conducted entirely within an enclosed building, and at which incidental services are conducted. “Minor repair and service,” as used in this definition, is understood to exclude activities such as painting, bodywork, steam cleaning, tire recapping, and engine overhaul.

Setback. An area where buildings and certain structures cannot be constructed, measured from the property line. A setback may be referred to as “yard”, as defined in this section, including “yard, front”, “yard, rear”, and “yard, side”. This definition does not include solar setback.

Shared Use Path. A bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent right-of-way. Shared use paths may also be used by pedestrians, skaters, wheelchair users, joggers, and other non-motorized users.

Shopping Center. A group of commercial establishments planned, developed, and managed as a unit with off-street parking and circulation provided on the property.

Short Term Rental, Type 1. – A single unit dwelling occupied by one or more occupants as a primary residence, and where lodging is provided for compensation, with or without meals, for a period of less than 30 consecutive calendar days, counting portions of calendar days as full days, for more than seven calendar days per year.

Short Term Rental, Type 2. – A single unit dwelling, not occupied as a primary residence, arranged or used for lodging for compensation, with or without meals, for a period of less than 30 consecutive calendar days, counting portions of calendar days as full days, for more than seven calendar days per year.

Sidewalk. The portion of a street or highway right-of-way designated for preferential or exclusive use by pedestrians.

Single-unit Dwelling, Attached. See “Townhome.”

Single-unit Dwelling, Detached (SD-D). One dwelling unit on its own lot or parcel that does not share a wall with any other dwelling unit, other than an accessory dwelling unit.

Single Room Occupancy (SRO’s). A residential property that contains multiple single room dwelling units where each unit is for occupancy by a single eligible individual. The unit need not, but may, contain food preparation or sanitary facilities, or both.
Site Plan. The development plan for a development area that meets the standards of this Code.

Siting Standard. A standard related to the position, bulk, scale, or form of a structure or a standard that makes land suitable for development. Siting standards include, but are not limited to, standards that regulate setbacks, dimensions, bulk, scale coverage, minimum and maximum parking requirements, utilities, and public facilities.

Slope. An inclined ground surface, the inclination of which is expressed as percent of horizontal distance to vertical distance.

Small Engine Repair. Maintenance and repair of household and non-automotive engines less than 100 cubic centimeters (cc’s) in displacement.

Springfield Municipal Code. Springfield Municipal Code, 1997 and any amendment thereto.

Standard. A measure of physical attributes and/or policy conformance which must be satisfied in order to allow a proposed land use or development to be established or modified.

Standard Construction Specifications. Standards governing the construction of all public improvements within the City, adopted by the Council, dated 1981, and as may be amended.

Start of Construction. Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, for example, the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, including clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundation, or the erection of temporary forms; nor does it include the installation on the *property* of accessory buildings, for example garages or sheds not occupied as dwelling units or not part of the main structure.

State. The State of Oregon.

Stormwater. Water derived from a storm event or conveyed through a storm sewer water management system.

Stormwater Best Management Practices (BMPs).

(1) **Nonstructural**. Strategies implemented to control stormwater run-off that focus on pollution prevention, including, but not limited to, alternative site design, zoning and ordinances, education, and good housekeeping measures.

(2) **Structural**. Engineered devices implemented to control, treat, or prevent stormwater run-off pollution.

Stormwater Management Plan. A policy document adopted and, as modified from time to time, approved by resolution of the City Council setting forth the policies and procedures to be used in reviewing development proposals that alter or affect the natural, pre-development flow of stormwater. These policies and procedures are to be applied to public and private improvements and allow City staff to provide certainty to developers and consultants to permit them to design and submit for approval safe, efficient, and cost effective stormwater management system projects within the City and its Urban Growth Boundary.

Stormwater Management System. The structures, facilities, and practices utilized by the City and/or a development to control and manage the quantity and quality of groundwater discharges and surface water run-off, including stormwater run-off, non-storm generated run-off and floodwaters.

Street. Any roadway and associated right-of-way that provides access to one or more lots/parcels and that is a part of the city-wide street system.

Street, Improved. A street that includes a fully paved surface, curb, gutter, storm drainage, sidewalk, street trees (where applicable) and street lighting, all constructed to City standards.

Street, Private. Any roadway and associated land that is functionally similar to a public street, constructed to City standards, but not dedicated to the City.

Street, Unimproved. A street that lacks any of the features of an improved street.

Strip Commercial. Commercial development set in a linear pattern along one or both sides of a street.

Structure. Anything constructed or built, any edifice or building or any kind or any piece of work artificially built up or composed of parts joined together in some definite manner.

Structure, Parking. A parking garage located aboveground or underground consisting of two or more levels.

Structure, Primary. A structure, or combination of structures, of chief importance or function on a site. In general, the primary use is carried out in a primary structure. A site may have more than one primary structure. The difference between primary and accessory structure is determined by comparing the size, placement, similarity of design, use of common building materials, and the orientation of the structures on the site. (See also **Accessory Structure** and **Accessory Dwelling Unit**.)

Subdivide Land. To divide an area or tract of land into four or more lots when the area or tract of land exists as a unit or contiguous units of land under single ownership at the time of subdivision.

Subdivision. Either an act of subdividing land, or an area or tract of land subdivided as defined in this Section.

Subdivision Plat. A final map and other writing containing all the descriptions, locations, dedications, provisions, and information concerning a subdivision.

Survey. The location of the legal boundaries of an area and the division of that area into lots or parcels, streets and other features with all necessary corners or dividing lines marked or monumented, prepared by a surveyor in accordance with State law.

Surveyor. A professional land surveyor registered in the State of Oregon.

T

Tentative Plan. A clearly legible drawing of the lots or parcels and other elements of a partition or subdivision which provides a basis for the approval authority to approve or disapprove the general layout of the development.

Time of Travel Zone (TOTZ). The area mapped pursuant to Oregon Health Division Delineation Certification #002R which identifies the time it takes groundwater to flow to a given well or wellhead.

Top of Bank. For a given watercourse, the top of bank is the same as the “bankfull stage.” The “bankfull stage” is defined as the stage or elevation at which water overflows the natural banks of streams or other waters of the State and begins to inundate the upland. The ground elevations on both sides of the watercourse are examined and the

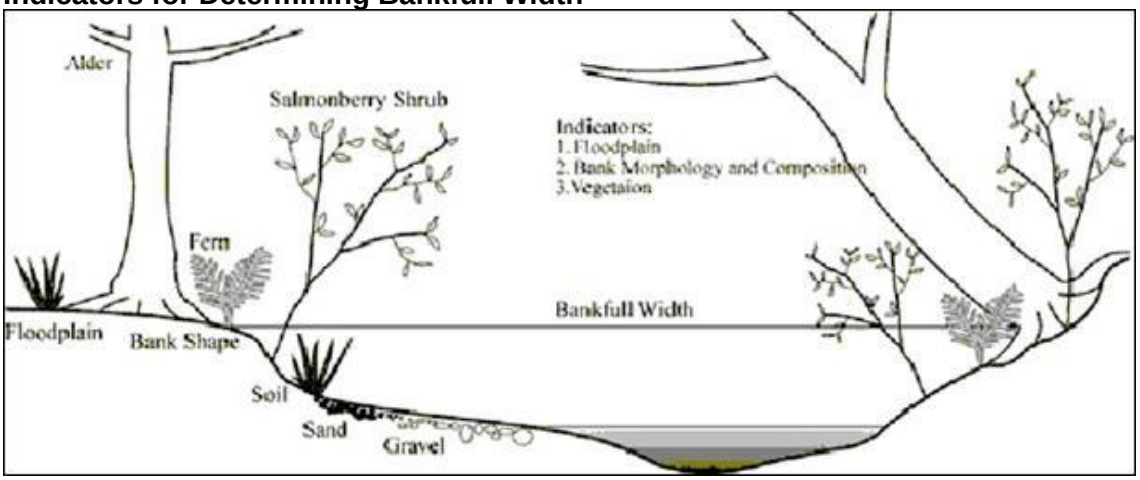
lower grade break elevation; the elevation where water would leave the channel in a particular reach is used. The elevation of the lower bank controls the bank full elevation for a watercourse reach. The edge of the bankfull watercourse typically corresponds to the start of the floodplain. The start of the floodplain is often characterized by:

(1) A berm or other break in slope from the watercourse bank to a flat valley bottom, terrace or bench;

(2) A change in vegetation from bare surfaces or annual water-tolerant species to perennial water-tolerant or upland species; and

(3) A change in the size distribution of surface sediments (e.g., gravel to fine sand) (Figure 6.1-D).

Figure 6.1-D.
Indicators for Determining Bankfull Width



In the absence of physical evidence, the 2-year recurrence interval flood elevation may be used to approximate the bankfull stage.

Townhouse (Townhome). A dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit. A townhouse is also commonly called a rowhouse, attached house, or common wall house.

Townhouse Project. One or more townhouse structures constructed, or proposed to be constructed, together with the development area where the land has been divided, or is proposed to be divided, to reflect the Townhouse property lines and any commonly owned property.

Traffic Impact Study. An analysis of the effects of a proposed development on the transportation system, and of traffic impacts on neighboring properties.

Traffic Study. A limited analysis of the operational aspects and traffic safety issues of a particular development area, including, but not limited to, on-site traffic circulation and access design and operation.

Triplex. Three dwelling units on one lot or parcel. Units may be attached vertically or horizontally or detached.

U

Urban Growth Boundary. A site-specific *line* that separates urban or urbanizable land from rural land and which appears on the Metro Plan Diagram.

Urban Land. Land which is located within an incorporated City.

Urbanizable Land. All land outside the city limits but inside the Urban Growth boundary.

Use. The purpose for which land and structures are arranged, designed, intended, occupied, or maintained. Any activity taking place on land or in or on structures.

Use, Accessory. A use or uses within a primary commercial, office and/or employment building that is for the employees' benefit and that does not generally serve the public, including, but not limited to, building maintenance facilities, central mail rooms, child care, conference rooms, employee restaurants and cafeterias, indoor recreation areas, and indoor recycling collection centers. The accessory use is not considered a secondary use and does not have to meet any percentage standard; however, the accessory use must be part of a primary use building.

Use/Activity, Water-Dependent. A use or activity that requires access to the Willamette River for water-borne transportation, recreation, energy production, or source of water.

Use/Activity, Water-Oriented. A use or activity whose attraction to the public is enhanced by a view of or access to the Willamette River.

Use/Activity, Water-Related. A use or activity that is not directly dependent upon access to the Willamette River, but which provides goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to the river, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or activities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and mobile home parks are not generally considered dependent on or related to water location needs.

Use Category. A grouping of land uses which have similar operating characteristics and land use impacts.

Use, Nonconforming. The use of land or structures, or the size, height, location or number of structure, formerly permitted or otherwise lawful, but which currently does not comply with existing standards or provisions of this Code.

Use, Permitted. Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Use, Primary. An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed, or ordinarily used. A site may have more than one primary use. The primary use usually occupies more than 50 percent of the gross floor area of a building or more than 50

percent of a development area. Tree removal and timber harvesting are not primary uses within the Urban Growth Boundary.

Use, Re-Use. Any change in use, tenancy, or occupancy of a building.

Use, Secondary. Any approved use of land or a structure that is incidental and subordinate to the primary use, and located in the same building or in the same development area as the primary use. No secondary use can occupy more than 50 percent of the gross floor area of a building or more than 50 percent of a development area occupied by the primary use. Secondary uses must not occur in the absence of primary uses. Secondary uses are not accessory uses.

Use, Special. Any use of land or a structure which due to its operating characteristics or land use impact is permitted under prescribed conditions in the applicable zoning district.

Use, Temporary. A use established for a fixed period of time that does not involve the construction or alteration of any permanent structure.

Use, Water Dependent. A use that requires access to the Willamette River for water-borne transportation, recreation, energy production, or source of water.

Use, Water Related. A use that is not directly dependent upon access to the Willamette River, but which clearly benefits from the access.

Utility Provider. Any agency or private company which provides the public with electricity, gas, heat, steam, communications, rail transportation, water, sewage collection, or other similar service.

V

Variance. An exception to a requirement of this Code. This definition does not include use variances; a variance cannot be used in lieu of a zone change.

Vision Clearance Area. A portion of land established at street, alley, or driveway intersections in which nothing may obstruct the sight distance of motorists entering or leaving the intersection, unless specifically exempted by this Code.

W

Walkable Distance. The shortest distance as measured along a straight line between a point along the perimeter of the development site and a point along the property line of the destination.

Warehousing. The storage of finished and unfinished products and materials within an entirely enclosed building. This use may include facilities for regional wholesale distribution, if permitted by the applicable land use district.

Watercourse. Rivers, streams, sloughs, drainages including intermittent stream and seeps, ponds, lakes, aquifers, wetlands, and other waters of the State. This definition also includes any channel in which a flow of water occurs, either continuously or intermittently, and if the latter with some degree of regularity. Watercourses may be either natural or artificial. Specific watercourses that are protected by this Code are those shown on the water quality Limited Watercourse Map.

Water Quality Limited Watercourses (WQLW). Those watercourses within the City and its urbanizing area that are specified on the WQLW Map.

Waters of the State. These waters include lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon, and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (excluding those private waters which do not combine or effect a junction with natural surface or underground waters), which are wholly or potentially within or bordering the State or within its jurisdiction.

Wellhead Protection. Implementation of strategies within a wellhead protection area to minimize the potential impact of containment sources on the quality of groundwater used as a drinking water source by a public water system.

Wellhead Protection Area. A Drinking Water Protection Area for a groundwater-supplied drinking water source.

Wellness Center. A facility, owned by a public agency, operated by a public or non-public agency or private individual or firm, offering wellness-related health services and/or treatment to the public, including, but not limited to, diabetes and health education classes, physical, speech and occupational therapy, and fitness and nutrition services, but excluding alcohol and drug rehabilitation facilities other than prevention education.

Wet bar. An area, other than a kitchen, that contains a sink with a maximum size of 18 inches by 18 inches. The maximum size of the trap arm and drain for the wet bar sink must not exceed one and one-half inches. The area is not a wet bar if any of the following is also present: a sink larger than 18 inches; a 220-volt electrical outlet; a gas or propane service line; a dishwashing machine; a range hood, exhaust vent, or similar equipment; or a stove, range, or oven.

Wetlands. Areas inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances to support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, and similar areas excluding those constructed as water quality or quantity control facilities.

Wheel Stop. A permanent and secured device in each parking stall which blocks the front wheels of a vehicle.

Wholesale Trade. Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, the individuals or companies. Wholesale trade may include retail trade as a secondary use when wholesale trade is the primary use. Wholesale trade does not include storage and sale of bulk fuel oil, bulk fuel, explosives or other hazardous material, or live animal sales other than small domestic pets when the sales are made from the premises. Wholesale trade by brokerage only, with no display or storage of merchandise on the premises, is considered a Business Office use.

Windthrow. Trees felled by wind.

Wooded Lot/Parcel. A lot/parcel or parcel 10,000 square feet or larger, above 670 feet in elevation, which contains more than 5 trees 8 inches or greater dbh.

Working Day. Monday through Friday, exclusive of official City holidays.

Wrecking Yard/Salvage Yard. Any lot/parcel or structure used for the storage, dismantling or sale of inoperable motor vehicles, trailers, machinery and/or building materials or parts.

Y

Yard. For the purpose of establishing setbacks, yard is an open space on a lot which is unobstructed from the ground upward, not including up to 18" eves, and except as otherwise provided in this code.

Yard, front. An open space extending the full width of the lot between the front facade of a building or the front of an unenclosed porch and the front lot line, unoccupied and unobstructed from the ground upward, not including up to 18" eves, and except as specified elsewhere in this code.

Yard, rear. An open space extending the full width of the lot between the rear facade of a building and the rear lot line, unoccupied and unobstructed from the ground upward , not including up to 18" eves, and except as specified elsewhere in this code.

Yard, side. An open space extending from the front yard to the rear yard between the side facade of a building and the nearest side lot line, unoccupied and unobstructed from the ground upward, not including up to 18" eves, and except as specified elsewhere in this code.

Yard, through-Lot/Parcel Rear Yard: The first 10 feet of land paralleling street right-of-way this is parallel to and most distant from the front yard *property* boundary used for address purposes.

Yard, Street Side Yard: The first 10 feet of land paralleling street right-of-way, which intersects the front yard *property* boundary.

Youth Hostel. Any building designed or intended to provide temporary accommodations for traveling young people.

Z

Zoning District. A specifically delineated area or district within the Urban Growth Boundary that implements the Metro Plan within which the use of land is regulated and development standards are applied.

3.2.300 – Commercial Districts

Subsections:

3.2.305 Purpose and Applicability
3.2.310 Use Category Determination
3.2.315 Commercial Use Categories
3.2.320 Permitted Uses
3.2.325 Development Standards

3.2.305 Purpose and Applicability

(A) Purpose. The purpose of the Commercial Districts is to:

(1) Broaden, improve, and diversity the Springfield economy while maintaining or enhancing environmental quality and Springfield's natural heritage.
(2) Strengthen and maintain strong, connected employment centers and economic corridors to support small, medium, and large businesses.
(3) Establish, strengthen, and maintain viable commercial centers to improve the community's access to goods and services.
(4) Make development decisions predictable and cost effective.

(B) Applicability. The provisions in this section apply to development in the Neighborhood Commercial (NC), Community Commercial (CC), Major Retail Commercial (MRC), and the General Office (GO) Districts. These districts are identified on the City's official Zoning Map. Properties designated within each district that contain additional standards must comply with the provisions of the applicable district, except as may be modified by this section. The districts serve different uses as described below.

Land Use District	Location and Characteristics
Neighborhood Commercial (NC)	This district is intended to provide opportunities for sites to provide day to day commercial needs.
Community Commercial (CC)	This district is intended to provide opportunities for sites to provide for a wide range of retail sales, retail service, and professional office uses. This district is intended to include all existing strip commercial areas.
Major Retail Commercial (MRC)	This district is intended to provide opportunities for sites suitable for shopping centers.
General Office (GO)	This district is intended to provide opportunities for office uses as a transition, providing a buffer between residential districts and more intensive commercial development at the boundaries of a Community Commercial or Major Retail Commercial district.

3.2.310 Use Category Determination

(A) For the purpose of this Section 3.2.300, uses and activities are classified into use categories on the basis of common functional, product, or physical characteristics, as described below.

(1) Determination. Uses are assigned to the category whose description most closely describes the nature of the primary use. Developments may have more than one primary use. Developments may also have one or more accessory uses.

When a use's category is not clearly identifiable, the Director determines the applicable use category through a Type 2 approval process. The Director will consider the following factors to determine what use category the use is in, and whether the activities constitute primary uses or accessory uses:

(a) The description of the activity in relationship to the characteristics of each use category;
(b) The relative amount of site or floor space and equipment devoted to the activity;
(c) Relative amounts of sales from each activity;
(d) The customer type for each activity;
(e) The relative number of employees in each activity;
(f) Hours of operation;
(g) Building and site arrangement;
(h) Vehicles used with the activities;
(i) The relative number of vehicle trips generated by the activities;
(j) The signage for the proposed use(s) and activities;
(k) How the use advertises itself; and
(l) Whether the activities function independently of other activities on the site.

(2) Multiple uses. When all of the primary uses of a development fall within one use category, then the development is assigned to that use category. When the primary uses of a development fall within different use categories, each primary use is classified in the applicable category and is subject to the regulations for that category.

(3) Determination of Similar Land Use. Subject to prior submittal and approval of an application pursuant to Type 2 procedures, uses and development similar to uses and development in Table 3.3.320 may be allowed if found by the Director to be "clearly similar" to the uses and development allowed by Table 3.3.320. The applicant has the burden to provide sufficient information to allow the Director to make findings on the following criteria.

The Director must make findings that the proposed use is "clearly similar" based on the following criteria:

(a) The use and development are consistent with the purpose of this section.

(b) When compared with the uses and development permitted by Table 3.2.420, the use and development are similar to one or more of these uses and development based on an analysis of the:

(i) Goods or services traded from the site;
(ii) Bulk, size, and operating characteristics of the proposed use and development; and
(iii) Parking demand, customer types and traffic generation.

(c) The use and development comply with the other applicable provisions of this Section.

Similar use determinations that are not “clearly similar” because they do not meet the standards above, must be made in conformance with the procedures in Springfield Development Code 5.11.100, Interpretations.

3.2.315 Commercial Use Categories

(A) Retail Sales and Service

The code provides for three types of Retail Sales and Service uses. The three types include automobile dependent uses; automobile oriented uses; and non-automobile dependent or oriented uses. The distinctions are specified below.

(1) Automobile-dependent use. Uses where automobiles and/or other motor vehicles are served by the use and the use would not exist without them, such as vehicle repair, gas station, car wash, or auto and truck sales.

(2) Automobile-oriented use. Uses where automobiles and/or other motor vehicles are an integral part of the use, such as drive-up, drive-in, and drive-through facilities.

(3) Non-automobile dependent or oriented use. Retail Sales and Service uses that do not qualify as automobile dependent or automobile oriented.

(B) Eating and Drinking Establishment

(1) Eating and Drinking Establishment uses include but are not limited to: restaurants, cafes, and similar types of land uses that prepare and serve edible goods for consumption by the customer including beverage service.

(C) Offices and Clinics

(1) Office and clinic uses include but are not limited to: a wide range of business and professional offices; and medical clinics and offices. Examples of these uses include doctor, dentist, chiropractor, optometrist, research, processing, and laboratory facilities.

(D) Warehouse and Wholesale sales

(1) Warehouse and Wholesale sales uses include the wholesale storage or movement of goods by a company for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. Wholesale Sales refers to the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer.

(2) Examples of Warehouse and Wholesale sales uses include but are not limited to: regional distribution headquarters including storage, wholesale warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; wholesale distribution centers; truck/ freight terminals; bus barns; parcel delivery services; major post offices; grain terminals; and the stockpiling of sand, gravel, or other aggregate materials. Additionally, wholesale sales includes sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, building hardware, and office supplies.

(3) Exceptions

(a) Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.
(b) Uses that engage primarily in sales to the general public are classified as Retail Sales and Service.
(c) Uses that engage in sales on a membership basis are classified as Retail Sales and Service.

(E) Secondary Use

(1) Secondary Use means a use that is integrated with the primary use, is not stand alone, and is not permitted in the absence of a primary use.

(F) Accessory Use

(1) Accessory Use means a use that is subordinate to the primary use.

3.2.320 Permitted Uses

(A) The land uses listed in Table 3.2.320 are permitted in each of the applicable districts, subject to Site Plan Review approval and the provisions of this section.

Table 3.2.320 Permitted Uses					
Land Use	Commercial District				Special Use Standards
	NC	CC	MRC	GO	
Commercial					
Retail Sales and Service (non-automobile dependent/oriented)	P*	P	P	P*	SDC 4.7.230 and 4.7.235
Retail Sales and Service (automobile dependent)	N	P*	P*	N	SDC 4.7.115
Retail Sales and Service (automobile oriented)	N	P*	P*	N	SDC 4.7.115
Marijuana Business: marijuana retail outlet (recreational or medical)	N	P*	P*	N	SDC 4.7.177
Recreation Facilities	P*	P*	P*	N	SDC 4.7.205

Table 3.2.320 Permitted Uses					
Land Use	Commercial District				Special Use Standards
	NC	CC	MRC	GO	
Eating and Drinking Establishments (with drive-through)	P	P	P	N	
Eating and Drinking Establishments (without drive-through)	P	P	P	P*	SDC 4.7.145
Offices and Clinics	P	P	P	P	
Animal hospital, animal clinic, or kennel	N	P*	N	N	SDC 4.7.110
Garden Supply or Feed Store	N	P	P*	N	SDC 4.7.150
Manufactured unit as a temporary construction office, security quarters, or general office.	P*	P*	P*	P*	SDC 4.7.185 4.8.110, and 4.8.120
Manufactured home as a manufactured home sales office	P*	P*	P*	N	SDC. 4.8.115
Lodging					
Hotels and motels	N	P	P	N	
Short Term Rentals (Type 1 and 2)	P*	P*	N	N	SDC 4.7.355
Hostel	P	P	N	N	
Emergency housing	N	P	N	N	
RV park	N	P*	N	N	SDC 4.7.220
Industrial					
Manufacture or assembly of goods or products to be sold on premises	N	P*	N	N	SDC 4.7.145
Warehouse and Wholesale sales	N	P*	N	N	SDC 4.7.245
Residential					
Residential uses in areas designated Mixed Use in: the Metro Plan; a Refinement plan; or in Mixed Use district in this code.	P*	P*	P	N	SDC 4.7.210
Family Child Care Home	P*	P*	P*	P*	SDC 4.7.405
Child Care Center	P	P	P	P	
Transportation Facilities					
Dock, boat ramp, and marinas	N	D	N	N	
Heliport or helistop	N	P*	P*	N	SDC 4.7.240
Transit Station	N	P*	P*	N	SDC 4.7.240
Linear Park	P	P	P	P	
Bicycle paths and pedestrian trails	P	P	P	P	
Other					
Secondary Use (as defined)	P	D	D	P*	SDC 4.7.145
Accessory Use (as defined)	P	P	P	P	
Agricultural cultivation of vacant land	N	P	P	N	

Table 3.2.320 Permitted Uses					
Land Use	Commercial District				Special Use Standards
	NC	CC	MRC	GO	
Public and Institutional					
Private/Public Elementary and Middle Schools	D*	D*	N	N	SDC 4.7.195 and 5.9.110
Branch educational facilities	P	P	P	N	
Place of worship	P*	P*	P*	P*	SDC 4.7.370
Family Child Care Home (not subject to Site Plan Review)	P*	P*	P*	P*	SDC 4.7.405
Child Care Center	P*	P*	P*	P*	SDC 4.7.125
Club (see definition 6.1.110)	P	P	P	N	
Hospital	P	P	P	N	
Community Service; includes Governmental Offices	P	P	P	P	
High impact public utility facilities	P*	P*	P*	P*	SDC 4.7.160
Low impact public utility facilities	P	P	P	P	
Communication towers, including antennas and relay equipment	N	D	D	N	
Wireless Telecommuncations System (WTS) Facilities	See SDC 4.3.145	See SDC 4.3.145	See SDC 4.3.145	See SDC 4.3.145	SDC 4.3.145

P = Permitted Use; D = Discretionary Use permit required; N = Not Allowed;
***Permitted subject to Standards and Regulations for Certain Uses.**

3.2.325 Development Standards

In addition to applicable provisions contained elsewhere in this code, the development standards listed in this section apply to all development in commercial districts. In cases of conflicts in this section between the general standards and the area-specific standards, the area-specific standards apply.

(A) Lot Area, Dimensions, and Coverage

The following Table 3.2.325 sets forth the commercial district lot area, lot dimension, and coverage standards.

Table 3.2.325(A) Commercial District Lot Area, Dimension, and Coverage Standards				
Development Standard	**NC**	**CC**	**MRC**	**GO**
Minimum lot/parcel size	6,000 square feet	6,000 square feet	6,000 square feet	6,000 square feet
Individual lease space size.	15,000 square feet maximum	N/A	N/A	N/A

Table 3.2.325(A) Commercial District Lot Area, Dimension, and Coverage Standards				
Development Standard	**NC**	**CC**	**MRC**	**GO**
Minimum frontage, see (1) below	50 feet	50 feet	50 feet	50 feet
Panhandle lot/parcel minimum frontage, both single and double panhandles	Not permitted	40 feet	Not permitted	Not permitted
Maximum lot/parcel coverage	35 percent	Limited only by requirements of other Sections of this Code		
Minimum landscaping	Perimeter and interior landscaping area combined coverage must not be less than 20% of the total development area.	Minimum landscaping area established by standards in other sections of this code.		
Maximum parking, loading, and vehicular circulation area coverage	45 percent	Lot/parcel coverage established by standards in other sections of this code.		

(1) The frontage standard does not apply when the following are met:

(a) The lots/parcels have been approved as part of a Master Plan, Site Plan, Subdivision, or Partition application; and

(b) Access has been guaranteed via a private street or driveway by an irrevocable joint use/access agreement as specified in Section 4.2.120(A).

(B) Setbacks

Setbacks provide separation between commercial and non-commercial uses for fire protection/security, building maintenance, sunlight and air circulation, noise buffering, and visual separation. All developments must meet applicable fire and building code standards, which may require greater setbacks than those listed in this section (e.g., for combustible materials, etc.).

Required setbacks are measured from the special street setback in Section 4.2.105(N), where applicable.

The following setback standards apply to all structures, except as otherwise provided by this section.

(1) Building setback

(a) All commercial districts (NC, CC, MRC, and GO).

(i) The minimum building setback is 10 feet.

(2) Parking, driveway, or outdoor storage setback

(a) Neighborhood Commercial. The minimum yard setback for parking, driveway, or outdoor storage is 7 feet from any property line.

(b) Other commercial districts (CC, MRC, and GO). The minimum yard setback for parking, driveway, or outdoor storage is 5 feet from any property line.

(3) Setback Exceptions

(a) There are no setbacks required for buildings in the Downtown Exception Area.

(b) Architectural extensions may extend into any 5-foot or larger setback by no more than 2 feet.

Table 3.2.325(B) summarizes the above setback standards, subject to the exceptions above.

Table 3.2.325(B) Setback Standards

Development Standard	NC	CC	MRC	GO
Setback for building	10 feet	10 feet	10 feet	10 feet
Setback for parking, driveway, or outdoor storage	7 feet	5 feet	5 feet	5 feet

(C) Height

(1) The following building height standards are intended to promote land use compatibility and flexibility for commercial development at an appropriate community scale.

(a) Buildings and structures in the Neighborhood Commercial District are limited to the maximum height of 20 feet.

(b) Buildings and structures in the Community Commercial, Major Retail Commercial, and General Office Districts have no maximum height, except when abutting a residential district. When abutting a residential district the following height standards apply:

The height of a structure must not exceed the height permitted in the adjacent R-1or R-2 residential land use district for a distance of 50 feet. For the adjacent R-1 zone the applicable height limit is 35’ and R-2 zone the applicable height limit is 50’.

(2) Incidental equipment, as defined in SDC 6.1.110 may exceed the height standard.

Table 3.2.325(C) summarizes the above height standards.

Table 3.2.325(C) Height Standards				
Development Standard	**NC**	**CC**	**MRC**	**GO**
Maximum Height	20 feet	No Maximum Height, except when abutting residential districts. When directly abutting an R-1 or R-2 district, the height of a structure must not exceed the height permitted in the adjacent R-1 or R-2 residential land use district for a distance of 50 feet from the property line.		

3.2.400 – Industrial Districts

Subsections:

3.2.405 Purpose and Applicability
3.2.410 Categorizing Land Uses
3.2.415 Industrial Use Categories
3.2.420 Permitted Uses
3.2.425 Development Standards
3.2.430 Campus Industrial District – Operational Performance Standards
3.2.435 Campus Industrial District – Monitoring Uses
3.2.440 Campus Industrial District – Status of Existing Uses
3.2.445 Campus Industrial District – Conceptual Development Plans and Master Plans
3.2.450 Campus Industrial District – Design Standards
3.2.455 Business/Industrial Parks

3.2.405 Purpose and Applicability

(A) Purpose. The purpose of the Industrial Districts is to:

(1) Broaden, improve, and diversify the Springfield economy while maintaining or enhancing environmental quality and Springfield's natural heritage.
(2) Provide certainty, predictability, and flexibility in the development of industrial development.
(3) Make development decisions predictable and cost effective.

(B) Applicability. This section applies to development in the Campus Industrial (CI), Light Medium Industrial (LMI), Heavy Industrial (HI), and the Special Heavy Industrial (SHI) Districts. These districts are identified on the City's official Zoning Map. Properties designated within each district that contain additional standards must comply with the provisions of the applicable district, except as may be modified by this section. The districts serve different uses as described below.

District	Location and Characteristics
Campus Industrial (CI)	This district is intended to provide opportunities for diversification of the local economy by offering prime sites in a campus environment for large-scale light manufacturing firms and research and development complexes emphasizing modern technology and employing skilled workers in family wage jobs. The term "campus" includes innovative building designs, enhanced landscapes, large open spaces, and substantial pedestrian amenities.
Light-Medium Industrial (LMI)	This district is intended to provide opportunities for the secondary processing of materials into components, the assembly of components into finished products, transportation, communication and utilities, wholesaling, and warehousing. The external impact from these uses is generally less than Heavy Industrial, and transportation needs are often met by truck.

	Activities are generally located indoors, although there may be some outdoor storage. This designation also can accommodate supporting offices and Campus industrial uses.
Heavy Industrial (HI)	This district is intended to provide opportunities for the processing of large volumes of raw materials into refined materials and/or that have significant external impacts. Heavy Industrial transportation needs often include rail and truck. Less intensive industrial uses that are permitted in the LMI District are also permitted in this district.
Special Heavy Industrial (SHI)	This district is intended to provide opportunities to accommodate industrial developments that need large parcels, particularly those with rail access. Although the primary purpose of this district is to provide sites for heavy industries other industry is allowed.

3.2.410 Use Category Determination

(A) For the purpose of Section 3.2.400, uses and activities are classified into use categories on the basis of common functional, product, or physical characteristics, as described below.

(1) **Determination of Use Category.** Uses are assigned to the category whose description most closely describes the nature of the primary use. Developments may have more than one primary use. Developments may also have one or more accessory uses.

When a use's category is not clearly identifiable, the Director, through an administrative action, determines the applicable use category. The Director will consider the following factors to determine what use category the use is in, and whether the activities constitute primary uses or accessory uses:

- **(a)** The description of the activity in relationship to the characteristics of each use category;
- **(b)** The relative amount of site or floor space and equipment devoted to the activity;
- **(c)** Relative amounts of sales from each activity;
- **(d)** The customer type for each activity;
- **(e)** The relative number of employees in each activity;
- **(f)** Hours of operation;
- **(g)** Building and site arrangement;
- **(h)** Vehicles used with the activities;
- **(i)** The relative number of vehicle trips generated by the activities;
- **(j)** The signage for the proposed use(s) and activities;
- **(k)** How the use advertises itself; and
- **(l)** Whether the activities function independently of other activities on the site.

(2) **Multiple uses.** When all of the primary uses of a development fall within one use category, then the development is assigned to that use category. When the primary

uses of a development fall within different use categories, each primary use is classified in the applicable category and is subject to the regulations for that category.

(3) Determination of Similar Use Category. Subject to prior submittal and approval of an application pursuant to Type 2 procedures, uses and development similar to those found in Table 3.2.420 may be allowed if found by the Director to be "clearly similar" to the uses and development allowed by Table 3.2.420. The applicant has the burden to provide sufficient information to allow the Director to make findings on the following criteria.

The Director must make findings that the proposed use is "clearly similar" based on the following criteria:

(a) The use and development are consistent with the purpose of this section.

(b) When compared with the uses and development permitted by Table 3.2.420, the use and development are similar to one or more of these uses and development based on an analysis of the:
- **(i)** Goods or services traded from the site;
- **(ii)** Bulk, size, and operating characteristics of the proposed use and development; and
- **(iii)** Parking demand, customer types, and traffic generation; and

(c) The use and development comply with the other applicable provisions of this Section.

Uses that are not "clearly similar" because they do not meet the standards above, may be allowed as a new use, according to the procedures and standards in section 5.11.100, Interpretations.

3.2.415 Industrial Use Categories

(A) Industrial Use – employment activities, including, but not limited to the use of land primarily for the manufacture, assembly, fabrication, processing, storage, logistics, warehousing, importation, distribution and transshipment, and research and development, that generate income from the production, processing, handling or distribution of goods and services, including goods and services in the traded sector as defined by ORS 285A.010.

(B) Heavy Manufacturing and Production

(1) "Heavy Manufacturing and Production" refers to the manufacturing from raw materials, processing from raw materials, or assembly of goods. Natural, human-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.

(2) Examples of Heavy Manufacturing and Production uses include but are not limited to: lumber mills, pulp and paper mills, and other wood products manufacturing; manufacturing and processing of metals or metal products including enameling and galvanizing; biotechnology; manufacturing or processing of chemical, rubber, leather, clay, bone, plastic, stone, concrete, glass materials, or related products; manufacturing or production of food and beverage or related products; manufacturing of textiles or apparel; woodworking, including cabinet makers; the production of energy; and paper products or other similar materials manufacturing or processing.

(3) Exceptions

(a) Manufacturing of goods to be sold primarily on-site and to the general public is classified as Retail Sales and Service as found in section 3.2.300.
(b) Manufacture and production of goods from composting organic material is classified as Waste-Related uses.

(C) Light Manufacturing, Fabrication, and Repair

(1) “Light Manufacturing, Fabrication, and Repair” refers to the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, human-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.

(2) Examples of Light Manufacturing, Fabrication, and Repair uses include but are not limited to: manufacturing, fabrication, or repair of appliances, electronic equipment, furniture, signs, and similar goods; fabrication of metal or metal products; manufacturing, assembly, or repair of machinery, equipment, instruments, biotechnology; manufacturing of apparel or other finished goods made from canvas, cloth, fabrics, feathers, felt, leather, textiles, wool, yarn, or similar materials; finished woodworking and assembly, including cabinet makers; preparation of food and related products including catering establishments; breweries, distilleries, and wineries; media production facilities; and manufacturing of prefabricated or modular structures including manufactured homes and related components.

(D) Industrial Service

(1) “Industrial Service” refers to the repair or servicing of business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

(2) Examples of Industrial Service uses include but are not limited to: welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; storage of building materials; heavy truck servicing and repair; tire re-treading or recapping; contractors including building, heating, plumbing, electrical, or

similar; health, safety, first aid, and EMS service; printing, publishing and lithography; recycling operations; janitorial and building maintenance services including exterminators; fuel oil distributors; solid fuel yards; research, development, and testing laboratories or facilities; technology development and support centers; industrial laundry, dry-cleaning, and carpet cleaning plants; and photofinishing laboratories.

(3) Exceptions

(a) Contractors and others who perform Industrial Services off-site are included in the office category, if equipment and materials are not stored at the site, and fabrication or similar work is not carried on at the site.
(b) Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop.

(E) Warehouse and Wholesale sales

(1) Warehouse and Wholesale sales includes the wholesale storage or movement of goods by a company for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. “Warehouse” refers to the storage of finished and unfinished products and materials within an entirely enclosed building. This use may include facilities for regional wholesale distribution, if permitted by the applicable land use district. “Wholesale Sales” refers to the sale, lease, or rental of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer.

(2) Examples of Warehouse and Wholesale sales uses include but are not limited to: regional distribution headquarters including storage, wholesale warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; wholesale distribution centers; truck/ freight terminals; bus barns; parcel delivery services; major post offices; grain terminals; and the stockpiling of sand, gravel, or other aggregate materials. Additionally, wholesale sales includes sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, building hardware, and office supplies.

(3) Exceptions

(a) Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.
(b) Uses that engage primarily in sales to the general public are classified as Retail Sales and Service as found in section 3.2.300.
(c) Uses that engage in sales on a membership basis are classified as Retail Sales and Service as found in section 3.2.300.

(F) Waste-Related

(1) "Waste-Related" includes uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the biological decomposition of organic material. Waste-Related uses also include uses that receive hazardous wastes from others and are subject to the regulations of OAR 340-100, Hazardous Waste Management.

(2) Examples of Waste Related uses include but are not limited to: sanitary landfills, limited use landfills, waste composting, energy recovery plants, sewer treatment plants, portable sanitary collection equipment storage and pumping, processing of waste, and hazardous-waste-collection sites.

(3) Exceptions

(a) Disposal of clean fill, consisting of soil, rock, concrete, brick, building block, tile, or asphalt paving, which does not contain contaminants that could adversely impact public health and which does not contain putrescible waste, construction and demolition waste, or industrial solid waste, is not a Waste-Related use.
(b) Sewer pipes that serve a development are considered a basic utility.
(c) Recycling operations are not considered a Waste Related use. They are classified as an Industrial Service use.

(G) Corporate or Regional Headquarters – means a building or portion of a building in which people are employed in the management or direction of a business consisting of one or more companies, or divisions or groups of companies. This use must be directly associated with and subordinate to a permitted use or a use allowed with a Discretionary Use Permit on the same site.

Corporate or Regional Headquarters may be permitted as part of a large-scale light-manufacturing use or located within a business park. Corporate or Regional Headquarters also may be a stand-alone use. The acreage comprising standalone Corporate or Regional Headquarters site must be applied to the 40 percent gross acre standard for business parks. Corporate or Regional Headquarters must have at least 20 or more employees at the time of occupancy.

(H) Secondary Use

(1) Secondary Use means a use that is integrated with the primary use, is not stand alone, and is not permitted in the absence of a primary use.

(2) Examples of secondary uses include but are not limited to: eating and drinking establishments; personal services such as hair stylists, beauty, fitness, spa, shoe repair, dry cleaning, and tailors; child care facilities primarily serving employees; building maintenance services; industrial and professional equipment and supply stores; financial institutions including ATM's.

(3) Retail, wholesale and service uses, either alone or in combination, cannot exceed 20 percent of the gross floor area of a building. These uses exclude any drive-through facility and must not primarily serve the general public. Except for ATMs, each use is limited to 2,500 square feet of gross floor area.

(4) Child care facilities may exceed the 2,500 square foot standard in order to comply with size requirements.

(l) Accessory Use

(1) Accessory Use means a use that is subordinate to the primary use.

(2) Examples include but are not limited to: accessory structures; administrative professional or business offices; copying and photo developing; cafeteria serving employees; developed recreation area or pedestrian amenities serving the development area; storage yards or warehouses; parking lots and parking structures; truck fleet parking; repair and maintenance areas; docks; rail spur or rail lead line; heliports and helistops; and one dwelling unit per site.

3.2.420 Permitted Uses

(A) The land uses listed in Table 3.2.420 are permitted in each of the applicable districts, subject to the provisions of this section.

Table 3.2.420 Permitted Uses

Land Use	Industrial District				Special Use Standards
	**CI	LMI	HI	*SHI	
Industrial					
Heavy Manufacturing and Production	N	D	P	P	
Light Manufacturing, Fabrication, and Repair	D	P	P	P	
Industrial Service	P	P	P	P	
*Warehouse and Wholesale sales	P	P	P	P	Sec. 4.7.245
Waste-Related	N	N	D	D	
Explosives or fireworks, manufacturing, warehouse, or distribution.	N	D	D	N	
Corporate Office/Headquarters	P(4)	P	P	P	Sec. 4.7.100
Outdoor storage directly related to an approved use	N	P	P	P	
Automobile wrecking, or towing service operations	N	N	D	N	
Industrial Park	N	P	P	P	
Business Park	P	N	N	N	
Slaughter house	N	N	D	N	
Other					
*Secondary Use (as defined)	P	D	D	D	Sec. 4.7.240

Table 3.2.420 Permitted Uses					
Land Use	Industrial District				Special Use Standards
	**CI	LMI	HI	*SHI	
*Accessory Use (as defined)	P	P	P	P	Sec. 4.7.240
*Marijuana Production facility	N	N	P	P	Sec. 4.7.177
*Marijuana Processing facility	N	P	P	N	Sec. 4.7.177
*Marijuana Wholesale facility	N	P	P	N	Sec. 4.7.177
*Marijuana Retail outlet or sales, as primary or secondary use	N	N	N	N	Sec. 4.7.177
*Recreational Facilities	N	P	P	P	Sec. 4.7.205
* Child care centers	P	P	N	N	Sec. 4.7.125
Bicycle paths and pedestrian trails	P	P	P	P	
Linear Parks	P	P	P	P	
Agricultural cultivation of vacant land	P	P	P	P	
Public and Institutional					
*Education facilities (schools)	N	D*	N	N	Sec. 4.7.195
*High impact public utility facilities	D	P	P	P	Sec. 4.7.160
Low impact public utility facilities	P	P	P	P	
*Wireless Telecommunications System (WTS) Facilities	N	See Sec. 4.3-145	See Sec. 4.3-145	See Sec. 4.3-145	Sec. 4.3.145

P = Permitted Use; D=Discretionary Use permit required; N=Not Allowed;

*** Permitted subject to Special Development Standards; In the SMI District, the standard is found in Section 3.2.425(A)(1).**

**** Uses in the CI District must meet the operational performance standards specified in Section 3.2.430**

3.2.425 Development Standards

In addition to applicable provisions contained elsewhere in this code, the development standards listed in this section apply to all development in industrial districts. In cases of conflicts, standards specifically applicable in the industrial district apply. In cases of conflicts in this section between the general standards and the area-specific standards, the area-specific standards apply.

(A) Lot Area, Dimensions, and Coverage

The following Table 3.3.425 sets forth the industrial district lot area, lot dimension, and coverage standards.

Table 3.2.425(A) Industrial District Lot Area, Dimension, and Coverage Standards				
Development Standard	**CI**	**LMI**	**HI**	**SHI**
Minimum lot/parcel size	10,000 square feet	10,000 square feet	10,000 square feet	10,000 square feet see (1) below
Minimum frontage, see (2) below	75 feet	75 feet	75 feet	75 feet

Table 3.2.425(A) Industrial District Lot Area, Dimension, and Coverage Standards				
Development Standard	**CI**	**LMI**	**HI**	**SHI**
Panhandle lot/parcel minimum frontage, both single and double panhandles	N/A	40 feet	40 feet	40 feet
Maximum lot/parcel coverage	Limited only by requirements of others Sections of this Code			

(1) Until annexed to the City, the minimum lot/parcel size in the SHI District must be 40 acres and the minimum development area must be 10 acres.

(2) The frontage standard does not apply when the following are met:

(a) The lots/parcels have been approved as part of a Master Plan, Site Plan, Subdivision, or Partition; and

(b) Access has been guaranteed via a private street or driveway by an irrevocable joint use/access agreement as specified in Section 4.2-120A.

(B) Setbacks

Setbacks provide separation between industrial and non-industrial uses for fire protection/security, building maintenance, sunlight and air circulation, noise buffering, and visual separation. All developments must meet applicable fire and building code standards, which may require greater setbacks than those listed in this section (e.g., for combustible materials, etc.).

Required setbacks are measured from the special street setback in Section 4.2.105N, where applicable.

The following setback standards apply to all structures, except as otherwise provided by this section.

(1) Front yard building setback

(a) Campus Industrial District.

(i) The minimum front yard building setback is 20 feet if abutting a local street.

(ii) The minimum front yard building setback is 30 feet if abutting a collector or arterial street.

(b) Light Medium Industrial District. The minimum front yard building setback is 10 feet.

(c) Heavy Industrial District. The minimum front yard building setback is 10 feet.

(d) Special Heavy Industrial District. The minimum front yard building setback is 10 feet.

(2) Parking, driveway, or outdoor storage setback

(a) Campus Industrial District. The minimum yard setback for parking, or driveway is 5 feet from any property line. In the CI district no outdoor storage is allowed.

(b) Light Medium Industrial District. The minimum yard setback for parking, driveway, or outdoor storage is 5 feet from any property line.

(c) Heavy Industrial District. The minimum yard setback for parking, driveway, or outdoor storage is 5 feet from any property line.

(d) Special Heavy Industrial District. The minimum yard setback for parking, driveway, or outdoor storage is 5 feet from any property line.

(3) Other setbacks

(a) Building Setback from a R-1, R-2, or R-3 residential district.

(i) Campus Industrial District. The minimum setback for a building from a residential district boundary is 50 feet.

(ii) Light Medium Industrial District. The minimum setback for a building from a residential district boundary is 10 feet.

(iii) Heavy Industrial District. The minimum setback for a building from a residential district boundary is 10 feet.

(iv) Special Heavy Industrial District. The minimum setback for a building from a residential district boundary is 10 feet.

(b) Building setback from a CI district.

(i) Campus Industrial District. NA.

(ii) Light Medium Industrial District. The minimum setback for a building from a CI district boundary is 10 feet.

(iii) Heavy Industrial District. The minimum setback for a building from a CI district boundary is 10 feet.

(iv) Special Heavy Industrial District. The minimum setback for a building from a CI district boundary is 10 feet.

(c) Building Setback within the CI District from other districts. The minimum setback for a building within the CI district from another non-residential district boundary is 10 feet.

(d) Building separation from other buildings within the CI District. Campus Industrial District.The minimum building separation between buildings in the CI district is 20 feet.

(4) Setback Exceptions & Special Circumstances

(a) Where a public utility easement (PUE) is larger than the required setback standard, no building or above grade structure, except a fence, can be built upon or over that easement.

(b) CI District setback exceptions. Required building setbacks and separations may be reduced through the Site Plan Approval process without a variance when:

(i) The building design incorporates landscaped stormwater quality facilities within the setback area that also enhances pedestrian amenities and the campus environment;
(ii) Necessary to protect natural assets identified in the Gateway Refinement Plan or elsewhere in this Code;
(iii) Necessary to preserve existing healthy mature trees;
(iv) Necessary to accommodate handicapped access requirements; or
(v) Legally created lots/parcels do not meet the minimum lot/parcel size.

Table 3.2.425(B) summarizes the above setback standards.

Table 3.2.425(B) Setback Standards

Development Standard	CI	LMI	HI	SHI
Front setback for building	20/30 feet	10 feet	10 feet	10 feet
Setback for parking, driveway, or outdoor storage	5 feet	5 feet	5 feet	5 feet
Building setback from residential district	50 feet	10 feet	10 feet	10 feet
Building setback from CI district	N/A	10 feet	10 feet	10 feet
Building setback within the CI district from other district	20 feet	N/A	N/A	N/A
Building separation from other buildings within CI district	20 feet	N/A	N/A	N/A

(C) Height

(1) The following building height standards are intended to promote land use compatibility and flexibility for industrial development at an appropriate community scale.

(a) Buildings and structures in the Campus Industrial District are limited to the maximum height of 45 feet.

(b) Buildings and structures in the Light Medium Industrial, Heavy Industrial, and Special Heavy Industrial Districts have no maximum height, except when abutting a residential district. When abutting a residential district, the following height standards apply:

(i) The height of a structure must not exceed the height permitted in the adjacent residential land use district for a distance of 50 feet. For the adjacent R-1 zone the applicable height limit would be 35' and R-2 zone the applicable height limit would be 50'.

(2) Incidental equipment, as defined in SDC 6.1.110 may exceed the height standard.

Table 3.2.425(C) summarizes the above height standards.

Table 3.2.425(C) Height Standards				
Development Standard	**CI**	**LMI**	**HI**	**SHI**
Maximum Height	45 feet	No Maximum Height, except when abutting residential districts (see below)		
Industrial District abuts an R-1 or R-2 District	N/A	The height of a structure must not exceed the height permitted in the adjacent residential land use district for a distance of 50 feet from the property line.		

ADD TO SPECIAL USE STANDARD SECTION AND CI LAND USE DISTRICT STANDARDS

(4) Corporate headquarters, regional headquarters, and administrative offices may be permitted as part of a large-scale light-manufacturing use or located within a business park. Corporate and regional headquarters may also stand alone. The acreage comprising stand alone corporate or regional headquarters site must be applied to the 40 percent gross acre standard for business parks specified in Note (2), above. Corporate and regional headquarters must have at least 20 or more employees at the time of occupancy.

[NOTE] All of the additional language of SDC 3.2-424 – 3.2-450 as applicable to the CI District specific development standards and Business/Industrial Park standards will be included below unchanged except for formatting and minor editing for consistency.

From footnote 9 under use table. Include in CI specific development standards.
(9) Warehousing is permitted only as a secondary use in the following circumstances:

(a) For the storage and regional wholesale distribution of products manufactured in the CI District;
(b) For products used in testing, design, technical training or experimental product research and development in the CI District; and/or
(c) In conjunction with permitted office-commercial uses in the CI District.
(d) The secondary use status of warehousing is typically determined by a square footage standard which is less than 50 percent of the gross floor area of the primary use. In the CI District, the number of employees at the time of occupancy may also be used to determine secondary use standards status. In this case, the primary use must have 20 or more employees and the warehousing use must have fewer employees than the primary use. If the employee standard is met, the warehousing use may have more square footage than the primary use.

4.2.100 Infrastructure Standards—Transportation

Subsections:

4.2.105 Public Streets
4.2.110 Private Streets
4.2.120 Site Access and Driveway Standards
4.2.125 Intersections
4.2.130 Vision Clearance Area
4.2.135 Sidewalks
4.2.140 Street Trees
4.2.145 Lighting Standards
4.2.150 Multi-Use Paths
4.2.160 Accessways

4.2.105 Public Streets

(A) General Provisions

(1) All public streets and alleys must be improved as specified in this Code and must be dedicated through the approval of a subdivision plat or by acceptance of a deed approved by the City.

(2) Functional Classification of Streets. The City's street system consists of streets that are classified as Major and Minor Arterial streets, Major and Minor Collector streets, Local streets and Alleys, consistent with the Springfield Transportation System Plan (Figure 2) and the *Federally Designated Roadway Functional Classification* map, contained in the Regional Transportation Plan. Local Streets include all streets not classified as Arterial or Collector streets.

(3) New connections to arterials and state highways must be consistent with any designated access management category.

(B) An applicant may be required to prepare a Traffic Impact Study (TIS) to identify potential traffic impacts from proposed development and needed mitigation measures. A TIS is required if any of the following criteria are met:

(1) Peak Hour Threshold. If a change in land use or intensification of an existing use generates 100 or more trips during any peak hour as determined by procedures contained in the most recent edition of the Institute of Transportation Engineers T*rip Generation Manual*, a TIS must be performed by a registered professional engineer.

(2) Average Daily Traffic Threshold. If a change in land use or intensification of an existing use generates 1,000 or more trips per day as determined by procedures contained in the most recent edition of the Institute of Transportation Engineers *Trip Generation Manual*, a TIS must be performed by a registered professional engineer.

(3) Variance and Known Issues Threshold. The Director may determine that a TIS is necessary to support a request for a Variance from the transportation provisions of this code or where traffic safety, street capacity, future planned facility, or multimodal concerns may be associated with the proposed development.

(4) The nature and extent of the TIS scope is determined by the Director based upon a trip distribution and assignment prepared by the Applicant. At a minimum, locations impacted by more than 20 trips during the identified peak hour must be included in the trip distribution and assignment.

(5) The Director may modify TIS requirements consistent with applicable local and regional transportation system plans and the intent of this Code when existing conditions make their strict application impractical or inconsistent with accepted site planning or transportation planning principles.

(C) Minimum street curb-to-curb widths and minimum street right-of-way widths are as specified in Table 4.2.1, unless otherwise indicated in the Springfield Transportation System Plan, an applicable Refinement Plan, Plan District, Master Plan, Conceptual Development Plan, or the adopted bicycle and pedestrian plan; where necessary to achieve right-of-way and street alignment; or as needed to meet site-specific engineering standards, including but not limited to requirements for multi-way boulevard and/or modern roundabout designs. Example street layouts meeting minimum street standards are provided in Figures 4.2.B through 4.2.V for illustrative purposes only. These Figures are intended to demonstrate potential street configurations that meet the requirements.

Table 4.2.1
Minimum Street Right-of-Way and Curb-to-Curb Standards

Fig. No.	Street Classification	Right-of-Way (1)	Curb-to-Curb Width (1)	Travel Lanes	Travel Lanes Width	Turn Lane Width (2)	Bikeways (3)	Planting Strip and Curb (4)	Sidewalk
4.2 B-D	Major Arterial (5)	100′/92′/84′	76′/69′/60′	4	12′	14′ where required	6′ both sides	5′	7′ both sides
4.2 E-G	Minor Arterial (5)	76′/68′/60′	52′/44′/36′	2	12′	14′ where required	6′ both sides	5′	7′ both sides
4.2 H-J	Major Collector	72′/64′/56′	52′/44′/36′	2	12′	14′ where required	6′ both sides	5′	5′ both sides
4.2 K-M	Minor Collector – Non-Residential Districts (6)	70′/62′/54′	50′/42′/34′	2	11′	13′ where required	6′ both sides	5′	5′ both sides
4.2 N-P	Minor Collector – Residential Districts (6)	58′/50′/42′	38′/30′/22′	2	11′	13′ where required	N/A	5′	5′ both sides
4.2 Q-S	Local Street <15 percent slope (7)	57′/49′/41′	36′/28′/20′	2	10′	N/A	Not required	5′	5′ both sides
4.2 T-V	Local Street ≥15 percent slope (7)	48′/40′/32′	36′/28′/20′	2	10′	N/A	Not required	6” curbs only	5′ both sides
	Cul-de-sac Bulb	83′ diameter	70′ diameter	N/A	N/A	N/A	N/A	5′ around bulb	5′ around bulb
	Alley	20′	No curbs, 18′ paving width	N/A	N/A		N/A	Not required	Not required

(1) Minimum right-of-way widths and curb-to-curb widths are listed in this order: Streets with parking on both sides of street/Streets with parking on one side of street/Streets with no on-street parking.

Where indicated, parking width is eight feet per side of street. Minimum right-of-way widths and curb-to-curb widths listed above do not include additional right-of-way width and curb-to-curb width required to accommodate a center turn lane or center median.

(2) When a center turn lane or center median is required to address a significant volume of left-turn traffic or other safety or site-specific engineering concerns, additional right-of-way width and curb-to-curb width is required to accommodate the turn lane and/or center median. Width of the turn lane will be not less than the standard provided in Table 4.2.1 above.

(3) Bike lanes on one-way streets must be on the right side of the street, except in the case where a left-side bike lane would cause fewer conflicts, and people riding bicycles can return to the right safely.

(4) The planting strip and curb includes four and a half foot planting strip and six inch curb on both sides of the street, unless otherwise indicated in Table 4.2.1.

(5) Arterial streets that are Oregon Department of Transportation (ODOT) facilities are not subject to the standards in Table 4.2.1, but must meet ODOT design standards.

(6) Residential land use districts are those listed in SDC 3.2.200. All other land use districts are non-residential for the purposes of Table 4.2.1. Where opposite sides of the street are zoned with residential and non-residential uses, the non-residential standards apply.

(7) Slope is the average slope of the development area per the calculation in SDC 3.3.520(A). Minimum right-of-way width for local streets includes six inches behind the sidewalk for property pins.

(D) Street Network Standards—General Criteria

(1) Collector and Arterial Streets. Subject to the standards of this code, the location of collector streets and arterial streets must comply with the Transportation System Plan, including the Conceptual Street Map.

(2) Local Streets. The local street network, which includes pedestrian accessways and multiuse paths, must meet the following standards:

(a) The local street network must efficiently and safely accommodate all modes of travel including pedestrians, bicyclists, and emergency service vehicles.

(b) The local street network must not create excessive travel lengths, particularly for pedestrians and bicyclists.

(c) Streets must be interconnected to provide for the efficient provision of public and private utilities.

(d) Streets must provide connections to and from Neighborhood Activity Centers and other areas that attract high levels of pedestrian and bicycle traffic, or alternative bicycle or pedestrian facilities must provide connections where street connections are not practical.

(e) The alignment of local streets must minimize impacts to waterways and wetlands, and must follow slope contours where possible.

(f) The alignment of local streets must enhance the efficiency of the regional collector and arterial street system by balancing traffic volumes on local streets to promote optimum dispersal.

(g) The local street network must provide logical and efficient extensions of the public street system to adjoining properties.

(3) Dead-End Streets

(a) Dead-end streets must terminate in a cul-de-sac bulb, “hammerhead,” or other design that provides adequate vehicular turn-around areas, Public Works access, and pedestrian and bicycle connections as approved by the Director and the Fire Marshal. When development generates additional vehicular trips on an existing dead-end street without a turnaround area, the development must include a turnaround area on the dead-end street that meets the requirements of this subsection.

(b) A dead-end street, excluding the bulb or other approved vehicular turn-around area, must have a minimum length of 65 feet and must have a maximum length of 400 feet as measured from the nearest curb line of the intersecting street. The right-of-way and paving requirements for cul-de-sac bulbs and other approved vehicular turn-around areas are as specified in Table 4.2.1 of this Code, the Oregon Fire Code, the Development & Public Works Standard Construction Specifications, and the *Engineering Design Standards and Procedures Manual*.

Where streets that are planned to be through streets are partially constructed during phased development, temporary dead-end streets with temporary vehicular turn-around that meet the requirements for a dead-end fire apparatus access road will be permitted with a maximum length of 600 feet as measured from the nearest curb line of the intersecting street.

(4) Block Length and Block Perimeter

(a) Block perimeter for all street classifications must not exceed the following maximums, except as provided or exempted elsewhere in this Code or in an applicable Refinement Plan or Plan District:

(i) 1,400 feet in Mixed-Use Districts consistent with standards in SDC 3.2.625(E);

(ii) 2,600 feet in industrial land use districts;

(iii) 2,400 feet for multiple unit housing development subject to SDC 4.7.380 through 4.7.390; and

(iv) 1,600 feet in other land use districts.

(b) Block length must not exceed:

(i) 600 feet for local street not in industrial zones or that do not serve industrial non-conforming or the maximum block length established in an applicable Refinement Plan or Plan District, whichever is less;

(ii) 800 feet for multiple unit housing development subject to SDC 4.7.380 through 4.7.390 or the maximum block length established in an applicable Refinement Plan or Plan District, whichever is less;

(iii) 1,000 feet for local streets in industrial zones or that serve industrial non-conforming uses or the maximum block length established in an applicable adopted Refinement Plan or Plan District, whichever is less.

(c) The Director may authorize a block length or block perimeter that exceeds the applicable maximum specified in this Section. In authorizing a block length or block perimeter that exceeds the above maximum lengths, the Director may establish requirements for interim street connectivity and/or pedestrian accessways consistent with standards in SDC 4.2.160. Where the extension of a public street would create a block length or block perimeter that exceeds the applicable maximum, the block length and block perimeter must be as close as possible to the applicable maximum. The Director will authorize an exception only if the applicant/developer demonstrates that the existence of any of the following conditions justifies the exception:

(i) Physical conditions that cannot be mitigated necessitate a block length or block perimeter that is longer than the applicable maximum. These conditions may include topography or the existence of physical features, including, but not limited to: wetlands, ponds, streams, channels, rivers, lakes, steep grades, or a resource under protection by State or Federal law; or

(ii) Buildings or other existing development on adjacent lands, including previously subdivided but vacant lots or parcels that physically necessitate a block length or block perimeter that is longer than the applicable maximum, considering the potential for redevelopment; or

(iii) Industrial development areas greater than 25 acres pursuant to an adopted Master Plan.

(E) Street Network Standards—Needed Housing. The development of needed housing, as defined in ORS 197.303, must meet the following street network standards, unless the applicant elects review under the general criteria in SDC 4.2.105(D).

(1) Collector and Arterial Streets. Subject to the standards of this Code, the location of collector and arterial streets must comply with the Transportation System Plan, including the Conceptual Street Map.

(2) Local Streets. The local street network must meet the following standards:

(a) New local streets, pedestrian accessways, and multiuse paths within a development area must connect to all existing or planned local streets, accessways, and multiuse paths, respectively, including truncated or “stub” streets, accessways, or multiuse paths that abut the development area. For the purposes of this Section, a planned street, accessway, or multiuse path means unimproved dedicated right-of-way; a street or multiuse path adopted in the Transportation System Plan; or a street, accessway, or multiuse path shown in an approved Master Plan, Site Plan, Conceptual Development Plan, or Subdivision Plan.

(b) Where there is an existing or planned local street or multiuse path within ¼ mile of the outer boundary of the development area, a new local street or multiuse path must extend to the outer boundary lines of the development area in alignment with the centerline of existing or planned street or multiuse path. The new street or multiuse path and existing or planned street or multiuse path are in alignment if the angle between the projection of the centerlines of both streets is not less than 170 degrees or more than 190 degrees.

(c) Local streets spaced no greater than 600 feet apart from centerline to centerline must extend to all undeveloped or underdeveloped land that is adjacent to the development area, zoned or designated for residential or mixed use, and five contiguous gross acres or larger. For the purposes of this Section, "underdeveloped" means lots and parcels that are developed at less than half the minimum residential density required in the underlying land use district.

(d) The number of new local street intersections with major collector or arterial streets that provide ingress or egress to the development area must be the smallest number necessary to ensure that not more than 100 dwelling units are attributed to any one intersection with a major collector or arterial street, including via existing local streets that intersect major collector or arterial streets outside the development area. A dwelling unit is attributed to the intersection of a local street and major collector or arterial street that has the smallest travel distance from the centerline of the street at the midpoint of the dwelling unit's frontage to the centerline of the street at the boundary line of the development area.

(e) Street, accessway, and multiuse path connections to adjacent property under SDC 4.2.105(E)(2)(a) through (2)(d) above are not required where the following barriers physically prevent their construction: railroad right-of-way, limited access highway or freeway right-of-way, existing development, streets that would be unable to meet the slope standards specified in SDC 3.3.525, natural resource protection areas listed in SDC 4.3.117(B), or Historic Landmark Sites or Structures established on the Historic Landmark Inventory according to SDC 3.3.920.

(f) Developments must provide fire apparatus access roads as required by and in compliance with the Oregon Fire Code.

(3) Cul-de-Sacs and Dead-End Streets. New and existing dead-end streets and cul-de-sacs must meet the standards for dead-end fire apparatus access roads in the Oregon Fire Code and the following standards:

(a) Cul-de-sacs and dead-end streets that are not planned to be through streets are permitted only when physical barriers prevent the construction of through streets or stubbed streets that meet the local street network standards in SDC 4.2.105(E)(2), or the block length and block perimeter standards in SDC 4.2.105(E)(6). Physical barriers are railroad right-of-way, limited access highway or freeway rights-of-way, existing development, streets that would be

unable to meet the slope standards specified in SDC 3.3.525, natural resource protection areas listed in SDC 4.3.117(B), or Historic Landmark Sites or Structures established on the Historic Landmark Inventory according to SDC 3.3.920.

(b) All cul-de-sacs and dead-end streets, including stubbed streets required under SDC 4.2.105(E)(2)(a) through (2)(c) above, must meet the length standards in SDC 4.2.105(D)(3)(b).

(c) A cul-de-sac or dead-end street that is not a stubbed street must include one or more pedestrian accessways or multiuse path connections from the cul-de-sac or dead-end street to an existing or planned street, accessway, or multiuse path when the cul-de-sac or dead end street is within ¼ mile of a Neighborhood Activity Center, as measured in a straight line from the nearest outer boundary of the Neighborhood Activity Center to the centerline of the dead-end street at its terminus or the center point of the cul-de-sac. The accessway or multiuse path must be located in a manner that would shorten the walking and biking distance from the cul-de-sac or dead-end street to the Neighborhood Activity Center as compared to the shortest walking or biking distance without the connection.

An accessway or multiuse path is not required where physical barriers listed under SDC 4.2.105(E)(3)(a) above prevent construction of any accessway or multiuse path under this section, or when no accessway or multiuse path would decrease the walking or biking distance from the cul-de-sac or dead-end street to the Neighborhood Activity Center.

(4) Block Length and Block Perimeter

(a) Block perimeter for all local and minor collector streets must not exceed the following maximums:

(i) 1,400 feet in Mixed-Use Districts, consistent with standards in SDC 3.2.625(E);

(ii) 2,400 feet for multiple unit housing development subject to SDC 4.7.380 through 4.7.390; and

(iii) 1,600 feet for all other development and in all other land use districts.

(b) Block length for local streets must not exceed:

(i) 800 feet for multiple unit housing development in residential land use districts; and

(ii) 600 feet for all residential development other than multiple unit housing development in all land use districts.

(5) Maximum Street Grades

(a) Street grades must not exceed 8% on major and minor arterial streets, 10% on major and minor collector streets, and 12% on local streets.

(b) Street grades may exceed 12% on local streets subject to a Type 2 approval process, where topographical conditions make it impractical to meet the 12 percent standard, subject to the following requirements:

(i) No driveways or intersections are permitted where the street grade exceeds 12%;

(ii) No street with a grade of 15% or greater is permitted for a distance more than 200 feet; and

(iii) No street grade can exceed 18% for any distance.

(6) Intersections of Streets and Alleys

(a) Angles. Streets and alleys must intersect one another at an angle as close to a right angle (i.e., 90 degrees) as possible. Street intersections must have a minimum intersection angle of 80 degrees. All legs of an intersection must meet the above standard for at least 100 feet from the point of intersection of the street centerlines. No more than two streets may intersect at any location (i.e., not creating more than a four-legged intersection) unless at a roundabout.

(b) Intersection Offsets. Intersections must be offset at least 100 feet on a local street, 200 feet on a minor collector street, and 400 feet on a major collector or arterial street, or the safe stopping sight distance as determined by the AASHTO publication “A Policy on Geometric Design of Highways and Streets,” whichever is greater. Offset distance must be measured from the curb or edge of pavement or, where there is no curb, to the closest curb or edge of pavement of the next offset street.

(F) Medians

(1) General. A raised median physically deters vehicles from crossing or entering a median area by way of a raised curb or concrete barrier. Raised medians help avoid crashes caused by crossover traffic, reduce headlight glare distraction, prevent traffic turning left from through lanes, provide refuge for pedestrians crossing the street, and remove turning traffic from through lanes, thereby maintaining efficient and safe traffic flow. Median design and installation must follow the standards in the Manual on Uniform Traffic Control Devices and AASHTO’s “A Policy on Geometric Design of Highways and Streets.”

(2) Raised Median Width and Size

(a) In addition to the minimum street curb-to-curb and right-of-way standards specified in SDC 4.2.105(C), extra right-of-way width for medians may be required, through a land use decision process, to address known safety issues

or fulfill safety and operational needs as specified in this Code or identified in an engineering study.

(b) Elongated Median

(i) An elongated median intended to deter turning movements must be a minimum of four feet wide and no less than 150 square feet in area. Where a raised median is required on a facility with an existing median area between opposing travel lanes, the new raised median must be the same width as the existing median area minus the distance from the edge line striping required in the Manual on Uniform Traffic Control Devices. Alternatively, in special circumstances where the necessary right-of-way cannot be provided or obtained, medians intended to deter turning movements may be as narrow as two feet wide as approved by the Director through a land use decision process.

(ii) An elongated median intended as a pedestrian refuge must be a minimum of eight feet wide, and no less than 150 square feet in area. Alternatively, in special circumstances where the necessary right-of-way cannot be provided or obtained, pedestrian refuge medians may be as narrow as six feet wide as approved by the Director through a land use decision process.

(3) Length of a Raised Median

(a) Where medians are required to prohibit turns into a specific access, the median must fully cover the access location plus an additional 20 feet on either end. Modifications to median length given site specific needs may be approved by the Director.

(b) The length of raised medians not intended for pedestrian refuge is determined based on the storage length requirements of a turn lane as determined in a TIS, or based on safety and operational needs of the street first and access second.

(G) Additional Right-of-Way and Street Improvements

(1) Whenever an existing street of inadequate width is abutting or within a development area requiring Development Approval, dedication of additional right-of-way is required. Whenever street dedication results in right-of-way that does not connect with the City street system, a deed restriction must be recorded with the Lane County Deeds and Records stating that the property will not be built upon until a fully improved street is constructed to serve the property, and connect with the City street system.

(2) Whenever a proposed land division or development will increase traffic on the City street system and the development site has unimproved street frontage, that street frontage must be fully improved to City specifications in accordance with the following criteria:

(a) When fully improved street right-of-way abuts the property line of the subject property, street improvements must be constructed across the entire property frontage.

(b) When there is a fully improved partial-width street opposite the frontage of the subject property, street improvements must be constructed across the entire property frontage to provide a full-width street.

(c) Where property has frontage on unpaved street right-of-way, or where unpaved street right-of-way extends to a side property boundary, the minimum level of street improvements necessary to provide for the safe and efficient movement of vehicles and pedestrians from/to the proposed development must be constructed.

(d) Where there is multiple unit housing, commercial, or industrial development at the intersection of a fully improved street and an unimproved street, if access is taken from the unimproved street, the unimproved street frontage must be improved.

(e) In all other cases in which proposed land division or development will increase traffic on an unimproved street an Improvement Agreement will be required as a condition of Development Approval, postponing improvements until the time that a City street improvement project is initiated.

(f) Siting accessory structures or other structures not occupied by humans, or changes of use which do not increase parking requirements are not be considered development which increases traffic on the City street system; full street improvement or an Improvement Agreement will not be required.

(3) An approved performance bond or suitable substitute in a sufficient amount to ensure the completion of all required improvements, including the installation of sidewalks and accessways is required prior to occupancy or Final Plat approval when necessary to ensure compliance with a development agreement.

(4) Partial-width streets are be permitted only if both of the following approval criteria are met:

(a) There is inadequate right-of-way to install a full-width street improvement without changing street alignments; and

(b) The partial-width street is adequate to carry anticipated traffic loads until adjacent properties are developed and the street is fully improved.

(5) If the developer bears the full cost of dedicating the necessary right-of-way for and/or constructing partial-width street improvements, the developer may retain a reserve strip subject to the following terms and conditions:

(a) The retention of this strip does not constitute either an express or implied agreement by the City:

(i) To require an abutting property owner to take access to the street across the reserve strip;

(ii) To withhold approval of development and building on abutting property unless the abutting property owner takes access to the street across the reserve strip;

(iii) That it will not or cannot prohibit access from abutting properties to the street across the reserve strip.

(b) Abutting property owners may purchase access rights across the reserve strip by paying to the developer a prorated share of the developer's costs of the fully improved street. The developer must submit actual development costs to the City within six months following street construction. The cost of purchasing access rights across the reserve strip must include the actual construction cost per lineal foot, plus inflation, at a rate not to exceed five percent per year. It is not the City's responsibility to record legal documents.

(H) Where a development would result in the need to improve a railroad crossing, or an approach to a railroad crossing, the developer must bear the cost for the permitting and improvements. When other property owners are benefited, other equitable means of cost distribution may be approved by the City.

(I) Traffic Control Devices

(1) All traffic control signs, pavement markings, street name signs, and other traffic control devices must be in conformance with the U.S. Department of Transportation's Manual of Uniform Traffic Control Devices for Streets and Highways (including Oregon supplements), the *Engineering Design Standards and Procedures Manual*, the Development & Public Works Standard Construction Specifications, and this Code.

(2) The developer is responsible for providing and installing all traffic control devices and street name signs as necessary to support the proposed development.

(3) Where a proposed street intersection will result in an immediate need for a traffic control device, the developer bears the cost for the improvements. When other property owners are benefited, other equitable means of cost distribution may be approved by the City as provided in Chapter 3 of the Springfield Municipal Code.

(J) Bus turn out lanes must be consistent with current standards in the *Engineering Design Standards and Procedures Manual*.

(K) Street names are assigned as specified in the Springfield Municipal Code.

(L) The Director may require a developer to install traffic calming measures, including, but not limited to, speed tables and mini-roundabouts, to address public safety considerations on roadways.

(M) Special Street Setbacks

(1) A special street setback is established in the following circumstances:

(a) A special street setback is established as provided in Table 4.2.1(A) wherever there is:

(i) Partially-improved or unimproved street or alley right-of-way of inadequate width abutting a property;

(ii) Right-of-way that terminates at a property line; or

(iii) Right-of-way that terminates at a T-intersection with a local street abutting the property line.

(b) A special street setback is established wherever future right-of-way is shown in the Springfield Transportation System Plan, a refinement plan, or on an adopted Master Plan, Site Plan, Conceptual Development Plan, Subdivision or Partition for the width of the street shown on said plan, or as provided in Table 4.2.1(A) if no width is specified.

(2) Buildings are not permitted within the special street setback specified in this section. Any portion of a building lawfully established within a special street setback prior to adoption of this ordinance is considered a non-conforming building subject to SDC 5.8.100.

(3) The special street setbacks provided in Table 4.2.1(A) are based on the functional classification of the street as shown in the Springfield Transportation System Plan, including the Conceptual Street Map. Where a street is not shown in the Springfield TSP, including the Conceptual Street Map, the special setback for local streets applies.

(4) The special setback provided in Table 4.2.1(A) is measured from the centerline of the existing or future street right-of-way as follows:

(a) Where partially-improved or unimproved right-of-way of inadequate width abuts a property line, the setback is measured from the location where the centerline would be if the street was fully improved in accordance with the improvement and dedication requirements in SDC 4.2.105(G)(1).

(b) Where right-of-way terminates at the property line or at a T-intersection on only one side of a property, the centerline is the straight line continuation of the centerline of the abutting right-of-way until it reaches the property line on the opposing side.

(c) Where right-of-way terminates at the property boundary on two sides, the centerline is the straight line between the points where the right-of-way centerlines intersect the property lines on each side.

(d) Where right-of-way terminates at the property line on one side and at a T-intersection on the other side, the centerline is the straight line from the right-of-way centerline intersection with the property line to the intersection of the existing street centerlines at the T-intersection.

(e) Where right-of-way terminates at T-intersections on two sides of a property, the centerline is the straight line between the intersections of the existing street centerlines at each T-intersection.

(5) Other yard or building setbacks are in addition to the special setbacks required by this section. Those setback distances must be measured at right angles to the street centerline specified above.

Table 4.2.1(A)
Special Street Setbacks

Street Classification	Setback Distance from the Centerline (1)
Major Arterial	50′
Minor Arterial	38′
Major Collector	36′
Minor Collector	35′
Local Street, <15 percent slope	28.5′
Local Street, ≥15 percent slope	28′
Alley	10′

(1) Where fully improved right-of-way abuts the property line of the subject property, the setback distance is one-half of the width of the existing, fully improved right-of-way.

Figure 4.2-B

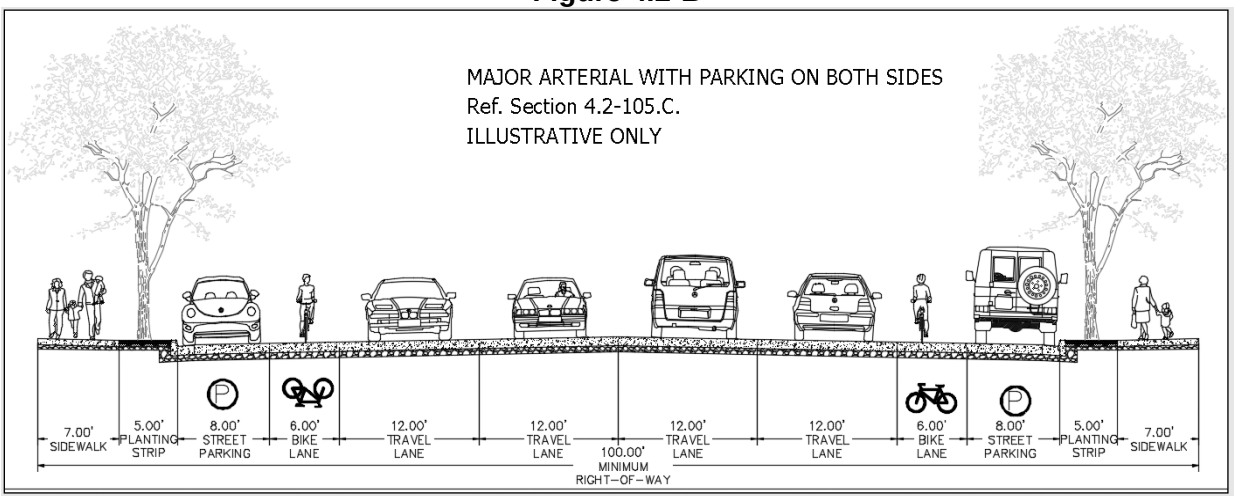
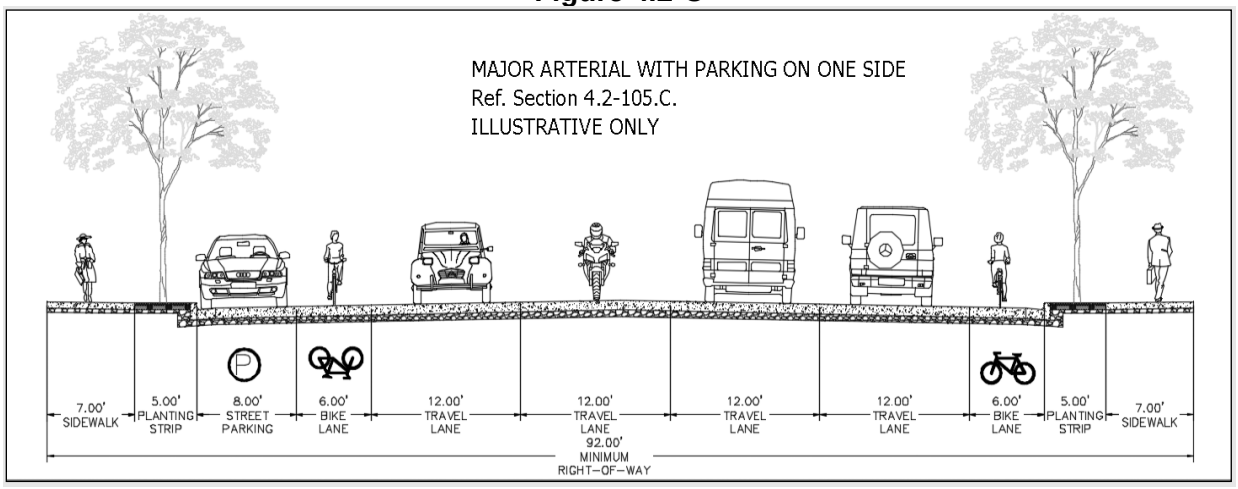


Figure 4.2-C



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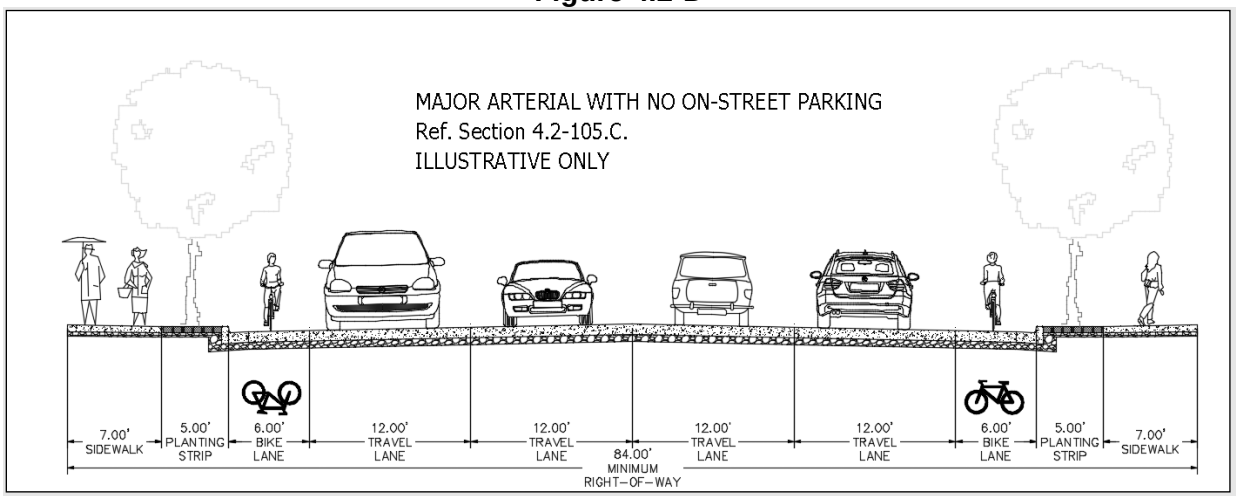

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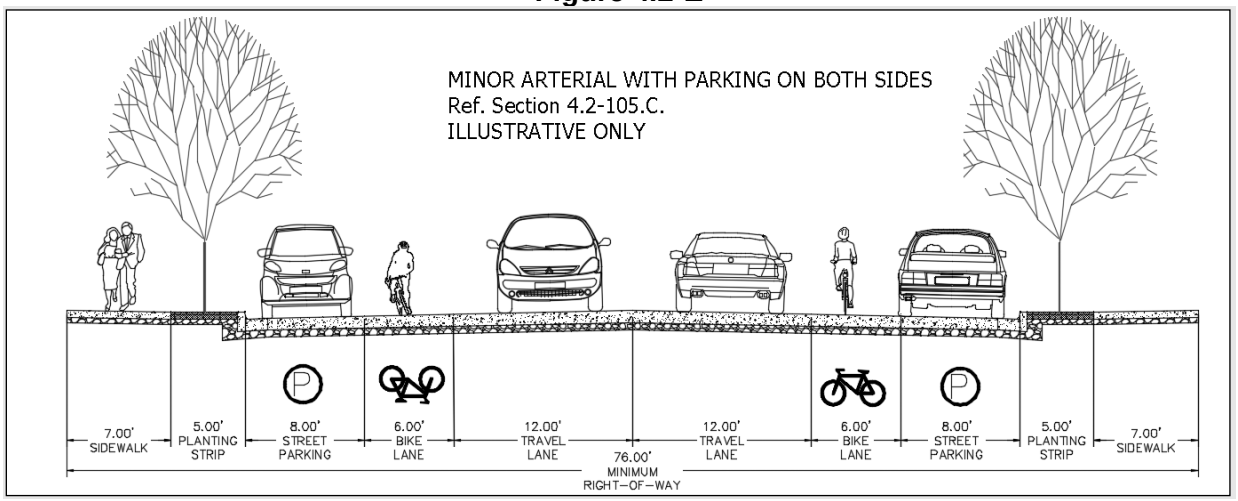

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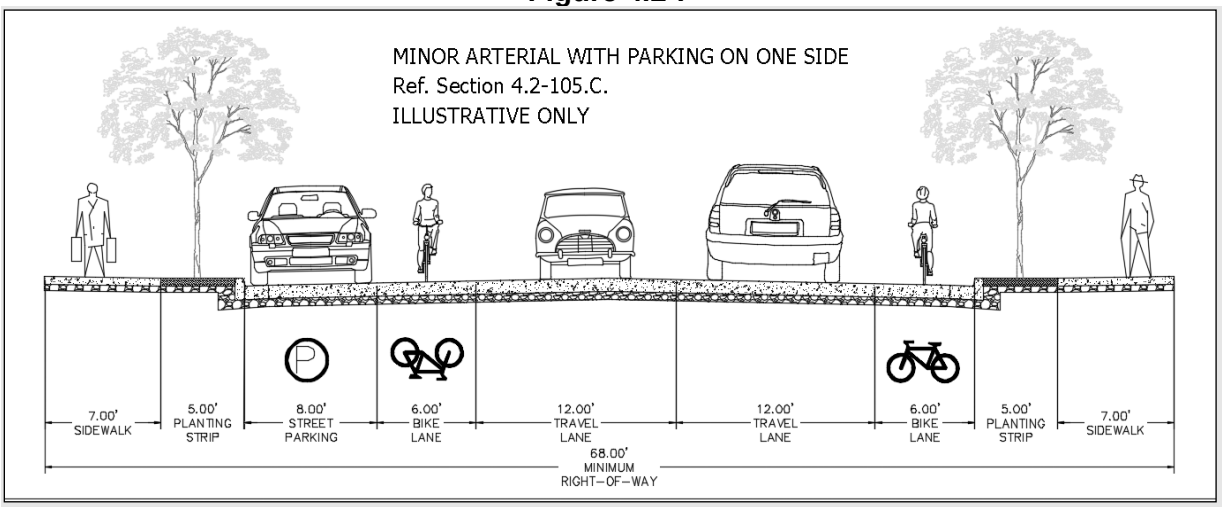

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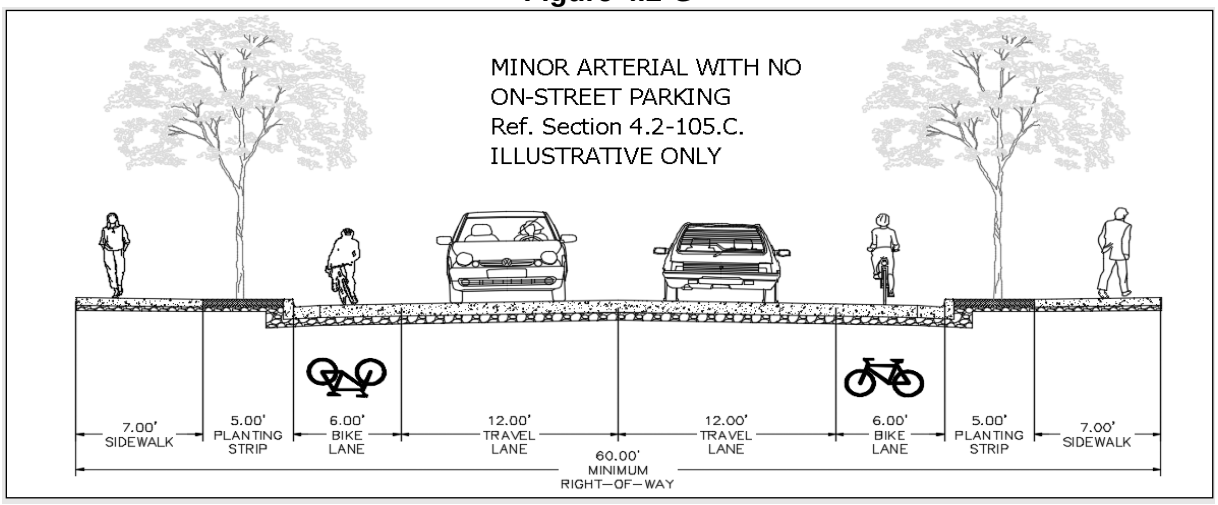

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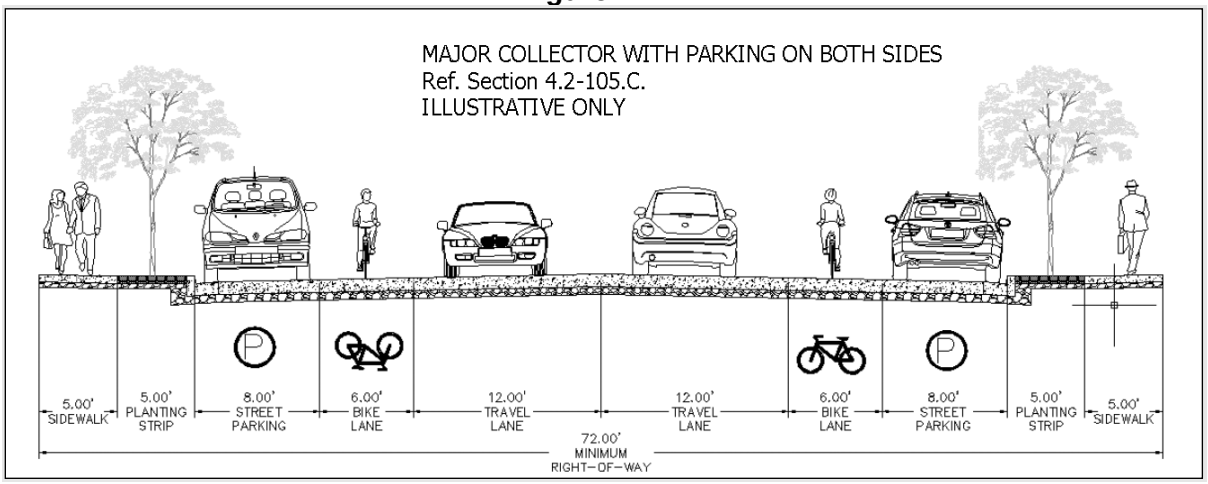

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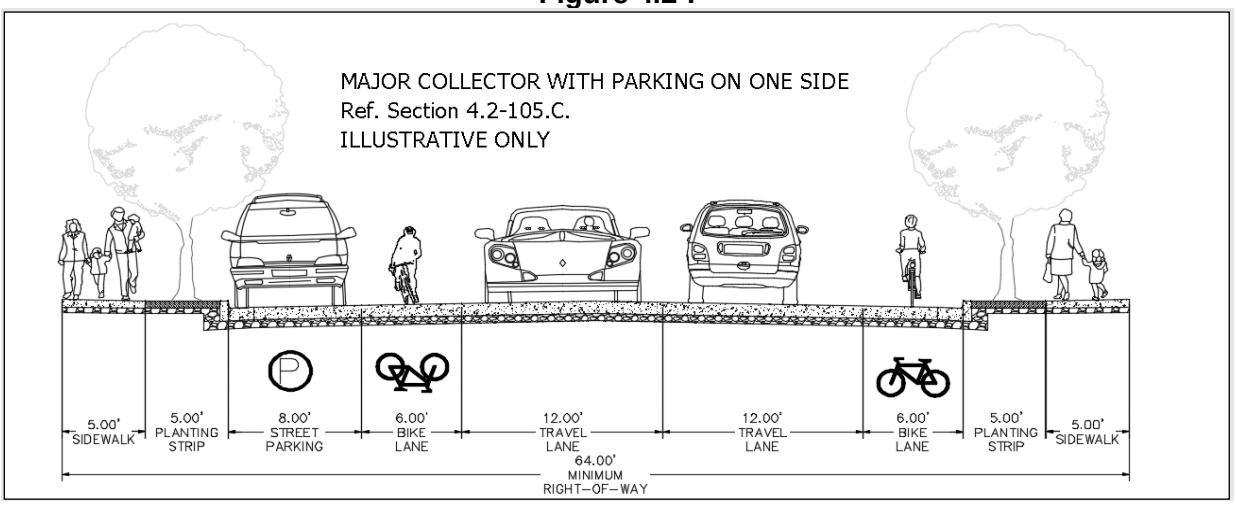

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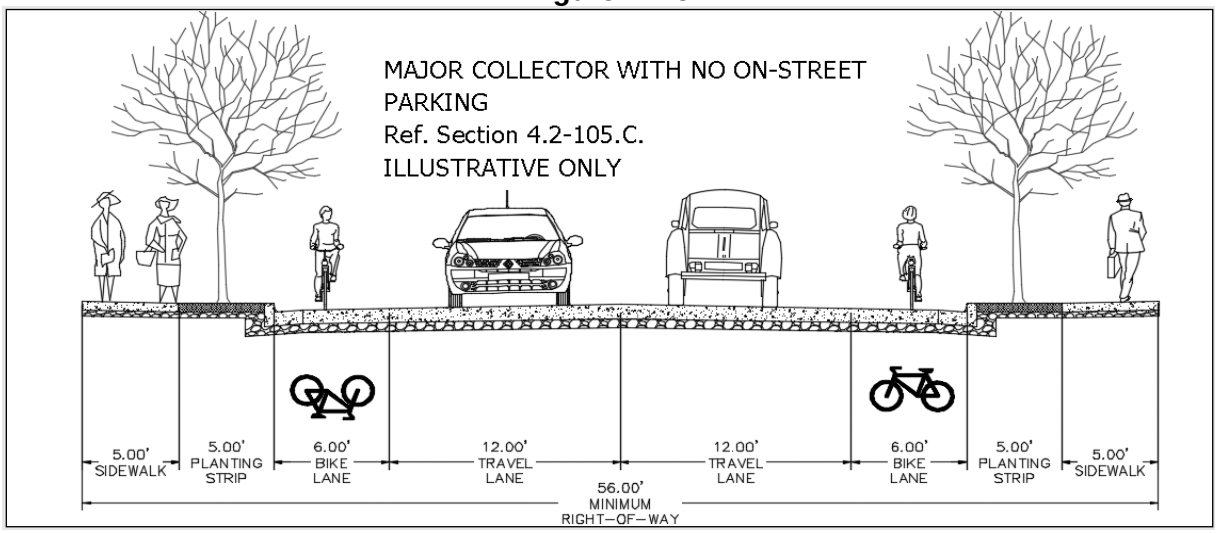

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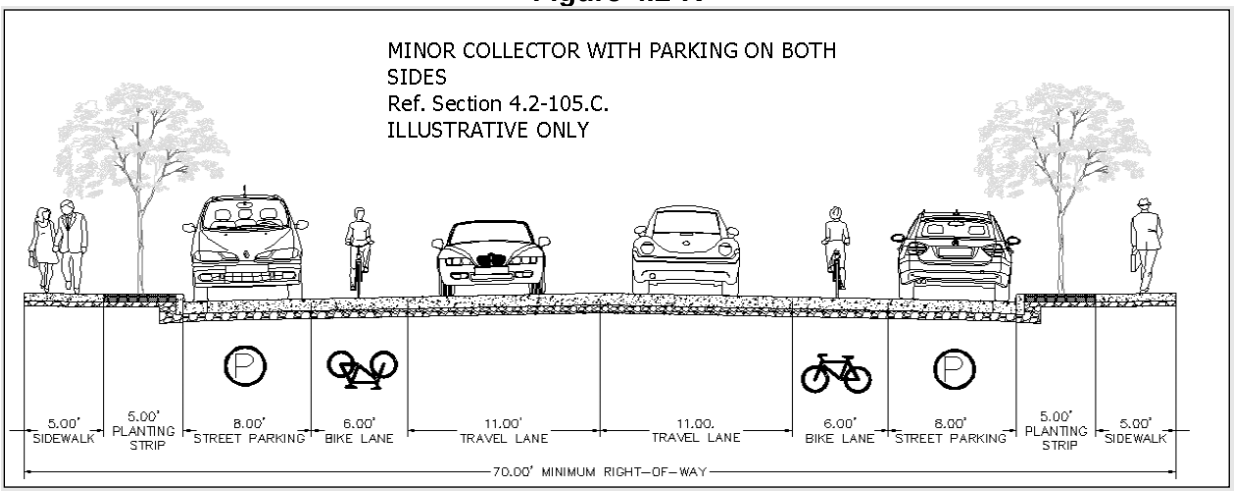

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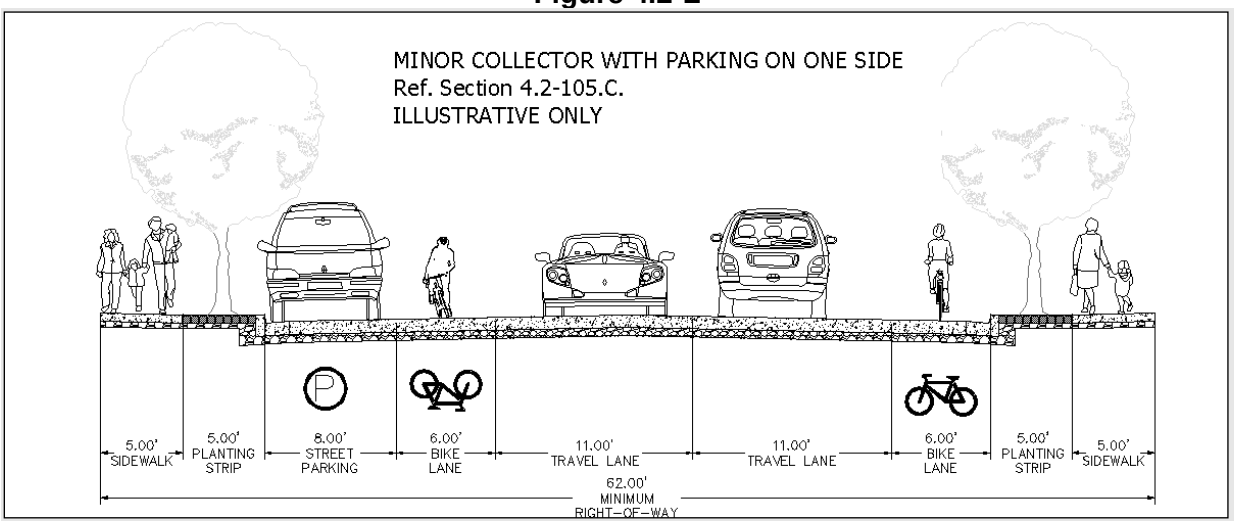

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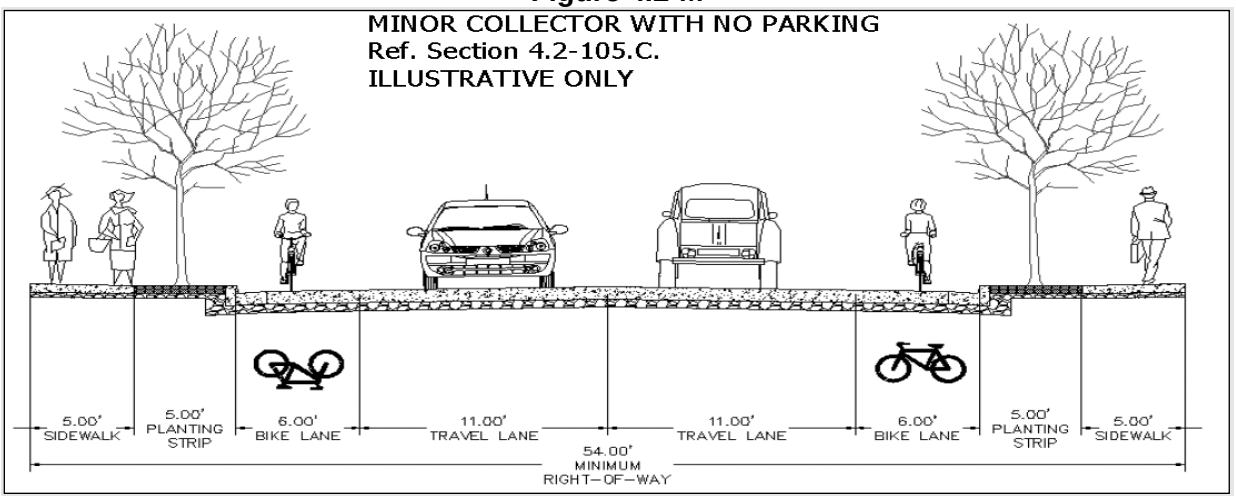

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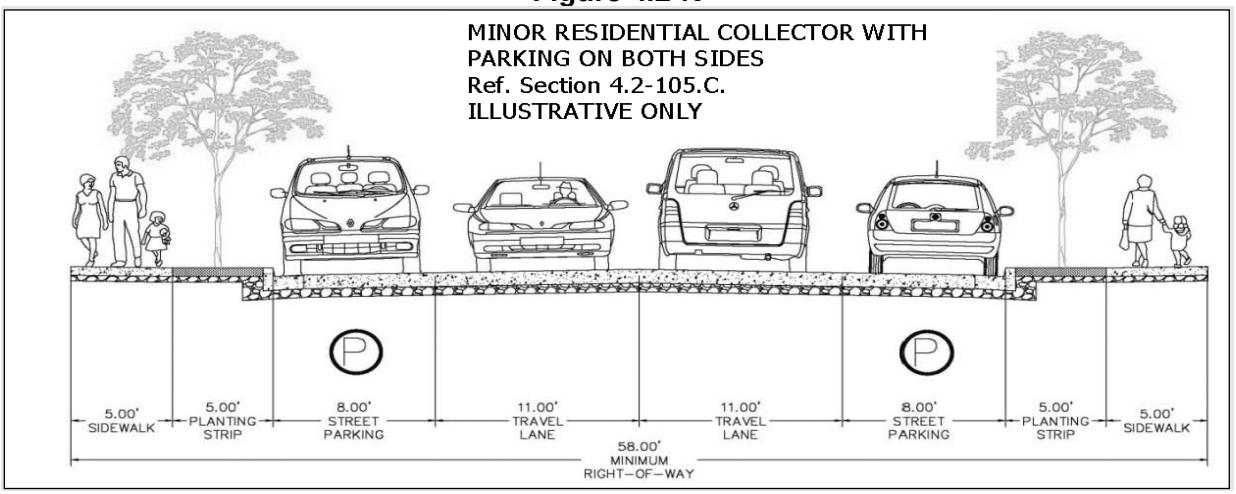

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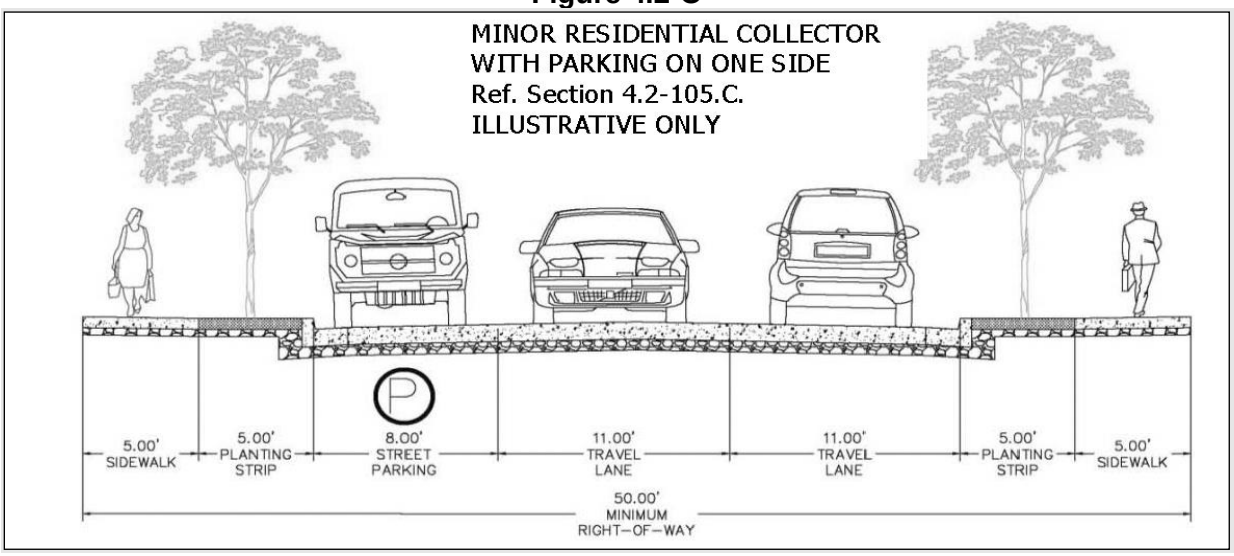

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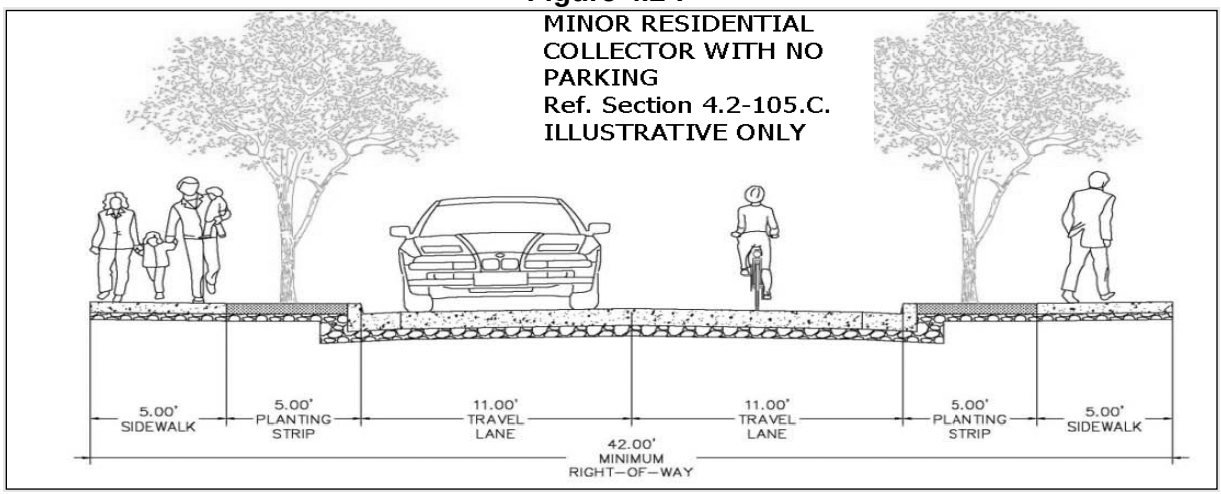

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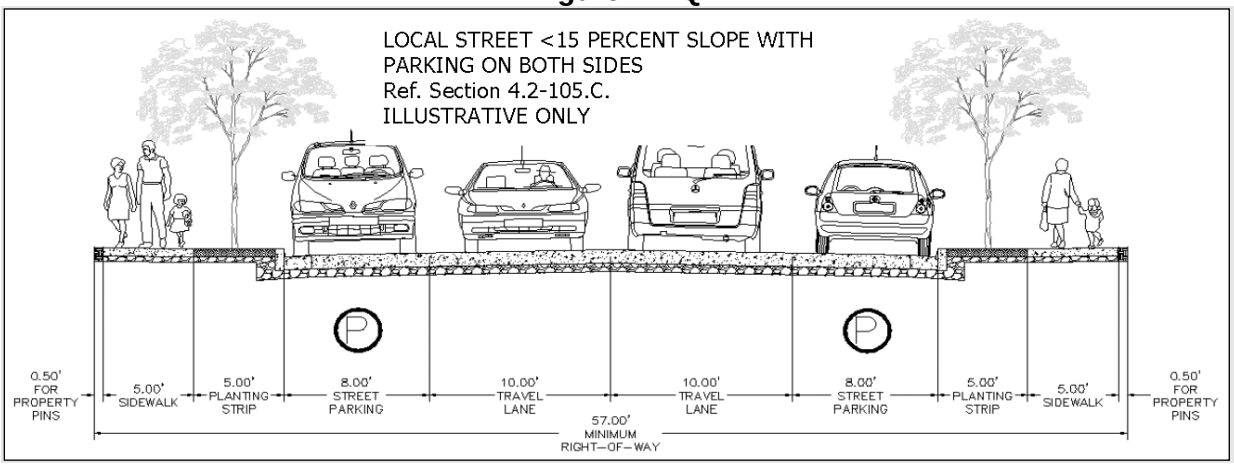

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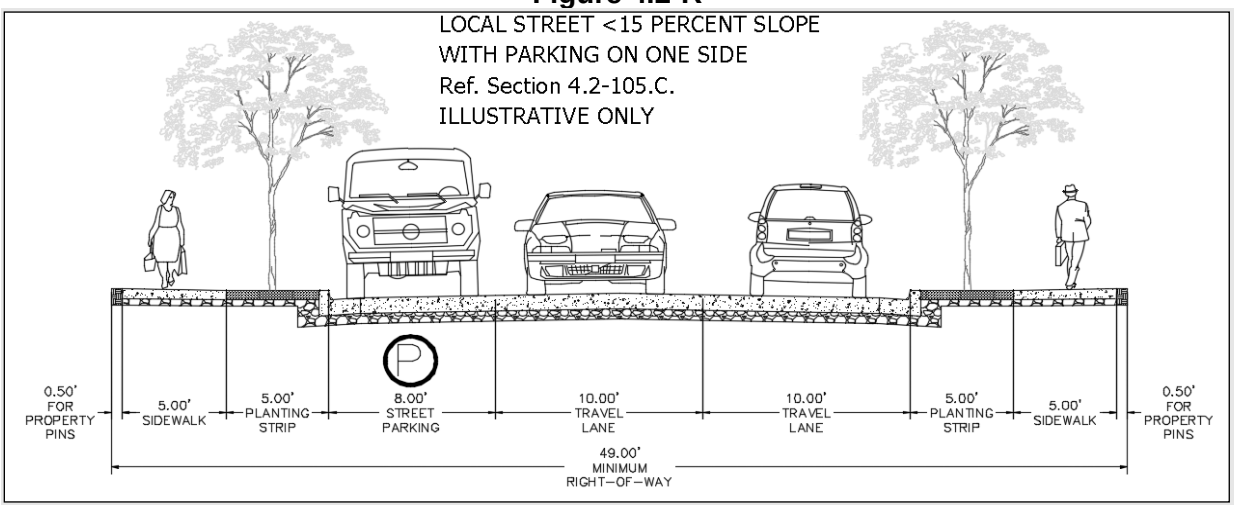

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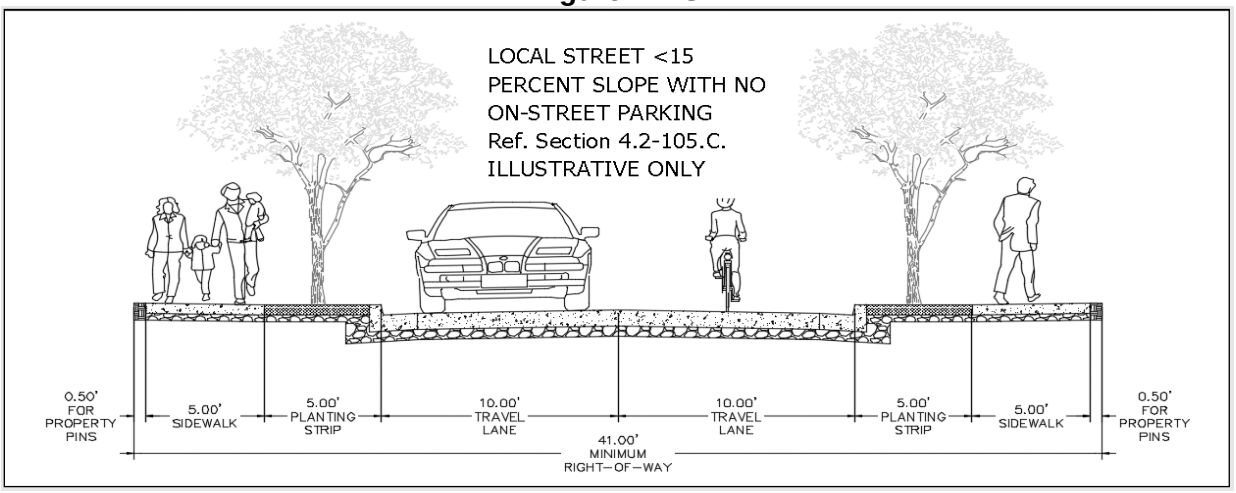

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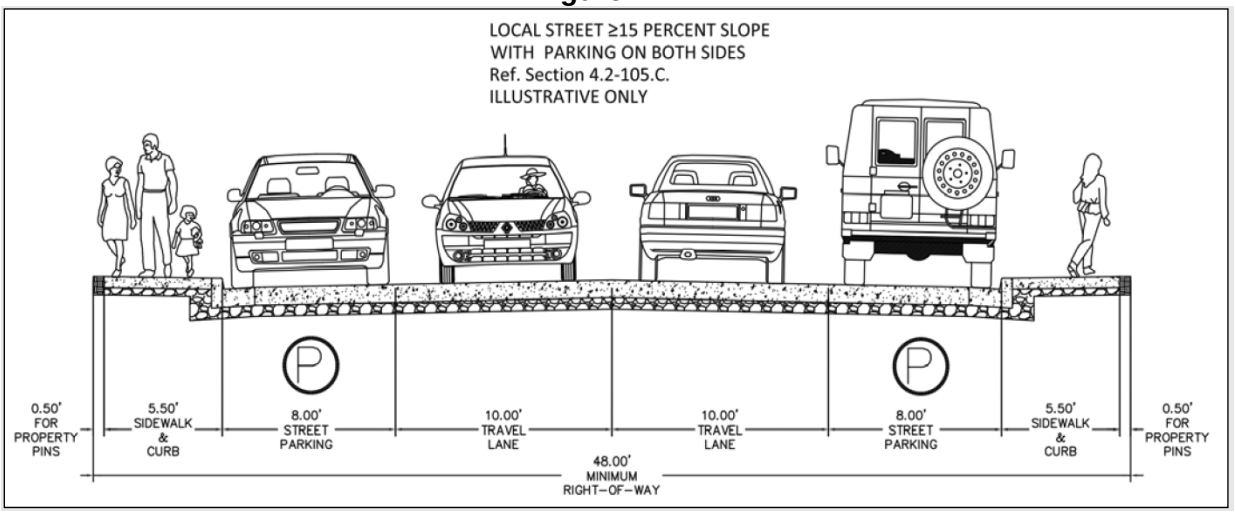

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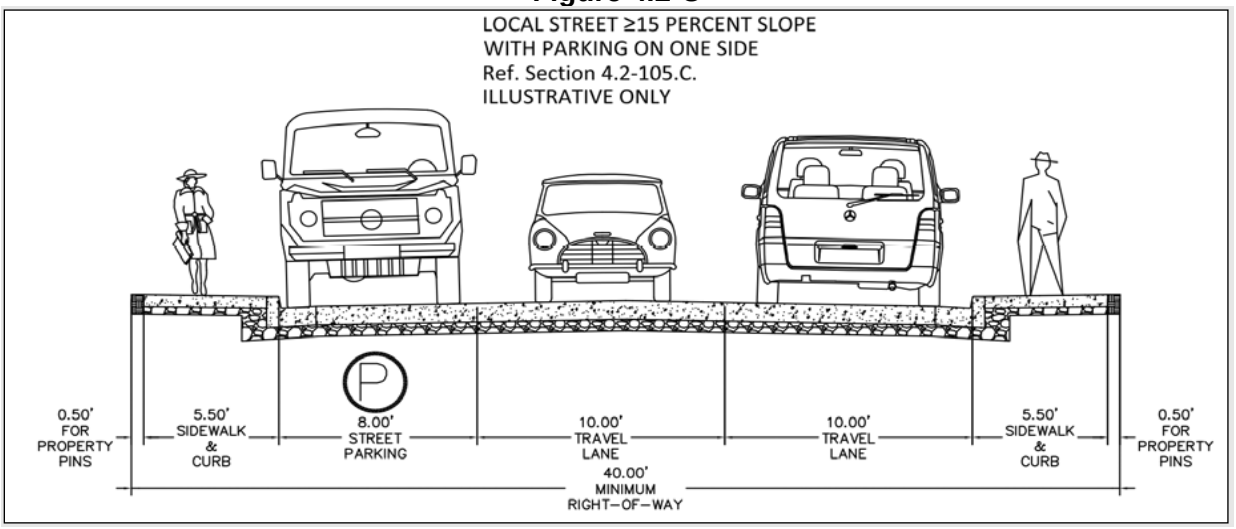

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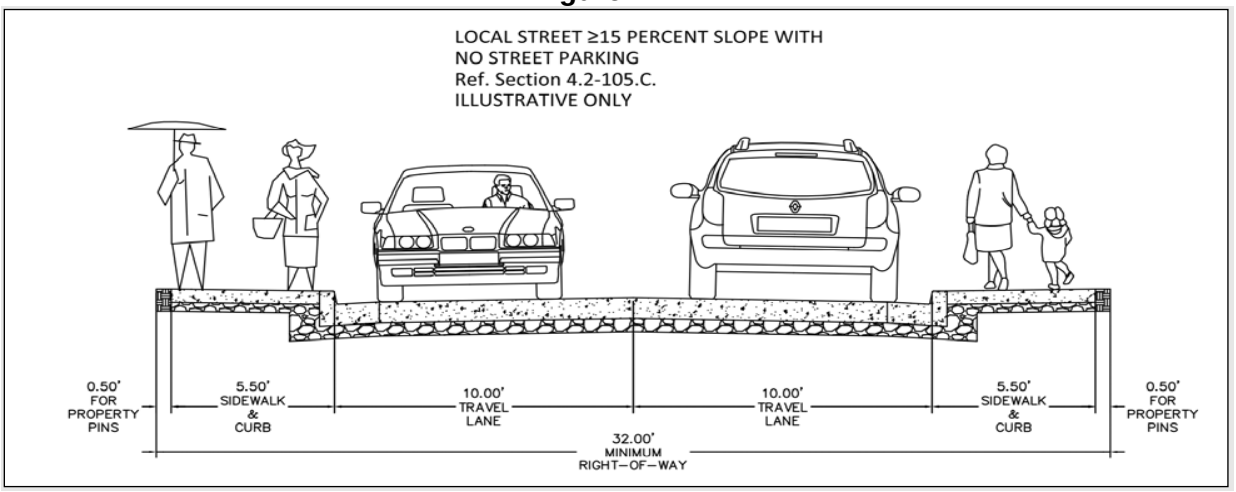


4.2.110 Private Streets

(A) Private streets are permitted within the development area of Manufactured Dwelling Parks, Multiple Unit Housing development, and singularly owned commercial and industrial developments.

(B) Private street improvements must meet the driveway standards in SDC 4.2.120(C) and must be constructed as specified in the *Engineering Design Standards and Procedures Manual* and in the Development & Public Works Standard Construction Specifications.

(C) The Approval Authority will require a Homeowner's Agreement or other legal assurances acceptable to the City Attorney for the continued maintenance of private streets.

4.2.120 Site Access and Driveway Standards

(A) Site Access and Driveways—General

(1) All developed lots or parcels are entitled to one approved driveway access provided by either direct access to a:

(a) Public street or alley along the frontage of the property; or

(b) Private street that connects to the public street system. The private street must be constructed as specified in SDC 4.2.110 (private streets are not be permitted in lieu of public streets shown on the Springfield Transportation System Plan, including the Conceptual Street Map); or

(c) Public street by an irrevocable joint use/access easement serving the subject property that has been approved by the City Attorney, where:

(i) A private driveway is required in lieu of a panhandle driveway, as specified in SDC 3.2.220(B), or
(ii) Combined access for two or more lots/parcels is required to reduce the number of driveways along a street, as determined by the Director.

(2) Single-unit detached dwellings and middle housing with frontage on a local street may have two more driveway accesses from the local street as follows:

(a) One driveway access that meets that standards in SDC Tables 4.2.2 through 4.2.5 is permitted per dwelling unit, including accessory dwelling units. These driveway accesses may be combined or consolidated.

(b) The lot or parcel may have one additional driveway serving an accessory structure, rear yard, or side yard that meets the standards in SDC Tables 4.2.2 through 4.2.5. The total driveway width across any frontage with two or more driveways must not exceed 32 feet.

(3) For multiple unit housing, commercial land uses, public land uses, and industrial land uses, more than one driveway access from a local street to the development area may be permitted through a Type 2 approval process, when the additional driveway access or accesses do not conflict with public street functions and capacity and the design minimizes traffic conflicts.

(4) Driveway access to designated State Highways is subject to the provisions of this Section in addition to requirements of the Oregon Department of Transportation (ODOT). Where City and ODOT regulations conflict, the more restrictive regulations apply.

(5) As determined by the Director, sites with abutting parking areas within the same land use district may be required to provide driveway connections or pedestrian connections internal to the sites and joint access agreements to provide efficient connectivity and preserve public street functions and capacity.

(B) Driveways must take access from lower classification streets when development sites abut more than one street and streets are of differing classification as identified in the Springfield Transportation System Plan except as allowed under this subsection.

(1) Driveway access to or from a higher classification street may be permitted through a Type 2 approval process if no reasonable alternative street access exists or where heavy use of local streets is inappropriate due to traffic impacts in residential areas, as follows:

(a) Where a proposed development abuts an existing or proposed arterial or collector street, the development design and off-street improvements must minimize the traffic conflicts.

(b) Additional improvements or design modifications necessary to resolve identified transportation conflicts may be required on a case by case basis.

(2) For single dwelling units, duplexes, and middle housing, no more than one driveway per lot or parcel is permitted along the frontage that abuts an existing or proposed arterial or collector street. Where more than one dwelling unit takes access from the existing or proposed arterial or collector street, driveways may be combined or consolidated consistent with the standards in SDC Tables 4.2.2 through 4.2.5.

(C) Driveways must be designed to allow safe and efficient vehicular ingress and egress as specified in SDC Tables 4.2.2 through 4.2.5,the City's *Engineering Design Standards and Procedures Manual*, and the Development & Public Works Standard Construction Specifications.

(1) Existing driveways may be expanded up to the maximum dimensions permitted in SDC Tables 4.2.2 through 4.2.5 through a Type 1 approval process, provided that the driveway expansion does not require removal or relocation of any existing street trees, street lighting, or underground or above ground utilities and provided that the applicant obtains any applicable permit required to construct improvements in the public right of way.

(2) Driveway widths and throat depths may be varied outside of the standards in Table 4.2.2 through 4.2.5 through a Type 2 approval process if no other reasonable alternative exists to accommodate on-site development needs, if traffic safety is not impacted, and if the variance does not conflict with frontage improvements such as street trees, street lighting, and utility pedestals.

(3) Off-street vehicle parking is restricted to approved driveways and parking lots, and is not otherwise allowed between the street and primary building, consistent with Springfield Municipal Code Section 5.002(11).

Table 4.2.2

Driveway Design Specifications					
Land Use	**Driveway Width**		**Transition Width**	**Driveway Separation**	**Paving Distance (2)(3)**
Single unit dwellings, duplexes and middle housing	12’ minimum if serving one dwelling unit; 18’ minimum if serving two or more dwelling units 30’ maximum or 50% property frontage maximum, whichever is less		3’ required	1’ minimum between outside edge of transitions No maximum	18’ from property line minimum
Land Use	**1-Way Driveway Width**	**2-Way Driveway Width**	**Transition Width**	**Driveway Throat Depth (1)**	**Paving Distance (2)**
Multiple Unit Housing and Manufactured Dwelling Parks	12’ min. 18’ max.	24′ min. 35′ max.	5′ min. 8′ max.	18′ min. No max.	Entire length of driveway
Commercial/Public Land	12’ min. 18’ max.	24′ min. 35′ max.	8′ min. No max.	18′ min. No max.	Entire length of driveway
Industrial	12’ min. 18’ max.	24′ min. 35′ max.	8′ min. No max.	8′ min. No max.	Up to employee or customer parking area at minimum

(1) Driveway throat depth is measured from the face of curb to the first stall or aisle.
(2) Driveways must be paved from the edge of existing street pavement to the property line.
(3) Except for panhandle driveways and multiple unit housing driveways, a residential driveway abutting an unimproved gravel street may have a gravel surface until the abutting street is paved. Permeable pavement is allowed on a residential driveway consistent with standards in the City’s *Engineering Design Standards and Procedures Manual*.

Table 4.2.3

Curb Return Driveway Design Specifications					
	Driveway Width (1)		**Radius of Curb (2)**		**Driveway Throat Depth Minimum (3)**
Land Use	**Min.**	**Max.**	**Min.**	**Max.**	
Multiple Unit Housing and Manufactured Dwelling Parks	24 feet	30 feet	10 feet	20 feet	60 feet
Commercial/Public Land	24 feet	35 feet	15 feet	35 feet	60 feet
Industrial	24 feet	35 feet	15 feet	35 feet	60 feet

(1) Wider driveways may be permitted to accommodate traffic demands and/or to improve traffic safety.
(2) Greater curb radii may be permitted where high volumes of large trucks are anticipated.

(3) Measured from the face of the curb to the first stall or aisle.

Table 4.2.4
Minimum Separations Between a Driveway and the Nearest Intersection Curb Return on the Same Side of the Street (1)

	Street Type		
Land Use	**Arterial**	**Collector**	**Local**
Single-Unit Dwellings, Duplexes, and Middle Housing	200 feet	50 feet	30 feet
Multiple Unit Housing and Manufactured Dwelling Parks	200 feet	100 feet	75 feet
Commercial/Public Land	200 feet	100 feet	75 feet
Industrial	200 feet	200 feet	150 feet

(1) Each category of street is considered separately. Distances may be reduced in the following circumstances:
- **(a)** Access is from a one-way street.
- **(b)** The driveway is marked for "right-in-right-out only."
- **(c)** The driveway is marked "exit only" and is designed to prevent left turns.
- **(d)** In cases where an existing lot or parcel and/or use make compliance with these specifications unreasonable, a new driveway or an existing driveway required to be relocated by this Code must be placed at the furthest point from the intersection curb return, considering both safety and internal circulation requirements of the development.

4.2.125 Intersections

Intersections must be designed and constructed as specified in the *Engineering Design Standards and Procedures Manual* and the following requirements.

(A) In order to minimize traffic conflicts and provide for efficient traffic signalization, intersections involving curb return driveways and streets, whether public or private, must be directly opposed, unless a Traffic Impact Study indicates that an offset intersection benefits public safety to a greater degree.

(B) Streets must be laid out to intersect as nearly as possible at right angles. The angle of intersection between two intersecting streets must be at least 80 degrees. At intersections, each local street must be straight or have a radius greater than 400 feet for a distance of 100 feet from each intersection. At intersections, each collector or arterial street must be straight or have a radius greater than 600 feet for a distance of 100 feet from each intersection.

4.2.130 Vision Clearance Area

(A) All lots or parcels must maintain a Vision Clearance Area to provide sight distance for approaching traffic. Vision clearance areas must be shown on Site Plans for applicable land use applications.

(B) No screens, plantings, or other physical obstructions are permitted between two and a half and eight feet above the established height of the curb in the Vision Clearance Area.

Items associated with utilities or publicly-owned structures—for example, poles, and signs, and existing street trees—may be permitted.

(C) The Vision Clearance Area must be in the shape of a triangle. Two sides of the triangle must be property lines or a property line and edge of driveway for a distance specified in this Subsection. Where the property lines or driveway edge have rounded corners, they are measured by extending them in a straight line to a point of intersection. The third side of the triangle is a line across the corner of the lot or parcel joining the non-intersecting ends of the other two sides. The following measurements establish the Vision Clearance Area:

Table 4.2-5

Type of Intersection	Measurement Along Each Property Line
Any Street	20 feet
Any Alley	15 feet
Any Driveway	10 feet

The Director may require that the Vision Clearance Area be increased to be consistent with the sight distance standards and requirements in the AASHTO "A policy on Geometric Designs of Highways and Streets" when safety concerns warrant the increase.

4.2.135 Sidewalks

(A) Sidewalks and planter strips abutting public streets must be located wholly within the public street right-of-way. Alternatively, the applicant may propose a design that does not meet this standard, subject to Director approval through a Type 2 approval process. In approving an alternative, the Director may require alternative setbacks or driveway paving requirements that reflect the altered position and location of the sidewalk.

(B) Sidewalks must be designed, constructed, replaced, or repaired as specified in the *Engineering Design Standards and Procedures Manual*, the Development & Public Works Standard Construction Specifications, and the Springfield Municipal Code.

(C) Concrete sidewalks must be provided according to SDC 4.2.105(C), Table 4.2.1, and the following criteria:

(1) Sidewalks must conform to the existing or planned street grades.

(2) Sidewalks must conform to current ADA standards.

(3) Sidewalks must be separated from the curb by the planting strip. Alternatively, sidewalks may be proposed to not meet this standard when necessary for connectivity, safety, or to comply with street design requirements subject to approval by the Director.

(4) New sidewalk width and type must be consistent with existing sidewalk design in the same block, but must physically transition to comply with current sidewalk standards.

When replacing damaged sidewalk, new sidewalk must be located in the same position as the existing sidewalk.

(5) Facilities including, but not limited to, mail boxes, water meters, valves, junction boxes, manholes, utility poles, trees, benches, fire hydrants, signs, and bus stops must not be located within the sidewalk, and must be removed or relocated prior to the construction or reconstruction of the sidewalk. Alternatively, the City Engineer may approve an alternative design to this standard if at least five feet of unobstructed width on arterial class streets and four feet on all other streets will remain around the facility.

(D) Planter strips are required as part of sidewalk construction. Planter strips must be at least four and a half feet wide (as measured from the back of curb to the edge of the sidewalk) and at least four and a half feet long. Planter strips must have approved landscaping consisting of street trees and ground cover allowed per the *Engineering Design Standards and Procedures Manual.* Tree wells set in concrete or sidewalk areas must be a minimum of four feet by four feet. Concrete, asphalt, or other impermeable pavement are not allowed to substitute for landscaping within planter strips.

Planter strips less than four and a half feet wide may be permitted when necessary for connectivity, safety, or to comply with street design requirements, subject to approval by the Director.

(E) Maintenance of sidewalks is the continuing obligation of the abutting property owner.

4.2.140 Street Trees

Street trees are those trees required within the public right-of-way. The primary purpose of street trees is to create a streetscape that benefits from the aesthetic and environmental qualities of an extensive tree canopy along the public street system. Street trees are attractive amenities that improve the appearance of the community, provide shade and visual interest, and enhance the pedestrian environment. Street trees also improve air quality, reduce stormwater runoff, and moderate the micro-climate impacts of heat absorbed by paved surfaces. Street trees may be located within a planter strip or within individual tree wells in a sidewalk, round-about, or median.

In order to meet street tree requirements where there is no planter strip and street trees cannot be planted within the public right-of-way, trees must be planted in the required front yard or street side yard setback of private property as specified in the applicable land use district.

(A) New Street Trees. New street trees must be a minimum of two inch (dbh) caliper. New street trees must be selected from the City Street Tree List contained in Appendix 6A, Approved Street Tree List, in the *Engineering Design Standards and Procedures Manual* and installed as specified in Chapter 6 of the *Engineering Design Standards and Procedures Manual*.

(B) Existing Street Trees

(1) Street Tree Retention Standards. Existing trees may meet the requirement for street trees (i.e., trees on the City Street Tree List specified in the *Engineering and Design*

Standards and Procedures Manual with a minimum caliper of two inches) if there is no excavation or filling for proposed development within the dripline of the tree. Sidewalks of variable width, elevation, and direction may be used to save existing trees, subject to approval by the Director.

Existing street trees must be retained as specified in the *Engineering Design Standards and Procedures Manual*. Alternatively, existing street trees may be approved for removal through a land use decision or in conjunction with a street construction project based on the following street tree removal standards.

(2) Street Tree Removal Standards

(a) City removal of existing street trees within the public right-of-way is exempt from the tree felling regulations specified in SDC 5.19.100.

(b) Existing street trees on private property cannot be removed without prior authorization or direction as provided in Springfield Municipal Code 5.050, or as approved through a Type 2 or Type 3 review. Removal of five or more street trees on private property is subject to the tree felling standards specified in SDC 5.19.100.

(c) Existing street trees on private property must not be removed to accommodate additional or expanded driveways.

(3) Street Tree Replacement Standards. Any street tree proposed to be removed must be replaced with a tree at least two inches in caliper.

(a) It is the responsibility of the City to plant any replacement tree within the public right-of-way.

(b) It is the responsibility of the property owner to plant any replacement street tree on private property, either as a condition of a Tree Felling Permit or when the property owner removes a street tree on private property without the City's authorization. Any replacement street tree must meet the standards specified in Subsection (A), above.

(c) Whenever the property owner removes a street tree within the public right-of-way without the City's authorization, that person is responsible for reimbursing the City for the full value of the removed tree, to include replanting and watering during the two year tree establishment period.

(C) Street Tree Maintenance Responsibility

(1) Maintenance of street trees in the public right-of-way is performed by the City.

(2) Maintenance of street trees on private property must be performed by the property owner.

(3) Removal of street trees on private or public property does not constitute maintenance.

4.2.145 Lighting Standards

Lighting design and placement for streets, paths, and accessways must conform to the following design standards and the Development & Public Works Standard Construction Specifications. **This section does not apply to on-site lighting standards that a**re regulated by Section 4.5-100.

(A) Lighting must be included with all new developments or redevelopment. Existing lighting must be upgraded to current standards with all new developments or redevelopment. The developer is responsible for lighting material and installation costs.

(B) Design Standards

(1) Lighting must comply with Illuminating Engineering Society, American National Standards Practice for Roadway Lighting – RP-8-14 and applicable National Electrical Safety Code (NESC) and National Electrical Code (NEC) standards.

(2) Intersections must be illuminated to a level equal to the sum of the average required illuminance of the two intersecting streets.

(3) Mid-block crosswalks must have two times the illumination required for the street.

(4) Decorative poles with City-approved LED fixtures and lighting controls must be used on all streets within the Nodal Development Overlay District and where any refinement plan or plan district requires decorative lighting. The developer may request to install decorative poles on streets, paths, and accessways in any other zone at the as part of an underlying Type 2 or Type 3 application, which approval is at the discretion of the Approval Authority.

(5) City-approved LED fixtures and lighting controls must be used when lighting is required along multi-use paths and accessways.

(6) Roadway style poles and “cobra head” fixtures with City-approved LED fixtures and lighting controls must be used along streets in all other locations.

(7) When roadway style poles are used on arterial and collector streets in any zone other than residential, they must be steel or aluminum. When roadway style poles are used on local and collector streets in residential zones, they must be fiberglass, steel, or aluminum.

(8) Where lot frontages are 80 feet or less, light poles must be located at property lines unless approved by the Director.

(9) The weak point illumination must not be less than 0.1 foot candles.

(10) Roadway style light poles set behind sidewalks must have eight foot arm length. Roadway style light poles set between curb and sidewalk or where no sidewalk exists must have six foot arm length.

(11) Light pole handholes must be used instead of junction boxes. However, junction boxes for street lighting may be utilized for street crossings or where necessary to comply with electrical code standards cited above.

(12) Pole Height

(a) Lights on arterial and collector streets outside of a residential zone must have a 35-foot fixture mounting height.

(b) Lights on local streets with a curb-to-curb width of 28 feet or greater and collectors within residential zones must have a 30-foot fixture mounting height.

(c) Lights on local streets with a curb-to-curb width of less than 28 feet must have a 20-foot fixture mounting height.

(d) Decorative light poles must be 12 feet tall. Alternatively, 16-foot tall decorative poles may be used if approved by the Director when the required illumination levels cannot be achieved with 12-foot tall decorative poles.

(e) Lighting on local streets must be installed on the same side of the street and on the side of the street first constructed. Alternatively, where necessary to be consistent with the existing lighting design and placement the Director may approve an alternative to this standard through a Type 2 process.

(f) Light poles must not be placed on the outside of curves with less than a 1,000-foot radius.

4.2.150 Multi-Use Paths

(A) Development abutting an existing or proposed multi-use path identified in the Springfield Transportation System Plan (including the Conceptual Street Map), City-adopted bicycle and pedestrian plan, or the adopted Willamalane Park and Recreation District Comprehensive Plan must include provisions for the extension of the multi-use path through the development area by the dedication of public easements or rights-of-way. The developer bears the cost of multi-use path improvements.

(B) Multi-use paths that are dedicated as right-of-way or in a public easement must conform to the Oregon Bicycle and Pedestrian Plan, the Oregon Bike and Pedestrian Design Guidelines, AASHTO guidelines, this Code, and the *Engineering Design Standards and Procedures Manual*.

(C) The right-of-way or easement area for a multi-use path must include a minimum paved area of 10 feet, a minimum clear zone of two feet on both sides of the path, and any additional width necessary to accommodate lighting required under this Section.

(D) Where a multi-use path runs parallel and adjacent to a public street, the multi-use path must be separated from the edge of the street by a width of at least five feet or by a physical barrier that meets the standards in the Oregon Bike and Pedestrian Design Guidelines, AASHTO guidelines, or the National Association of City Transportation Officials Urban Bikeway Design Guide.

(E) Lighting for multi-use paths must be installed according to the standards in SDC 4.2.145. Lighting must not obstruct the paved surface or two-foot clear area on either side. All lighting must be installed within the right-of-way or public easement area.

4.2.160 Accessways

(A) Accessways allow pedestrians and bicyclists convenient linkages to adjacent streets, residential areas, neighborhood activity centers, industrial or commercial centers, transit facilities, parks, schools, open space, or trails and paths where no public street access exists. Accessways may also be used as a secondary emergency access. Accessways must be dedicated as public right-of-way during the development review process.

When site constraints preclude the ability to dedicate right-of-way without impacting setback requirements or other development standards, the Director may authorize dedication of a public easement or may otherwise modify the standards in this Section through a land use decision.

(B) Accessways must comply with the following design standards:

(1) Where an accessway is proposed for only bicycle and/or pedestrian travel, the right-of-way must be 12 feet wide, with a 10 foot wide paved surface of either asphalt concrete or Portland Cement concrete consistent with the construction standards for accessways in the Springfield Construction Specifications . Light standards may be installed within travel path, as long as a minimum eight foot wide clear path is maintained.

(2) Where an accessway is proposed as a secondary access for emergency vehicles or in combination with bicycle and/or pedestrian travel, the right-of-way must be a minimum of 24 feet wide; consisting of a 12-foot wide area paved with either asphalt concrete or Portland Cement concrete and two additional four-foot wide areas on both sides that are turf block, grass-crete, or other similar permeable material, as determined by the Approval Authority, on a base of gravel capable of supporting fire equipment weighing 80,000 pounds. Light standards must be installed outside the 20-foot travel path, but within the public right-of-way.

(3) Illumination for accessways must be installed in accordance with SDC 4.2.145.

(C) When a development subject to Type 2 or Type 3 procedures will increase pedestrian travel to or from the development area, the Director may require improvements to existing unimproved accessways abutting or adjacent to the property proposed to be developed. Where possible, the improvements to unimproved accessways must continue to the closest public street or improved accessway. The developer bears the cost of accessway improvements unless other property owners are benefited. In this case, other equitable means of cost distribution may be approved by the City. Where possible, accessways may also be employed to accommodate public utilities.

4.3.100 Infrastructure Standards—Utilities

Subsections:

4.3.105 Sanitary Sewers
4.3.110 Stormwater Management
4.3.115 Water Quality Protection
4.3.117 Natural Resource Protection Areas
4.3.120 Utility Provider Coordination
4.3.125 Underground Placement of Utilities
4.3.127 Electrical Services
4.3.130 Water Service and Fire Protection
4.3.135 Major Electrical Power Transmission Lines
4.3.140 Public Easements
4.3.145 Wireless Telecommunications System (WTS) Facilities

4.3.105 Sanitary Sewer

(A) All sanitary sewer design including supporting documentation must be prepared and stamped by an Oregon licensed Engineer.

(B) Sanitary sewers must be installed to serve each new development within the city limits and to connect developments to existing sanitary sewer mains.

(C) The sanitary sewer must be designed and constructed in conformance with Chapter 2 of the *Engineering Design Standards and Procedures Manual* (EDSPM).

(D) The City Engineer must approve all sanitary sewer plans and proposed systems prior to development approval for an application proposing or requiring new sanitary sewer construction.

(E) For proposed developments in unincorporated urbanizable land, the Lane County Sanitarian must approve all septic system designs.

(F) The sanitary sewer system must be separated from any stormwater sewer system.

4.3.110 Stormwater Management

(A) Stormwater Management Improvements – General Standards

(1) All stormwater management system design including supporting documentation must be prepared and stamped by an Oregon licensed Engineer.

(2) A stormwater management system must be installed to serve each new development within the city limits.

(3) The stormwater management system must be designed and constructed in conformance with 4.3.110(C) - Stormwater Study Standards below.

(4) The stormwater management system must be separated from any sanitary sewer system.

(5) Any development that creates or replaces 5,000 square feet or more of impervious surface area and discharges to the storm system must install storm water controls that minimize the amount and rate of surface water runoff into the city stormwater system. The storm system must be constructed consistent with the *Engineering Design Standards and Procedures Manual* sections 4.03.1, 4.03.2, and 4.03.4.

(6) Identification of Water Quality Limited Watercourses. The Director must maintain a Water Quality Limited Watercourses (WQLW) Map on file in the Development Services Department, which designates certain watercourses and their direct tributaries within the City and its urbanizing area. Any revision to the WQLW Map must be approved by the City Council as an amendment to this Code. Those watercourses and their direct tributaries included on the WQLW Map have been found to warrant protective measures in support of the City's response to State and federal regulations regarding surface and subsurface discharging stormwater management systems by satisfying the following standard:

(a) Water Quality Limited Watercourses (WQLW): Waters of the State that meet one or more of the following standards:

(i) Watercourse reaches, lying within the City and its urbanizing area, that are included by the State of Oregon Department of Environmental Quality (ODEQ) on its most recently adopted "303(d)" List of Impaired and Threatened Waterbodies.

(ii) Watercourse reaches, lying within the City and its urbanizing area, with significant water quality impairment identified by water quality monitoring and sampling done in accordance with approved quality assurance/quality control (QA/QC) protocols.

(b) A direct tributary to a WQLW that satisfies the following standards:

(i) Any watercourse that flows directly into a WQLW. However, watercourses that flow into the WQLW as a piped connection, where the pipe system extends more than 200 feet upstream of the connection point are not considered as flowing into a WQLW under this standard.

(ii) Any watercourse that is a diversion from a WQLW and that discharges into either a WQLW or other direct tributary to a WQLW and where the water quality of the diverted flow at the discharge point has been degraded when compared with the water quality at the diversion point.

(7) Protection of Riparian Area Functions. A developer is required to employ site design, landscaping, and drainage management practices to protect, preserve, and restore the riparian area functions of the reaches of those watercourses shown on the WQLW Map that are contained within or abut the lot/parcel upon which the proposed development is located. For the purposes of this Code, riparian area functions include, but are not limited to:

(a) Maintaining temperature;

(b) Maintaining channel stability;

(c) Providing flood storage;

(d) Providing groundwater recharge;

(e) Removing sediments;

(f) Reducing contaminants, for example: excess nutrients; oils and grease; metals; and fecal coliform;

(g) Moderating stormwater flows; and

(h) Providing fish and wildlife habitat.

(B) Stormwater Study Standards

(1) A complete Stormwater Study, as outlined below, must be submitted for all developments that generate public and/or private stormwater runoff from more than one acre of land or generate peak flows in excess of 0.5 cfs. Applications for development that creates 5,000 square feet of new impervious surface or modifies an existing stormwater management system with a capacity of 0.5 cfs or greater must also include a complete Stormwater Study.

All developments containing or adjacent to a floodplain, stream, wetland, natural resource area, or wellhead protection zone must include in the submitted Stormwater Study a review and report on the impact to those.

(2) A Stormwater Study must include the following:

(a) A written narrative describing the proposed stormwater management system in detail, including connections to the public stormwater management system, a description addressing water quality measures (Best Management Practices) proposed, as well as any necessary capacity measures that may be required for development (i.e. – a detention pond) as determined by the Stormwater Study.

(b) A hydrological study map, that contains:

(i) The development site and adjacent areas that contribute in excess of 0.1 cfs from offsite flows, well defined, and an area beyond the development site of not less than 100 feet;

(ii) Streets adjacent to or hydrologically connected to the development area, and street names;

(iii) Flow arrows in streets and ditches;

(iv) Contours or spot elevations for verification of direction of overland flow and pipe cover; Contour intervals on the study map must be as follows:

Slope (%)	Contour Interval (Feet)
0 - 10	2
11 - 25	5
> 25	10

(v) Drainage areas of all sub-basins (in acres);

(vi) Collection points (nodes) at downstream limits of all sub-basins;

(vii) A profile of the stormwater management system showing invert elevations, maintenance access hole top and bottom elevations, existing utilities, and existing and finished ground line elevations;

(viii) Existing and proposed stormwater pipes and channels with sizes and/or cross-sections included;

(ix) Future pipes in the system, complete with proposed sizes, slopes, pipe cover, and flow line elevations at maintenance access holes;

(x) North arrow, scale, Engineer's name and contact information, and date;

(xi) Environmentally sensitive areas (e.g. gullies, ravines, swales, wetlands, steep slopes, springs, creeks, etc.) and direction of the flow of natural drainage features; and

(xii) 100-year flood plain with flood elevations and 100-year flood way, as applicable.

(c) Hydrologic calculations to establish runoff volumes and peak flows as provided in Section....

(d) Hydraulic calculations to establish pipe size, flow velocity, and hydraulic grade line.

(C) Stormwater Study Types

(1) A Small Site Stormwater Study is required when all the following criteria are met:

(a) The proposed development is on a site that is less than five acres in size for a residential development, or is a commercial, industrial, or mixed-use development that is on a site that is one acre or less in size.

(b) The study area drains into an existing public stormwater management system with available capacity, as determined by testing performed by an Oregon

licensed Engineer in conformance with the Eugene Stormwater Manual, for the peak flow based on the storm event frequency required underSDC 4.3.110(D).

(c) The study area does not contain or is not abutting to a floodplain, stream, wetland, natural resource area, or well head protection zone. Only locally significant resources that are on an adopted inventory or map, or resources that are adopted as part of the WQWL map are applicable under this standard.

(2) A Mid-Level Site Stormwater Study is required when the criteria for a Small Site Stormwater Study cannot be met and when ALL of the following criteria are met:

(a) The development area, including any hydraulically connected area on the same property, is less than 25 acres in size.

(b) The development area, including any hydraulically connected area on the same property, drains to an established public system within the city limits.

(c) The development area, including any hydraulically connected area on the same property, does not contain or is not adjacent to a floodplain, stream, wetland, natural resource area, or well head protection zone.

(3) A Full Site Stormwater Study is required when the criteria for a Small Site and Mid-Level Site Stormwater Study cannot be met and where any of the following conditions are met:

(a) The development area, including any hydraulically connected area on the same property, is greater than 25 acres in size.

(b) Developments that require creation of a new outfall and/or the stormwater from the new development will exceed the existing stormwater management system capacity.

(c) The development area, including any hydraulically connected area on the same property, contains or is adjacent to a floodplain, stream, wetland, or natural resource area.

(d) Any development that generates a peak flow in excess of 0.5 cfs, modifies an existing stormwater management system with a capacity of 0.5 cfs or greater, or is a redevelopment or new development that creates 5,000 square feet or more of new impervious area.

(D) Stormwater Study Hydrologic Calculation Standards. The stormwater study required under SDC 4.3.110(C) must be supported by hydrologic calculations that conform to the following standards:

(1) A small site stormwater study must be supported by calculations using the rational peak flow method, Q=CiA, where ‘Q’ is the peak flow, ‘C’ is a runoff coefficient, ‘i’ is the rainfall intensity, and ‘A’ is the catchment area, as follows:

(a) When the runoff coefficient 'C' is 0.5 or greater, the peak flow for impervious surfaces must be calculated separately from the pervious surfaces and compared to the peak flow of the combined area. The higher of the two peak flow rates must be used as the peak flow rate for the purpose of the stormwater study.

(b) For the purposes of determining whether stormwater quality standards are met using the rational method, a rainfall intensity 'i' of 0.25 inch per hour must be used to calculate peak flow.

(c) For the purposes of determining stormwater capacity using the rational peak flow method, the rainfall intensity 'i' must be calculated using the Intensity Duration Frequency curves from the West Springfield Drainage Master Plan (1983) (available in Chapter 4 of the *Engineering Design Standards and Procedures Manual*). The storm event frequencies in SDC Table 4.3.1 must be used:

Table 4.3.1 Storm Event Frequencies

Peak Flow Range	Storm Event Frequency
<5 cfs	2-year storm event
5 cfs to <20 cfs	5-year storm event
20 cfs to <40 cfs	10-year storm event (1)
40 cfs and above	50-year storm event

(1) The 25-year storm event may be required when downstream capacity issues are identified during a Type 2 or Type 3 review process.

(2) A mid-level site stormwater study and full site stormwater study must be supported by calculations using the unit hydrograph method.

(a) The Natural Resources Conservation Service (NRCS) SCS Type 1A distribution must be used (provided in the *Engineering Design Standards and Procedures Manual* for reference). The storm event frequencies in Table 4.3.1 must be used.

(b) For the purposes of determining whether stormwater quality standards for mid-level and full sites, a rainfall intensity of 0.83 inches per 24-hour period must be used.

A full site stormwater study must include floodplain analysis if the development will affect the floodplain. The 100-year flood event frequency must be used for development within the floodplain.

4.3.115 Water Quality Protection

These regulations apply water quality protection to only those sites that require Minimum Development Standards Review as specified in SDC 5.15.100, Site Plan Review approval as specified in SDC 5.17.100, and Land Divisions (Partition Tentative Plan and Subdivision Tentative Plan) approval as specified in SDC 5.12.100, or that disturb more than one acre of land through a Type 1 review. The following standards do not apply to single unit dwellings duplexes, or middle housing in the R-1 District that disturb less than one acre of land, unless as specified in SDC 4.3.115(A)(1). Existing buildings that are within the riparian areas specified in SDC 4.3.115(A)(1) and (2) are not considered non-conforming. SDC 4.3-115(A)(2)(a) and (b) provide additional protection from a non-conforming status.

(A) When addressing criterion (E) as specified in SDC 5.12.125, for Land Divisions, and SDC 5.17.125 for Site Plan Review to protect riparian areas along watercourses shown on the Water Quality Limited Watercourses (WQLW) Map, the following riparian area boundaries must be utilized:

(1) Along all watercourses shown on the WQLW Map with average annual stream flow of 1,000 cubic feet per second (CFS) or greater, the riparian area boundary is 75 feet landward from the top of the bank. Existing native vegetative ground cover and trees must be preserved, conserved, and maintained between the ordinary low water line and the top of bank and 75 feet landward from the top of bank.

Within the Willamette Greenway, any change or intensification of use to a single unit dwelling or Middle Housing requires Site Plan Review as specified in SDC 3.3.315. through the Site Plan Review process the Director may reduce the size of the required riparian area if there is a finding that the proposed development is in compliance with SDC 3.3.300, the Willamette Greenway Overlay District, SDC 3.2.280 and other applicable provisions of this Code.

(2) Along all watercourses shown on the WQLW Map with average annual stream flow less than 1,000 CFS the riparian area boundary is 50 feet landward from the top of the bank. Existing native vegetative ground cover and trees must be preserved, conserved, and maintained both between the ordinary low water line and the top of bank and 50 feet landward from the top of bank.

(a) For all watercourses subject to Subsection 4.3.115(A)(2), other than the Mill Race or Cedar Creek, the 50-foot riparian area standard may be reduced to 35 feet, provided an equivalent amount and function of pervious land is established elsewhere on the property that utilizes water quality measures including, but not limited to: wetlands; bioswales; and additional trees, especially in parking areas, exclusive of otherwise required water quality measures and landscape areas. The applicant has the burden of proof to demonstrate, to the satisfaction of the Director, equivalency in relation to both the amount of pervious land (as specified above) and riparian area function (as specified in SDC 4.3.110(G)).

(b) An existing building within a riparian area is not considered a non-conforming use if destroyed by earthquake, flood or other natural disaster, or fire. In this case, the replacement building may be constructed within the same footprint as

the existing building. If the building is within the Willamette Greenway, the standards in SDC 3.3.300, Willamette Greenway Overlay District apply.

(3) Where a watercourse divides a lot/parcel and the existing riparian area along that watercourse is degraded in riparian function, the applicant may relocate the watercourse to another portion of the property as approved by the Director and applicable State or Federal agency.

(B) Permitted Uses in Riparian Areas. The following uses are permitted in riparian areas as long as they do not diminish riparian functions:

(1) The planting of trees and native vegetation to promote bank stability, enhance riparian areas, minimize erosion, preserve water quality and protect federally listed species. Trees may be clustered to allow the preservation of views; or to allow maintenance vehicles to approach City maintained stormwater facilities including detention basins, outfalls, culverts and similar stormwater facilities as may be permitted by the *Engineering Design Standards and Procedures Manual*.

(2) The felling of hazardous trees for safety reasons as specified in SDC 5.19.100, Tree Felling.

(3) Riparian area restoration and enhancement including the removal of invasive plant species, where necessary.

(4) Flood control structures, where necessary.

(5) Stormwater management systems and outfalls, as specified in the *Engineering Design Standards and Procedures Manual* or as required by other regulating authorities.

(6) Multi-use paths for pedestrian and/or bicycle use must be permitted, provided that the multi-use path drains away from the watercourse. Multi-use paths must be located along the outer edge of the required riparian area and away from the watercourse. The multi-use path must be located at the outermost edge of the 75-foot-wide Riparian Setback to the maximum extent practicable. Utilities may be extended within a multi-use path.

(7) Water-dependent or water-related uses between the Willamette River and the Greenway Setback Line as may be permitted in the Willamette Greenway Overlay District.

(8) Private driveways, public street crossings, bridges, and necessary culverts when there is no other vehicle access to the property. Crossings must be preferably at right angles to the watercourse. Public and private utilities must be permitted within the driveway, public street, or bridge right-of-way.

(9) Repair, replacement, or improvement of utility facilities as long as the riparian area is restored to its original condition.

(10) Routine repair and maintenance of existing structures, streets, driveways, utilities, accessory uses and other similar facilities.

(11) Other activities similar to those listed above that do not diminish riparian function. The Director must make the interpretations as specified in SDC 5.11.100.

(C) For protection of water quality and protection of riparian area functions as specified in SDC 4.3.110, the following standards apply:

(1) Avoid development or redevelopment in the following circumstances:

(a) Unsuitable areas, including, but not limited to, unstable slopes, wetlands and riparian areas;

(b) Stream Crossings. Where crossings have to be provided, the impacts on water quality must be minimized to the maximum extent practical; and

(c) Hardening or armoring of stream banks and shorelines.

(2) Prevent:

(a) Stormwater discharge impacts to water quality and quantity; and

(b) Erosion and sediment run-off during and after construction.

(3) Protect:

(a) Riparian areas, buffers, and functions around all watercourses; and

(b) Wetlands, wetland buffers and wetland functions.

(4) Preserve the hydrologic capacity of any watercourses.

(5) Utilize Native Vegetation in Riparian Areas. The required riparian area landscaping must be installed as part of the building permit process and may be bonded as specified in SDC 5.17.150.

(6) Restore and enhance riparian areas that are degraded in riparian function.

(7) In applying SDC 4.3.115(C)(1) through (6), riparian area protection, preservation, restoration, and enhancement measures must be applied as follows:

(a) For new development and redevelopment, existing riparian area functions must be protected and preserved. Degraded functions must be restored or enhanced through the full riparian area width, as specified in SDC 4.3.115(A)(1) and (2), and extending through the full frontage of the lot/parcel along the watercourse on the Water Quality Limited Watercourse (WQLW) Map.

(b) For additions and expansions on any portion of a lot/parcel, existing riparian area functions must be protected and preserved through the full riparian area

width specified in SDC 4.3.115(A)(1) and (2), and extending through the full frontage of the lot/parcel along the watercourse on the WQLW Map.

(c) For additions and expansions within 100 feet of a watercourse on the WQLW Map on a lot/parcel that has degraded riparian functions, the area for restoration or enhancement must be based upon the ratio of the impervious area of the addition or expansion to the existing building or impervious area on the lot/parcel. The restoration or enhancement must start at the top of bank of the watercourse and work landward.

4.3.117 Natural Resource Protection Areas

(A) The purpose of this Subsection is to protect identified natural resources in order to:

(1) Implement the goals and policies of the Metro Plan;

(2) Satisfy the requirements of Statewide Planning Goal 5;

(3) Safeguard the City's locally significant wetland and riparian areas, especially the hydrologic and ecologic functions these areas provide for the community;

(4) Safeguard fish and wildlife habitat;

(5) Safeguard water quality and natural hydrology, to control erosion and sedimentation, and to reduce the adverse effects of flooding;

(6) Safeguard the amenity values and educational opportunities for City's wetlands and riparian areas for the community; and

(7) Improve and promote coordination among Federal, State, and local agencies regarding development activities near wetlands and riparian areas.

(B) This Subsection must apply to natural resource protection areas that include land within the wetland and/or the riparian resource boundary and the development setback area, specifically:

(1) Locally significant protected wetlands, listed in the Springfield Local Wetland Inventory and shown on the Local Wetland Inventory Map.

(a) The City must determine which wetlands are locally significant through application of the Oregon Freshwater Wetland Assessment Methodology to the Local Wetland Inventory.

(b) Inventoried wetlands which are not deemed to be locally significant must not be subject to the development setbacks and other protections described in this Subsection, but must continue to be protected under permitting authority of applicable Federal and State agencies.

(c) During the application review process, if a property is found to contain a wetland that has not been inventoried, the applicable Federal and State

agencies must be notified. Based upon the Federal and State agency review, both the Springfield Local Wetland Inventory and the Local Wetland Inventory Map may require amendment.

(2) Locally significant protected riparian areas, listed in the Springfield Inventory of Natural Resource Sites and shown on the Natural Resources Inventory Map. The City has determined which riparian areas are significant in accordance with rules adopted by the Oregon Department of Land Conservation and Development (DLCD).

(3) The protections described in this Subsection do not apply to:

(a) Properties that received development approval or were submitted for processing before December 28, 2005.

(b) Properties with approved wetland or riparian fill and mitigation plans, permits or other approved actions issued by the Oregon Department of State Lands (DSL) and or the US Army Corps of Engineers (COE) or other approving authority with jurisdiction over wetland and riparian resources.

(c) Sites shown on the City's WQLW Map that are already protected with 50-foot or 75-foot development setbacks in accordance with SDC 4.3.115.

(4) Inventory map corrections**:** The Director may correct the location of a wetland or riparian boundary shown on the Local Wetland Inventory Map and/or the Natural Resources Inventory Map when it has been demonstrated by a property owner or applicant that a mapping error has occurred and the error has been verified by DSL. Wetland delineations verified by DSL must be used to automatically update and replace the City's Local Wetland Inventory mapping. No variance application is required for map corrections where approved delineations are provided.

(C) Development Setbacks for Locally Significant Wetland and Riparian Areas.

(1) Development setbacks are the primary element of the City's protection program for locally significant wetland and riparian areas. Development setbacks are determined as follows:

(a) Locally significant wetlands on the Springfield Local Wetland Inventory which are not shown on the WQLW Map must be protected by a 25-foot wide development setback.

(b) Locally significant riparian areas identified on the Springfield Inventory of Natural Resource Sites which are not shown on the WQLW Map must be protected by a 25-foot wide development setback.

(c) Where a locally significant wetlands or riparian area is only partially shown on the WQLW Map, that portion which is not protected by the City's Stormwater Quality Management Program must be protected by a 25-foot wide development setback.

(d) Development setbacks from locally significant wetland areas are measured from the delineated edge of the wetland as acknowledged by DSL.

(e) Development setbacks from locally significant riparian areas are measured from the "top of bank" as defined in Chapter 6.

(f) Where locally significant wetlands and riparian areas overlap, the development setback area is measured from the edge of the delineated wetland.

(2) The Springfield Local Inventory Map and the Springfield Inventory of Natural Resource Sites Map must be used to provide a visual reference for locating known wetland and riparian areas, but must not be relied upon as the final authority for locating the actual boundaries of these areas. The final authority is a delineation required as specified in SDC 5.12.120(B) and/or 5.17.120(B) in order to locate the boundaries of the resource for the purpose of applying development setbacks or other protections described in this Section.

(D) Site Plan Review as specified in SDC 5.17.100 is required for development in commercial, industrial, R-2, and R-3 land use districts where the multiple unit housing development is proposed within 150-feet of a locally significant wetland or riparian area.

Site Plan Review is not required for:

(1) Single unit detached dwellings and middle housing in the R-1 land use district. However, the natural resource protection standards of this Subsection apply to these single-unit detached dwellings and middle housing; and/or

(2) Land divisions that comply with water quality protection standards specified in SDC 4.3.115.

(E) Permitted Uses Within Locally Significant Wetland and Riparian Natural Resource Protection Areas.

(1) The following uses and activities are permitted within a locally significant wetland or riparian natural resource protection area, including the development setback area, with no additional State or Federal permits:

(a) Any use, building or structure that lawfully existed as of December 28, 2005 is allowed to continue and required maintenance may occur.

(b) The maintenance and alteration of pre-existing ornamental landscaping must be permitted as long as no additional native vegetation is disturbed.

(c) These uses permitted in Subsections (a) and (b), above are not affected by any change in ownership of property.

(2) The following uses and activities are permitted within a locally significant wetland or riparian natural resource protection area, including the development setback area, provided that any applicable Federal, State, or local permits are secured:

(a) Wetland and or riparian restoration and rehabilitation activities.

(b) Restoration and enhancement of native vegetation, including the addition of canopy trees.

(c) Cutting and removal of trees that pose a hazard to life or property due to threat of falling.

(d) Perimeter mowing and other cutting necessary for hazard prevention.

(e) Removal of non-native vegetation, if replaced with native plant species at a density that prevents soil erosion and encourages the future dominance of the native vegetation.

(f) Normal farm practices such as grazing, plowing, planting, cultivating, and harvesting that meet the following standard and limitations:

(i) The farm practices were in existence or occurring on the property as of December 28, 2005;

(ii) The farm practices are of no greater scope or intensity than the operations that were in existence as of the December 28, 2005; and

(iii) Normal farm practices do not include new or expanded structures, streets, or other facilities involving placement of fill material, excavation, or new drainage measures.

(g) Maintenance of existing drainage ways, ditches, or other structures to maintain flows at original design capacity and mitigate upstream flooding, provided that management practices avoid sedimentation and impact to native vegetation and any spoils are be placed in uplands.

(h) Waterway restoration and rehabilitation activities such as channel widening, realignment to add meanders, bank grading, terracing, reconstruction of street crossings, or water flow improvements.

(i) Maintenance and expansion of existing public drinking water facilities and the establishment of new public drinking water facilities. This includes essential and ancillary infrastructure and services needed for the operation of these drinking water facilities.

(j) Replacement of a permanent, legal, non-conforming building or structure in existence as of December 28, 2005 with a building or structure on the same building footprint, if it does not disturb additional area, in accordance with the provisions of SDC 5.8.100*,* Non-Conforming Use. Access to and around the building footprint must be allowed as needed for the delivery of building materials and reconstruction, but this access must not cause unnecessary disturbance to vegetation within the resource protection area. Land within the

resource protection area that is disturbed by reconstruction must be restored to its original condition.

(k) Expansion of a permanent, legal, non-conforming building or structure in existence on December 28, 2005, if the expansion area is not within and does not disturb the locally significant wetland or riparian resource boundary, in accordance with the provisions of SDC 5.8.100*,* Non-Conforming Use.

(l) Emergency stream bank stabilization to remedy immediate threats to life or property (Federal, State, or local emergency authorization may be needed for in-stream work).

(m) Maintenance and repair of existing streets, including repaving and repair of existing bridges, and culverts, provided that these practices avoid sedimentation and other discharges into the locally significant wetland or riparian resource boundary.

(n) Public multi-use paths, access ways, trails, boardwalks, picnic areas, or interpretive and educational displays and overlooks, including benches and outdoor furniture;

(o) Construction of public and private transportation facilities, sewers, drainage ways, utilities, and other infrastructure which cannot be feasibly located outside of the locally significant wetland or riparian resource boundary, as determined by the Director. These facilities are subject to the development standards specified in Subsections (k) and (l), above.

(p) New fencing may be permitted by the Director where the applicant demonstrates that the following standard can be satisfied:

(i) The fencing must not affect the hydrology of the natural resource protection area;

(ii) The fencing must not present an obstruction that would increase flood velocity or intensity;

(iii) Fish habitat must not be adversely affected by the fencing;

(iv) The fencing must be the minimum necessary to achieve the applicant's purpose; and

(v) Applications for new fencing within a locally significant wetland or riparian resource boundary must contain a scale drawing that clearly depicts the resource boundary and the development area setback, where applicable.

(F) The following uses and activities must be permitted within the development setback area only, provided all required Federal, State, or local permits are secured:

(1) Docks, boat shelters, piers, boat ramps, and similar water dependent uses;

(2) Utilities including but not limited to water, wastewater, stormwater, electrical facilities, natural gas facilities, telecommunications, or other public improvements;

(3) Streets or bridges where necessary for access or crossings;

(4) Bioswales or similar water quality improvement projects;

(5) Public multi-use paths, access ways, trails, picnic areas, or interpretive and educational displays and overlooks, including benches and outdoor furniture; and

(6) Wetland and riparian restoration.

(G) The following uses and activities must be prohibited within a locally significant wetland or riparian natural resource protection area, including the development setback area, unless permitted elsewhere in this Code:

(1) Placement of new structures or impervious surfaces;

(2) Excavation, drainage, grading, fill, or removal of vegetation except for fire protection purposes or removing hazard trees;

(3) Expansion of areas of landscaping with non-native species, such as a lawn or garden, into the protected areas;

(4) Disposal or temporary storage of refuse, yard debris, or other material;

(5) Discharge or direct runoff of untreated stormwater; and

(6) Uses not allowed in the list of permitted uses for the underlying zone.

(H) Conservation and Maintenance of Locally Significant Wetland and Riparian Areas and Development Area Setbacks. When approving applications for Land Divisions, Site Plans, Master Plans, Discretionary Use Permits, Variances, and Land and Drainage Alteration Permits or for development permits for properties containing all or a portion of a wetland or riparian area, the City must assure long term conservation and maintenance of the wetland or riparian area through one or more of the following methods:

(1) The area must be protected in perpetuity by a conservation easement recorded on deeds and plats prescribing the conditions and restrictions specified in Subsections (E) through (G), above and any conditions imposed by State or Federal permits; or

(2) The area must be protected in perpetuity through ownership and maintenance by a private nonprofit association through a conservation easement or through conditions, covenants, or restrictions (CC&Rs), prescribing the conditions and restrictions specified in Subsections (E) through (G), above and any conditions imposed by State or Federal permits; or

(3) The area must be transferred by deed to a willing public agency or private conservation organization with a recorded conservation easement prescribing the conditions and restrictions specified in Subsections (E) through (G), above and any conditions imposed by State or Federal permits.

(4) Other mechanisms for long-term protection and maintenance as deemed appropriate and acceptable by the Director. These mechanisms must be consistent with the purposes and requirements of this Section.

(I) Notification and Coordination with State Agencies. The Director must notify DSL in writing of all applications to the City for development activities, including development applications, Building Permits, and other development proposals, that may affect any wetland or riparian areas identified in the Springfield Local Wetlands Inventory or the Springfield Inventory of Natural Resources Map. This applies to both locally significant and non-significant wetlands and riparian areas.

(J) Development Setback Area Variances.

(1) Variance applications for development setback areas require compliance with either the Major Variance standards specified in SDC 5.21.130 or the Minor Variance standards specified in SDC 5.21.125; and

(2) In the case of loss of use of the property, the following additional standards apply:

(a) The application of the standards of this Section renders the property unbuildable;

(b) The applicant has exhausted all other options available under mapping errors specified in Subsection (B)(4), above and the development area setback variance specified in Subsection (3), below;

(c) There must be no significant adverse impacts on water quality, erosion, or slope stability, or these impacts have been mitigated to the greatest extent possible; and

(d) The loss of native vegetative cover must be minimized.

(3) In the case of varying the development setback area, such as averaging the setback area width, the applicant must submit a plan demonstrating compliance with the additional standard:

(a) There must be equal or better protection of the wetland or riparian area to be ensured through restoration, enhancement, or similar means;

(b) In the case of setback averaging, the required plan must show the proposed average setback width with measurements made at no greater than 50-foot intervals over the distance the property involved in the setback averaging; and

(c) In no case can the activities prohibited in Subsections (G)(1) through (G)(3), above occupy the locally significant riparian area or wetland or more than 50 percent of the development setback area.

(K) Transportation Facilities and Structures Development Standards. The following standards apply to transportation facilities and structures within wetland protection areas, including streets and driveways, bridges, bridge crossing support structures, culverts, and pedestrian and bike paths:

(1) Wetland and riparian protection areas can be crossed only where there are no practicable alternatives to avoid the resource;

(2) Transportation facilities and structures crossing wetland and riparian protection areas must be no wider than necessary to serve their intended purposes; and

(3) Within buffer areas, new streets, driveways, and pedestrian and bike paths must be located or constructed so as not to alter the hydrology of the adjacent wetland or riparian corridor.

(L) Utility Development Standards. The following standards apply to permitted crossing, trenching, or boring for the purpose of developing a corridor for communication, energy, or other utility lines within or crossing properties within wetland or riparian protection areas:

(1) Utility maintenance access roads in or crossing protected resources must meet applicable standards for transportation facilities and structures in protected resources as specified in Subsection (K), above; and

(2) For underground utilities, the following additional standards apply:

(a) Boring under the waterway, directional drilling, or aerial crossing is preferable to trenching. If trenching is the only alternative, it must be conducted in a dry or dewatered area with stream flow diverted around the construction area to prevent turbidity;

(b) Common trenches, to the extent allowed by the Building Code, must be required in order to minimize disturbance of the protected resource;

(c) Materials removed or excavated during trenching, boring, or drilling must be deposited away from the protected resource, and either returned to the trench as back-fill, or if other material is to be used as back-fill in the trench, excess materials must be immediately removed from the protected resource and its associated buffer. Side-casting of removed material into a protected resource must not be permitted;

(d) Backfilling of trenches must utilize excavated soils from the site whenever possible. If other materials are used for backfill, they must not be of a pervious nature that would cause the trench to become a conduit for runoff or change the original hydrology of the protected wetland or riparian site;

(e) The ground elevation of a protected resource must not be altered as a result of utility trench construction or maintenance. The finished elevation must be the same as starting elevation; and

(f) Topsoil and sod must be conserved during trench construction or maintenance, and replaced on top of the trench.

(3) Hydraulic impacts on protected resources and removal of native vegetation must be minimized; and

(4) Where feasible, crossings of wetland and riparian protection areas must be perpendicular to the protected area to minimize the impact.

(M) Vegetation Management Standards. The following standards apply to vegetation in wetland and riparian protection areas:

(1) Vegetation removal, pruning, or mowing in a locally significant wetland or riparian boundary must be the minimum necessary and in no case substantially impair any resource functions and values. Vegetation removal, pruning, or mowing in the development area setback must be the minimum necessary. Removal, pruning, or mowing of vegetation is allowed if the applicant demonstrates one of the following:

(a) The action is necessary for the placement of a structure or other allowed use for which a Building Permit has been issued;

(b) The action is necessary for maintenance of an existing structure or transportation facility;

(c) The action is necessary for correction or prevention of a hazardous situation;

(d) The action is necessary for completion of a land survey;

(e) The action involves the maintenance of a landscaped area that existed prior to December 28, 2005;

(f) The action is part of an approved restoration, enhancement, mitigation, or erosion control plan, including, but not limited to, invasive or noxious species removal and replacement with native species, and wetland area restoration, mitigation, or enhancement; or

(g) The action is part of a landscape plan approved by the City, and any other appropriate agencies, in conjunction with a Building Permit that minimizes adverse impacts on protected resources.

(2) Planting is permitted in accordance with the following standards:

(a) The planting is part of an approved restoration, enhancement, mitigation, or erosion control plan;

(b) The planting is part of a landscape plan using appropriate native plant species, and the plan is approved by the City in conjunction with approval of a Building Permit; or

(c) The planting is to replace dead or damaged plants that were either part of a maintained landscape or part of the existing native plant community.

4.3.120 Utility Provider Coordination

(A) All utility providers are responsible for coordinating utility installations with the City and the developer through the Development Review Committee or by separate written correspondence.

(B) The developer is responsible for the design, installation and cost of utility lines and facilities to the satisfaction of the utility provider.

4.3.125 Underground Placement of Utilities

Whenever possible, all utility structures, facilities and equipment must be placed underground. However, overhead, and above ground structures, facilities and equipment are permitted for the following:

(A) Emergency and temporary installations undertaken by utility providers for a maximum of 30 days.

(B) Electrical transmission lines and backbone distribution feeders that are consistent with the Metro Plan's Public Facilities and Services Plan. These lines act as a main source of supply to primary laterals and direct connected distribution transformers and primary loads.

(C) Appurtenances and associated equipment, including, but not limited to: surface-mounted transformers, pedestal-mounted terminal boxes, meter cabinets, telephone cable closures, connection boxes.

(D) Structures without overhead wires, used exclusively for fire alarm boxes, streetlights, or municipal equipment installed with the approval of the City Engineer.

(E) Power substations, pumping plants, and similar facilities necessary for transmission or distribution of utility services are permitted subject to compliance with zoning district regulations and the Metro Plan's Public Facilities and Services Plan. Required landscaping and screening must be approved by the Director under Type 2 procedures for all these facilities prior to any construction being started.

(F) Public television transmitters and receivers.

(G) Industrial developments requiring exceptionally large power supplies may request direct overhead power during the Site Plan Review process, without a Variance.

(H) Existing non-backbone distribution feeders located on existing streets on developed or undeveloped land.

4.3.127 Electrical Service

(A) Electrical utility facilities are available to serve the site at the time of development.

(B) Electrical utility facilities have capacity to serve the proposed development.

4.3.130 Water Service and Fire Protection

(A) Each development area must be provided with a water system having sufficiently sized mains and lesser lines to furnish an adequate water supply to the development with sufficient access for maintenance.

(B) Fire hydrants and mains must be installed by the developer as required by the Fire Marshal and the utility provider.

4.3.135 Major Electrical Power Transmission Lines

(A) When necessary to increase the capacity of major electrical power transmission lines, utility providers must provide the increase by use of existing rights-of-way or easements.

(1) In the event that a utility provider determines that it cannot provide the increase by use of existing rights-of-way or easements, siting of major electrical power transmission lines is permitted as specified in the Metro Plan's Public Facilities and Services Plan.

(2) Notwithstanding Subsections (A) and (A)(1) above, a utility provider may locate major electrical transmission lines along routes identified on Auxiliary Map Number I dated 1982 of the Metropolitan Area General Plan.

(B) Applications for siting of new major electrical power transmission lines are exempt from the provisions of SDC 5.4.105(B)(2).

4.3.140 Public Easements

(A) Utility Easements. The applicant must 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, as necessary. Public utility easements must be shown on plat or in a form approved by the City Attorney, and must meet the following standards:

(1) The minimum width for public utility easements adjacent to collector and arterial streets ten feet.

(2) The minimum width for sewer easements is five feet on either side of sewer line for sewers less than 12 inches diameter and less than five feet of cover, and seven feet on either side of the sewer line for sewers greater than 12 inches diameter or with greater than five feet of cover.

(3) The minimum width for all other public utility easements is seven feet.

(4) Notwithstanding the above standards, the utility provider or the Director may require a larger easement for major water mains, major electric power transmission lines, stormwater management systems or in any other situation to allow maintenance vehicles to set up and perform the required maintenance or to accommodate multiple utility lines.

(5) Where feasible, utility easements must be centered on a lot/parcel line.

(B) Watercourse or Riparian Area Maintenance Easements. Where the Director has determined that a watercourse or riparian area will be part of the City's Stormwater Management System, a maintenance easement is required in order to maintain the functionality of these areas. For watercourses, the easement must be measured from either the top of the bank, ordinary high water mark or the delineated setback line. The easement must be a minimum of ten feet wide where no equipment is required for access or maintenance. The easement must be extended to a maximum of 25 feet wide to allow City maintenance vehicles to set up and perform the required maintenance.

4.4.100 Landscaping, Screening, and Fence Standards

Subsections:

4.4.105 Landscaping
4.4.110 Screening
4.4.115 Fences

4.4.105 Landscaping

(A) These regulations ensure that new development complies with the landscaping provisions of this Code and any applicable Refinement Plans, Plan Districts, Master Plans, and Conceptual Development Plans; is adequately screened from less intensive development; considers the effects of vegetation on public facilities; retains significant clusters of natural trees and shrubs wherever possible; minimizes run-off; facilitates energy conservation and crime prevention; and improves the appearance of the City to create a desirable place to live and work.

(B) Three types of landscaping may be required:

(1) Landscaping standards for private property as specified in this Section and other Sections of this Code.

(2) Street trees in the public right-of-way as specified in SDC 4.2.140.

(3) Curbside planter strips in the public right-of-way as specified in SDC 4.2.135.

(C) Materials and installation costs of required planting and irrigation, other than what is required by the Minimum Development Standards, SDC 5.15.100, must not exceed ten percent of the value of the new development, including the cost of parking facilities.

(D) The following areas of a lot/parcel must be landscaped, unless otherwise specified in this Code:

(1) All required setback areas and any additional planting areas as specified in the appropriate zoning district.

(2) Parking lot planting areas required in this Section.

(E) At least 65 percent of each required planting area must be covered with living plant materials within five years of the date of installation. The living plant materials must be distributed throughout the required planting area. The planting acceptable per 1,000 square feet of required planting area is as follows:

(1) A minimum of two trees, not less than six feet in height, that are at least a two inch (dbh) caliper (at the time of planting, not including root ball); and

(2) Ten shrubs, five gallons or larger.

(3) Lawn and/or groundcover may be substituted for up to 25% of the living plant material requirement , unless trees or shrubbery are required for screening. This substitution is only allowed when the applicant has demonstrated that there is provisions for ongoing maintenance of the landscape areas.

These standards do not apply to single unit detached dwellings and middle housing in the R-1 District.

(F) Parking lot planting areas must include one canopy tree at least two inches (dbh) in caliper that meets City street tree standards as may be permitted by the *Engineering Design Standards and Procedures Manual* and at least four shrubs, five gallon or larger, for each 100 square feet of planting area. Shrubs that abut public right-of-way or that is placed in the interior of any parking lot must not exceed two and a half feet in height at maturity. Parking lot planting areas must include:

(1) Parking and driveway setback areas specified in the applicable land use district; and

(2) Five percent of the interior of a parking lot, exclusive of any required parking setbacks, if 24 or more parking spaces are located between the street side of a building and an arterial or collector street and are visible from any street.

(3) See also SDC 4.7.380 or 4.7.385 for multiple unit housing design standards.

(G) All new required planting areas must be provided with a permanent irrigation system which can include a drip irrigation system. Areas planted with noninvasive drought tolerant species or plant communities are exempt from this standard.

(H) Landscaped setbacks abutting required screening on the same property are exempted from planting requirements if the area is not visible from any public right-of-way or adjacent property.

(I) Planting Installation Standards

(1) Existing landscaping to be retained must be provided with protection which will remain through the construction process. The plants to be saved and the method of protection must be noted on the Landscape Plan.

(2) Existing trees to be retained on private property must not have construction occur within the drip line, unless a landscape architect certifies that affected trees will not have at least a 90 percent chance of survival over a five-year period. Trees to be

retained must be provided with protection with at least a three-foot-tall temporary fence barrier around the drip line and include protection around the tree to prevent abrasion to the tree. The trees to be retained and the method of protection must be included on the Landscape Plan.

(3) The Landscape Plan must include specifications for topsoil, including depth and organic matter requirements, to ensure the health and vitality of required planting. Where planting areas have been excavated the replacement of topsoil must be provided for and indicated on the Landscape Plan. All waste material must be removed from required planting areas prior to the application of topsoil.

(a) Inspection may be made by the Director prior to planting to verify proper rough grade and installation of irrigation systems.

(b) Plant materials and soil preparation may be inspected prior to or in conjunction with the occupancy inspection to ensure that placement, quantity, size, and variety conform to the approved Planting Plan and the requirements of this Section. Nursery tags identifying variety and species must remain on plant specimens until the Final Building Inspection by the Building Official or the issuance of a Certificate of Occupancy.

4.4.110 Screening

(A) Unless otherwise specified in this Code, screening is required:

(1) Where commercial and industrial districts abut residential districts and no approved screening exists;

(2) For outdoor mechanical devices and minor and major public facilities;

(3) For outdoor storage yards and areas in non-residential districts abutting residential districts along their common property line;

(4) For garbage and recycling receptacles and areas;

(5) For automobile wrecking and salvage yards; and

(6) For multipleunit housing.

(B) Screening must be vegetative, earthen, and/or structural. Unless specified elsewhere in this Subsection, screening must be continuous to at least six feet above ground level. The following standards apply:

(1) **Vegetative Screening.** Evergreen shrubs must be planted to form a continuous hedge. When immediate screening is necessary, a sight-obscuring fence must be

installed in place of, or in conjunction with the shrubs. The six-foot height standard specified in Subsection (B), above must occur within four years of planting.

For multiple unit housing , the vegetative screening standards specified in Section 4.7.380(4) or 4.7.385(D) apply.

(2) **Earthen Screening.** Earthen berms may be used to screen either visual or noise impacts. A berm must be combined with evergreen plantings or a fence to form an attractive sight and noise buffer. The maximum height of a berm is six feet along local streets and eight feet along collector and arterial streets or railroad rights-of-way. Alternatively, a different height is allowed if a licensed acoustical engineer determines a lower or higher height must be utilized. Height is measured from the base of the berm to the top of the berm and does not include additional fences or landscaping. The exterior face of the berm must be constructed as an earthen slope. The interior face of the berm may be constructed as an earthen slope or retained by a structure (wall or terrace) that meets the building code. The maximum slope is 1:3. The crest area must be a minimum of four feet wide. The slopes must be protected by trees, shrubs. and groundcover to prevent erosion. Berms must be irrigated as specified in Section 4.4.105. No part of a berm is allowed to encroach into an easement. The toe of a berm over three feet in height must be set back at least five feet from any property line, unless when abutting public right-of-way where the setback of the toe of the berm may be at a zero setback from the property line. Berms must not interfere with the drainage patterns of the property.

(3) **Structural Screening.** A fence or masonry wall must be constructed to provide a 100 percent sight-obscuring screen.

(a) No screen is allowed to exceed four feet in a residential district front yard setback, and all screening must comply with vision clearance requirements of SDC 4.2.130.

(b) Wherever a required screen in the form of a fence is adjacent to a residential or commercial district or an arterial or collector street, it must be made from a non-metallic material.

Any garbage and recycling receptacles or garbage and recycling area which would otherwise be visible from a public street, customer or resident parking area, any public facility, adjacent property, or any residential district, must be screened from view as specified in Subsections (1) and (3), above. All garbage and recycling receptacles or materials must be contained within the screened area.

(c) When abutting a street, outdoor storage areas and storage yards must be screened with a five-foot planting strip between the storage and street as specified in SDC 4.4.100.

4.4.115 Fences

(A) General

Fences must not exceed the height standards in Table 4.4.1 and must be located as provided in this SDC 4.4.115. In mixed use districts or any land use district not specified in Table 4.4.1, the applicable fence standards in Table 4.4.1 must be determined based on the primary use in the development area, unless another standard is specified elsewhere in this code.

(1) Fence height is measured from the average height of the grade adjacent to where the fence is to be located. If a fence is to be constructed on top of a berm, the height is measured from the top of the berm.

(2) Fences must be permitted as specified in the screening standards in SDC 4.4.110. Where permitted in the commercial, industrial, mixed use employment and the PLO Districts, outdoor storage of materials must be screened by a 100 percent sight obscuring fence when abutting residential districts along common property lines. Partial screening along rights-of-way and non-residential districts may be permitted when necessary for security reasons.

(B) Review procedure.

(1) A construction permit is required for fences over six feet in height, in addition to any other permits or approvals required by this code.

(2) Fences within the Willamette Greenway Setback area are reviewed under Discretionary Use procedure for fences as specified in SDC 5.9.120 and as required in SDC 3.3.225.

(3) Type 3 review is required for fences that exceed the base height standards where required under SDC 4.4.115(C) below.

Table 4.4.1

	Base Height by Land Use District				
Yard Type	***Residential***	***Commercial***	***Industrial***	***PLO***	***MS***
Front Yard**(1)**	6′**(2)**	6′	6′/ 8′**(3)**	6′	6′
Street Side Yard**(4)**	6’	6′	6′/ 8′**(3)**	6′	6′
Rear Yard	6′	6′	6′/8′**(3)**	6′	6′
Height Exceptions	8′/ 10′**(5)**	8′	8′**(6)**	8′	N/A
Vision Clearance Area**(7)**	2 ½′	2 ½′	2 ½′	2 ½′	2 ½′
Barbed/Razor Wire/Electric	Y**(8)**	Y**(8)**	Y**(8)**	Y/N**(8)**	N

Note: The numbers in the table above in paratheses refer to the numbered sections below under (C).

(C) Fence Standards

(1) The fence must be located behind the front yard setback in all districts unless allowed in **(2)**.

(2) Fences may be allowed within the front yard setback as follows:

(a) Four foot high unslatted chain link—this standard does not apply to multiple unit housing developments.

(b) Three foot high sight obscuring fence.

(3) In the Campus Industrial District the base height standard is six feet. In all other industrial districts, the base height standard is eight feet.

(4) In the residential districts, a fence may be located along the property line. In all other districts, the fence must be located behind the street yard setback.

(5) Situations where the base fence height may be exceeded:

(a) Eight feet in residential, commercial, and the PLO districts for public utility facilities, school yards, and playgrounds, provided that the fence is located behind the front yard and street side yard landscaped area and outside of the vision clearance area. Residential districts abutting these facilities, railroad tracks or residential property side and rear yards abutting streets with four or more travel lanes, may have fences of eight feet tall along common property lines and right-of-way.

(b) Ten feet for residential properties abutting commercial or industrial districts along common property lines, and around permitted storage areas in residential districts. Yards of a single unit dwelling do not constitute permitted storage areas.

(c) In residential districts, any fence located within a required setback, and which exceeds the allowable fence height for that setback by more than 20 percent, must be reviewed through a Type 3 procedure.

(6) Special standards in the Campus Industrial District:

(a) No fencing must be permitted within 35 feet of a CI District perimeter or 20 feet of any development area perimeter or within interior lots/parcels of development areas. A three feet maximum height decorative fence or masonry wall may be permitted as screening devices around parking lots.

(b) Chain link fences must be permitted only when combined with plantings of evergreen shrubs or climbing vines that will completely cover the fence(s) within five years of installation (as certified by a landscape architect or licensed nursery operator).

(c) Painted fences must match the building color scheme of the development area.

(7) No fence is allowed to exceed the two-and-a-half-foot height limitation within the vision clearance area as specified in SDC 4.2.130.

(8) Barbed wire, razor wire, or electrified fencing is permitted atop a six-foot chain link fence. The total height of the fence and barbed wire must not exceed eight feet. These materials must not extend into the vertical plane of adjoining public sidewalks. Barbed wire or razor wire only fences are prohibited. Electrified fencing must be posted with warning signs every 24 feet.

(a) In the PLO District in the Downtown Exception Area and in the MUC, MUE, and MUR Districts, no barbed wire, razor wire, or electrified fences are permitted.

(b) In the residential districts, barbwire and electrified fencing on lots/parcels less than 20,000 square feet, and razor wire on any lot/parcel, regardless of size, must be reviewed through at Type 3 procedure as specified in Section 5.9.100, using the criteria specified in Subsection (D), below.

(D) Where a Type 3 approval is required for fences, the following criteria of approval apply:

(1) The applicant has demonstrated a security problem exists at the site. The demonstration must include police reports, insurance claims paid, or affidavits from neighbors or tenants of the property corroborating the security problem;

(2) Demonstration that the placement of the fence will not present a hazard or risk to the general public or neighboring properties;

(3) Demonstration that the applicant has exhausted all other practical remedies to the demonstrated security problem; for example, sight obscuring screening, “unfriendly landscaping,” lighting or alarms which might deter trespass on the subject property; or

(4) Demonstration that the property is subject to noise found to exceed acceptable noise levels prescribed in the Oregon Administrative Rule or the Federal Highway Administration Noise Abatement Criteria, as certified by an acoustical engineer;

(5) The Planning Commission, based on the evidence presented, must approve, modify, or deny the request. The Planning Commission may further condition the request including, but not limited to imposition of the following conditions; establishing the

extent of the site eligible for the fencing, establishing minimum and maximum height requirements, setbacks from all property lines, and requiring specific fencing materials.

Section 4.5-100 On-Site Lighting Standards

Subsections:

4.5-105 Purpose and Applicability
4.5-110 Illumination and Height

4.5.105 Purpose and Applicability

(A) On-site lighting standards are established to create a safe and secure environment during hours of darkness and reduce or prevent light pollution by minimizing glare.

(B) Light fixtures subject to the standards in this section are outdoor artificial illuminating devices, outdoor fixtures, lamps, and other similar devices, permanently installed or portable, used for flood lighting, general illumination, or advertisement. Such devices include, but are not limited to, lights for:

(1) Buildings and structures;

(2) Recreational areas;

(3) Parking lot and maneuvering areas;

(4) Landscape areas;

(5) Streets and street signs;

(6) Product display areas;

(7) Building overhangs and open canopies;

(8) Holiday celebrations;

(9) Construction lights.

(C) The following light fixtures or uses are exempt from complying with the outdoor lighting standards of this section. These exemptions do not prevent the City from adoption of later ordinances that may address the retrofitting or removal of outdoor lighting fixtures.

(1) All outdoor light fixtures lawfully installed and operating prior to the effective date of the ordinance codified in this section, and not prohibited by this section. This exemption does not apply if an existing light fixture is replaced. The addition of supplementary shielding and/or re-aiming of existing fixtures that shine direct illumination or visible glare beyond the property line where the fixture is installed are encouraged to help improve safety and quality of life.

(2) Residential low wattage lighting, as defined below, used for yards and driveways. These low wattage lights must not shine, glare, emit direct illumination, or cast a shadow onto adjacent property.

(3) Commercial and industrial low wattage lighting used to highlight driveways and landscaping or installed to a building provided they are properly aimed and shielded to not shine visible glare onto the public right-of-way or onto adjacent or nearby properties.

(4) Up-lighting intended to highlight part of a building or landscaping; provided, that the light distribution from the fixture is effectively contained by an overhanging architectural element or landscaping element and does not shine beyond the intended target including into the night sky. Such containment elements may include but are not limited to awnings, dense shrubs, or year-round dense evergreen tree canopies which will contain or limit illumination of the sky.

(5) Correctional Institutions. Exterior lighting for correctional facilities must be shielded high-intensity discharge lighting except at the immediate entry area, in which case other lighting may be used that conforms to the intent of this section.

(6) Low wattage lights used as decorations, such as holiday lights, for no more than 60 days in a calendar year are exempt from the requirements of this section.

(7) Carnivals and fairs that require the use of temporary outdoor lighting fixtures are exempt except that permanent installations at dedicated sites must conform to the requirements of this section.

(8) U.S. flags displayed by top-mounted lighting only. The illumination of all flags other than the U.S. flag must be extinguished at the end of public business hours or by 10:00 p.m., whichever is later.

(9) Temporary lighting for television or movie film productions, roadway or utility construction or building construction not to exceed 60 days in any one location. Permanent installations at dedicated sites must conform to the requirements of this section.

(10) All outdoor light fixtures used to highlight art features within a public right of way providing they are aimed and shielded to not shine visible glare into the public right-of-way or onto adjacent or nearby properties.

(11) City street light standards and design criteria, which are regulated by SDC 4.2.145 and by the *Engineering Design Standards and Procedures Manual*;

(12) Lighting necessary for emergency equipment and work conducted in the interests of law enforcement or for the safety, health, or welfare of the City; and

(13) Sign lighting and signs in general, which are regulated in the Springfield Municipal Code, 1997, Chapter 8.

(D) Violations and Penalties. For any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve or convert any lighting fixture, or cause the same to be done, contrary to or in violation of any provision of this section constitutes a violation of this Code. Each day a lighting fixture is in violation of this section constitutes a separate violation.

(E) Definitions. The following definitions apply to terms in this section:

(1) End of business hours or end of business means (a) the end of normal or posted business hours when a business or institution is no longer open to serve customers or clients, and (b) the end of a shift or normal work hours when the majority of employees are gone from the business or institution.

(2) Full cut-off means a light fixture designed and constructed so that light is directed down and no light is projected above the horizontal plane. [See illustrations below]

(3) Glare means stray, unshielded light striking the eye that may result in (a) nuisance or annoyance such as light shining into a window; (b) discomfort causing squinting of the eyes; (c) disabling vision by reducing the ability of the eyes to see into shadows; or (d) reduction of visual performance.

(4) High intensity discharge lamp lighting means high-pressure sodium, mercury vapor, metal halide, low-pressure sodium, induction, sulfur, xenon, and other similar lamps.

(5) Installed means initial installation of outdoor lighting fixtures, poles, electrical wiring, and related mounting equipment following the effective date of the ordinance codified in this section. Projects with approved construction plans prior to effective date of the ordinance codified in this section are excluded from compliance with the ordinance in the initial installation only.

(6) Low wattage lights mean 12-volt direct current lights or individual lamps less than 0.25 watts each strung together within a translucent or transparent plastic cover.

(7) Replacement means the installation of a new lighting fixture in place of an existing fixture, and/or the installation of a new lighting housing or head to an existing pole, bracket or wall, tree, or other structure. “Replacement” does not mean the changing of light bulbs or lamps in a fixture for the same or lower wattage bulbs.

(8) Safety/Security. “Safety” means (a) sufficient lighting at building entrances, exits, walkways and parking areas to allow customers and employees to see any physical barriers and to be seen at all times as they access to vehicles and sidewalks, and (b) the use of full cut-off light fixtures above doors, at fire service stanchions, loading areas, and similar building access points.

(9) Shielding means an externally applied device such as a shroud or hood of metal, wood, opaque plastic or opaque painted glass so that light emitted by the fixture is directed downward below the horizontal plane onto the site and does not shine direct illumination or glare onto adjacent or nearby property.

(10) Unshielded means light fixtures lacking any means to restrict the emitted light to below the horizontal plane or to shine or glare onto adjacent or nearby property.

(11) Up lighting means a shielded light fixture usually installed on the ground or permanently mounted to an architectural element, tree, or other structure that has the light from the fixture directed in a contained distribution pattern above the horizontal plane to illuminate an adjacent or nearby building element, shrub, tree or other landscaping.

4.5.110 Lighting Standards

(A) **Standards for Installation and Operation of Outdoor Lighting.** Except as exempt by subsection (C) of SDC 4.5.105 above, new outdoor lighting fixtures installed after [date of adoption], are subject to the standards below. No provision of this section is intended to preempt Springfield Municipal Code 8.200 et seq, Signs, or applicable State codes.

(1) All outdoor lighting fixtures subject to this section must be designed as a full cut-off fixture or have a shielding method to direct light emissions down onto the site and not shine direct illumination or glare onto adjacent properties.

(2) All lighting for roadways, roadway signs, intersections, and pedestrian ways must be designed or have an opaque shielding method to direct light emissions downward and below the horizontal plane of the fixture in the permanently installed position.

(3) The use of laser source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.

(4) The operation of searchlights for advertising or promotional purposes is prohibited.

(5) Outdoor lights at designated Historic Sites or within Historic Neighborhoods that are consistent with the architectural style or era of the building or property must be consistent with the provisions of this section.

(6) Businesses and institutions with outdoor lighting, such as parking lot lights, building lights, landscaping lights, and other similar exterior lighting features, are encouraged to extinguish such lights at the end of the working day, except for lights necessary for personal and building safety.

(7) All outdoor lighting used for public or private sports stadiums, sports areas, recreation facilities, outdoor performance areas, and other similar outdoor facilities must be extinguished within an hour after conclusion of the final event of the day, except as exempted herein.

(8) Externally affixed neon lighting is prohibited except in the following manner: As a trim element that surrounds windows, doors, or building edges; when located on building facades that face street frontages or internal driveways within commercial shopping complexes; such lighting must not be located more than 15 feet from finished grade and must not be used to define a building roofline; and such lighting must not include flashing, intermittent or rotating lights. Notwithstanding the provisions of this section, all neon lighting associated with signs must be in accordance with the provisions of Springfield Municipal Code 8.200 et seq, Signs.

(9) The operation of outdoor lighting used for public or private sports stadiums, sports areas, recreation facilities, outdoor performance areas, and other similar outdoor facilities must not occur later than the conclusion of the final event of the day when maintenance such as field grooming, irrigation, cleaning, and other similar maintenance activities are required, to have the facility ready for operation the following morning. Lights during after-events maintenance must be kept at the minimum level practicable.

(B) On-site lighting must be the minimum illumination necessary in compliance with the Illuminating Engineering Society of North America recommended practices for a given application, including parking areas and vehicle sales areas. All exterior light fixtures must be shielded or recessed so that direct glare and reflection are contained within the boundaries of the property, and directed downward and away from abutting properties; public rights-of-way; and riparian zones, wetlands, and other protected areas identified in this Code on the same property.

(C) Height

(1) The height of a free standing exterior light fixture must not exceed 25 feet or the height of the principal permitted structure, whichever is less. In this case, height is

measured as the vertical distance between the paved surface or finished grade and the bottom of the light fixture.

(2) The Director may allow an increase to the standard in Subsection (C)(1), above, through a Type 2 or Type 3 approval process when a determination is made that personal security is an issue, special security needs exist, or where vandalism or crime are possible. The Director may consider specific site characteristics, level of vehicle and pedestrian conflict, special security needs, and history or likelihood of crimes in making the determination. Any approved increase must be the minimum necessary to achieve the desired result.

(3) The height of a free standing exterior light fixture within 50 feet of any residential district, riparian zone, or wetland must not exceed 12 feet.

(4) The height restriction in Subsection (C)(1), above does not apply to lighting used to illuminate outdoor performance areas, sport and recreation facilities, and playfields, unless these light fixtures are located within 50 feet of a residential district, in which case (B)(3) above applies.

4.6.100 Motor Vehicle Parking, Loading, and Bicycle Parking Standards

Subsections:

4.6.105 Vehicle Parking—Purpose and Applicability
4.6.110 Motor Vehicle Parking—General
4.6.115 Motor Vehicle Parking—Parking Lot Design
4.6.120 Motor Vehicle Parking—Parking Lot Improvements
4.6.125 Motor Vehicle Parking—Parking Space Requirements
4.6.130 Loading Areas—Purpose and Applicability
4.6.135 Loading Areas—Facility Design and Improvements
4.6.140 Bicycle Parking—Purpose and Applicability
4.6.145 Bicycle Parking—Facility Design
4.6.150 Bicycle Parking—Facility Improvements
4.6.155 Bicycle Parking—Number of Spaces Required

4.6.105 Vehicle Parking—Purpose and Applicability

(A) These regulations provide standards for the development of vehicle parking.

(B) Unless exempted elsewhere in this Code, all development within the City and its urbanizable area must comply with the vehicle parking provisions of this Section.

4.6.110 Motor Vehicle Parking—General

(A) Off-street parking spaces must be provided, consistent with requirements in SDC 4.6.125, Table 4.6.2, unless excepted as allowed herein, for:

(1) All new construction and expansion of multiple unit housing, commercial, industrial, and public and semi-public uses. For expansions or additions, the parking spaces required in Table 4.6.2 are calculated based only upon (1) the number of new dwelling units constructed, for residential uses, or (2) the area of the expansion or addition, for all other uses.

(2) Changes in use or the use category of an existing building or structure.

(B) If parking has been provided to serve an existing use, the number of parking spaces cannot be reduced if the result would be fewer spaces than required by this Section, except as parking reductions are allowed below and under Special Provisions to Table 4.6.2.

(C) Parking reductions under SDC 4.6-110(H) through (L) and Special Provisions to Table 4.6.2 must not reduce the number of ADA parking spaces required in accordance with the minimum parking in Table 4.6.2 or under SDC 4.6-110(M).

(D) Required parking spaces must be available for the parking of passenger vehicles of residents, customers, patrons, visitors, and employees only, and must not be used for outdoor displays, storage of vehicles, equipment, or materials. Parking for company motor vehicles that remain on the premises overnight, or enclosures designed for the temporary collection of shopping carts, must be provided in addition to the number of parking spaces required by this Section.

(E) Unless joint use of parking facilities is requested as may be permitted in Subsection (E) below, the total requirement for off-street parking spaces is the sum of the requirements for all uses. If the total number of required parking spaces results in a fraction, the fraction must be rounded up to the next whole number. Off-street parking facilities for one use must not be considered as providing parking facilities for any other use. Alternatively, the Director may approve joint use of parking facilities as may be permitted in Subsection (F), below.

(F) The Director, upon application by all involved property owners, may authorize joint use of parking facilities, provided that:

(1) The applicant demonstrates that there is no substantial conflict in the principal operating hours of the buildings or uses for which the joint use of parking facilities is proposed; and

(2) The parties concerned in the joint use of off-street parking facilities must provide evidence of agreement for the joint use by a legal instrument approved by the City Attorney. An agreement for joint use of parking facilities must provide for continuing maintenance of jointly used parking facilities;

(3) The agreement must be recorded at Lane County Deeds and Records at the applicant's expense.

(G) When on-street parking is available directly abutting the property and there are no adopted plans to remove the on-street parking, parking spaces in a public right-of-way directly abutting the development area is allowed to be counted as fulfilling a part of the parking requirements for a development as follows: For each 18 feet of available on-street parking, there will be one space credit toward the required amount of off-street parking spaces. The developer is responsible for marking any on-street spaces.

(H) Motor Vehicle Parking Space Reduction Credit for Additional Bicycle Parking. Additional bicycle parking beyond the minimum amount required in Table 4.6.3 that complies with the bike parking standards in SDC 4.6.145 and 4.6.150 may substitute up to 20 percent of off-street motor vehicle parking otherwise required in Table 4.6.2. For every two non-required bicycle parking spaces that meet the short- or long-term bicycle parking standards specified in Table 4.6.3, the motor vehicle parking requirement is reduced by one space. When existing parking converted to bicycle parking under this subsection results in surplus motor

vehicle parking spaces, the surplus parking may be converted to another use in conformance with the requirements of this Code.

(I) Motor Vehicle Parking Space Reduction Credit for Frequent Transit Corridors—Abutting Sites. Development sites abutting an existing or proposed Frequent Transit Corridor may request a reduction of up to 15 percent from minimum off-street motor vehicle parking required in Table 4.6.2.

(J) Motor Vehicle Parking Space Reduction Credit for Frequent Transit Corridors—Nearby Sites. Development sites not abutting but within 1/4-mile of an existing or proposed Frequent Transit Corridor may request a reduction of up to 10 percent from minimum off-street motor vehicle parking required in Table 4.6.2.

(K) Reduction Credit for ADA Improvements for Frequent Transit Corridors. Development sites abutting or within 1/4 mile of an existing or proposed Frequent Transit Corridor may receive a reduction of up to 10 percent from the minimum off-street motor vehicle parking required in Table 4.6.2 in exchange for contribution to the City for ADA improvements in the public right-of-way. The required contribution will be equal to the Base Curb Ramp Fee multiplied by each set of four parking spaces to be reduced, rounded up to the next whole number (e.g. one Base Curb Ramp Fee for one to four parking spaces reduced, double the Base Curb Ramp Fee for five to eight parking spaces reduced, etc.). The Base Curb Ramp Fee must be set by Council resolution and must be approximately the cost of constructing one ADA-compliant curb ramp. Nothing in this subsection waives or alters any requirement for a developer to construct or provide on-site or off-site ADA improvements.

(L) Outside of the Downtown Exception Area and Glenwood Riverfront Mixed-Use Plan District, a cumulative maximum reduction of 20 percent of the minimum off-street parking required in Table 4.6.2 may be applied using the credits, allowances, and exceptions to minimum parking requirements established in this Code.

(M) Right Size Parking Alternative—Minimum. The Approval Authority may authorize an alternative parking standard that is less than the minimum off-street parking standard in SDC 4.6.125, including reductions in excess of the cumulative maximum reduction specified in SDC 4.6.110(K) above. The alternative parking standard must be one of the following:

(1) The average peak period parking demand identified for the use in the current version of the Institute of Transportation Engineers (ITE) Parking Manual, for the day(s) of the week with the highest parking demand; or

(2) The peak parking demand identified by the applicant and supported by information that a reasonable person would rely upon as determined by the Approval Authority. This information may include, but is not limited to, transportation demand management or a parking study for a similar development.

(N) Right Size Parking Alternative—Maximum. The Approval Authority may authorize an alternative parking standard that is more than 125 percent of the minimum off-street parking standard in SDC 4.6.125. The alternative parking standard must be the peak parking demand identified by a parking generation study conducted according to the ITE Manual of Transportation Engineering Studies and prepared by a licensed engineer.

4.6.115 Motor Vehicle Parking—Parking Lot Design

All off-street parking areas must comply with the following dimensional standards:

Table 4.6.1

Dimensional Feature (all dimensions in feet)	Diagram	Parking Angle			
		0	45	60	90
Stall width, standard	A	9.0	9.0	9.0	9.0
Stall width, compact	A	8.0	8.0	8.0	8.0
Stall length, standard	B	24.0	18.0	18.0	18.0
Stall length, compact	B	22.0	16.0	16.0	16.0
Aisle width between stall lines	C	12.0	12.0	16.0	24.0
Bumper overhang (typical)	D	0.0	1.5	1.8	2.0
Cross-aisle, 1-way	E	16.0	16.0	16.0	16.0
Cross-aisle, 2-way	F	24.0	24.0	24.0	24.0

Figure 4.6-A
Parking Lot Design

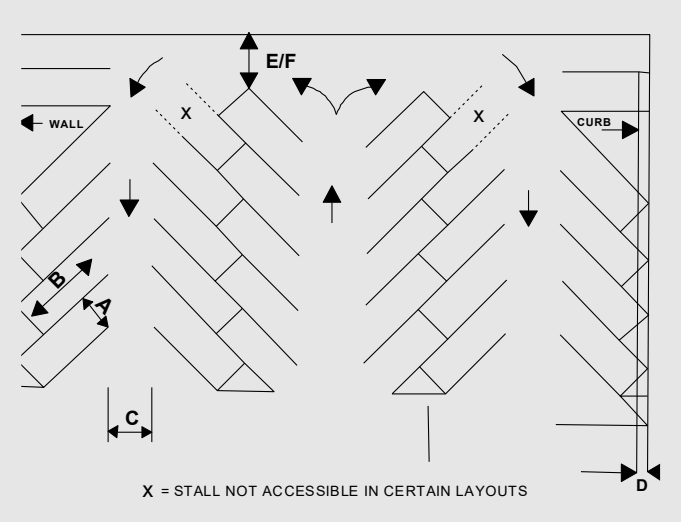
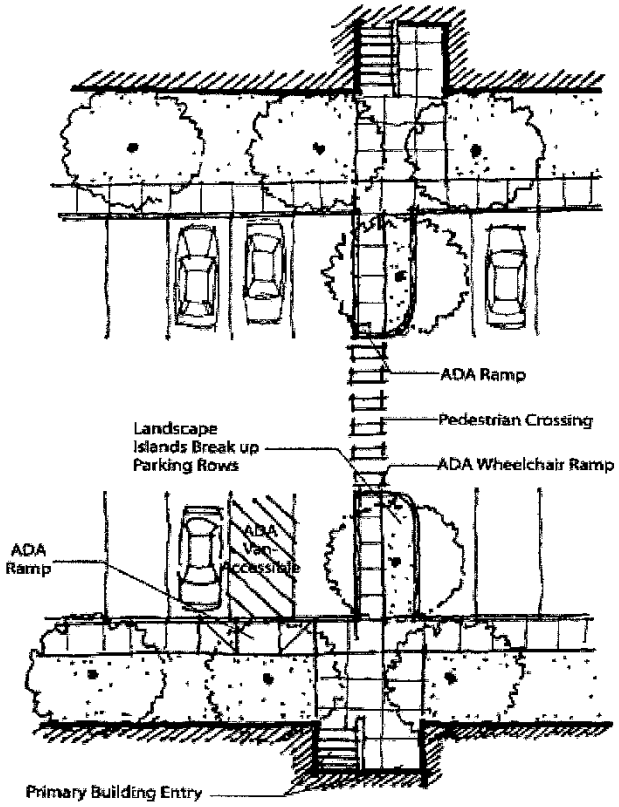


Figure 4.6.A
Parking Lot Design



4.6.120 Motor Vehicle Parking—Parking Lot Improvements

All parking areas must conform to the setback, vision clearance, planting, and screening provisions of this Code and must be completed prior to occupancy. Required parking spaces must be improved as follows:

(A) All parking lots, bays, and spaces must have a durable, dust free surfacing of Asphaltic concrete, Portland cement concrete, or other materials as approved by the City Engineer. Permeable pavement meeting standards in the *Engineering Design Standards and Procedures Manual* may be allowed by the City Engineer for parking areas and driveways. Parking lot surfacing must not encroach upon the public right-of-way.

(B) Stormwater management system improvements must be provided to manage all on-site run-off. The stormwater management system improvements must provide for the on-site collection of stormwater to eliminate sheet flow onto sidewalks, public rights-of-way, and abutting private property. All stormwater management system improvements must meet the standards in SDC 4.3.110, and the *Engineering Design Standards and Procedures Manual*, Chapters 3 and 4.

(C) All parking spaces fronting a sidewalk, alley, street, landscaped area, or structure must be provided with a secured wheel bumper or linear curb not less than six inches in height to be set back from the front of the stall a minimum of two feet to allow for vehicle encroachment. Wheel bumpers must be a minimum of six feet in length. Curbs must be constructed in conformance with the Standard Construction Specifications.

Alternatively, the sidewalk or landscaped area may be widened two feet beyond the minimum dimension required to allow for vehicle encroachment. A curb not less than six inches in height must protect the widened sidewalks and planter areas.

(D) Backing into the public right-of-way, other than alleys is prohibited. However, a parking areas of less than four spaces on a lot/parcel in a residential land use district may back into the public right-of-way.

(E) All spaces must be permanently and clearly marked. Alternatively, the applicant may propose unmarked spaces if supported by a report stamped by an Oregon licensed Engineer indicating that that the spaces should not be marked for safety considerations. Old striping must not be visible after being replaced by new striping.

(F) Not more than 30 percent of the total parking spaces in a parking lot may be designated for compact cars. Alternatively, a greater percentage may be authorized by the Director if a report stamped by an Oregon licensed Engineer indicates that greater than 30 percent of the total parking spaces is appropriate for the use. All compact spaces must be signed and/or the space painted with white lettering in four inch high letters with the letter “C”, or with the word “Compact”.

(G) The number, dimensions, and locations of parking spaces for people with disabilities must be as specified in Chapter 11 of the Oregon Structural Specialty Code.

4.6.125 Motor Vehicle Parking—Parking Space Requirements

(A) Table 4.6.2 establishes minimum off-street parking standards according to use, which apply to that use in any land use district.

(B) The minimum parking standard for any use not specified in Table 4.6.2 is the average peak period parking demand identified for that use in the current version of the ITE Parking Manual, for the day(s) of the week with the highest parking demand.

(C) The maximum off-street parking standard for any use that is not a residential use is 125 percent of the minimum off-street parking standard. There is no maximum off-street parking standard for residential uses.

(D) Parking standards established in Table 4.6.2 may be modified as provided in SDC 4.6.110.

Table 4.6.2

Use	Minimum Parking Standard
Residential Uses	
Single unit dwelling, detached	Two spaces for each dwelling, not including an accessory dwelling unit.
Duplex	One space per dwelling unit, two spaces total.
Triplex	One space per dwelling unit, three spaces total.
Fourplex	One space per dwelling unit, four spaces total.
Townhome	One space for each townhome dwelling unit.
Cottage clusters	One space for each dwelling unit in a cottage cluster.
Multiple unit housing	One space for each dwelling unit.
Group care facilities	One quarter space for each bedroom or dwelling unit plus 1 per full time employee on the busiest shift.
Short term rental (see SDC 4.7-355)	Type 1 – No additional spaces above what is required for the primary residence. Type 2 – One on-site parking space for each guest room.
Commercial/Industrial Uses	
Child care center	One space for each 350 square feet of gross area, plus one drop off space for each 700 square feet of gross floor area.
Hotel/motel	One space plus one space for each guest room.
Eating and drinking establishments	One space for each 100 square feet of gross floor area.
Retail trade and services (including shopping centers)	One space for every 300 square feet of gross floor area.
Manufacture and assembly, and other primary industrial uses. Includes warehousing.	One space for each 1000 square feet of gross floor area.
Warehouse commercial sales (including bulky merchandise)	One space for each 600 square feet of gross floor area.
Public and Institutional Uses	
Educational facilities	One space for each classroom, plus one for each 100 square feet of the largest public assembly area.
Public utility facility	None, unless utility vehicles will be parked overnight.
Recreational facilities, and religious, social and public institutions	One space for each 100 square feet of floor area in the primary assembly area and One for each 200 square feet of gross floor area for the remainder of the building.
Transportation facilities	One space for each 300 square feet of gross floor area not including vehicle storage areas.

Special Provisions.

(A) Downtown Exception Area. Within the Downtown Exception Area, all lots/parcels and uses are exempt from the minimum off-street parking space requirements of this Section. However, if the Director determines there is a need for off-street parking, the Director may require an Institute of Transportation Engineering (ITE) Parking Generation Report to determine the off-street parking requirements.

(B) Commercial Districts.

(1) Parking lots in the Neighborhood Commercial (NC) District must be designed so that a landscaped separator is in between every seven spaces . A development in the NC district that requires more than 25 parking spaces must locate half of all the required spaces over 25 behind proposed buildings.

(2) Parking lots must be used exclusively for the parking of vehicles. However, parking spaces in excess of the number required by this Code may be used for temporary sales or display of merchandise where the activity does not create a hazard for automobile or pedestrian traffic or where otherwise allowed under this Code or the Springfield Municipal Code.

(3) A minimum of four off-street parking spaces is required for all sites in commercial zoning districts that require parking, unless reduced under SDC 4.6.110(M).

(C) Light-Medium Industrial (LMI), Heavy Industrial (HI), and Special Heavy Industrial (SHI) Districts. In addition to reductions permitted in accordance with the provisions of SDC 4.6.110, parking spaces may be reduced in LMI, HI, or SHI land use districts on a one-for-one basis when the number of spaces required is more than the number of employees working on the busiest shift, provided that a landscaped area equal to the total number of spaces reduced must be held in reserve for future use.

(D) Campus Industrial (CI) District.

(1) To the greatest extent practicable, parking must be located behind buildings, internal to development or to the side of a building.

(2) The number of required parking spaces for uses not shown in Table 4.6.2 must be determined based upon standards for similar uses.

(3) Parking spaces may be reduced on a one-for-one basis when the number of spaces required is more than the shift with the largest number of employees, provided that a landscaped area equal to the total number of spaces reduced is held in reserve for future use.

(4) An additional five percent of impermeable surface may be allowed in cases where all parking on a lot/parcel is screened by earthen berms with an average height of three feet (measured from the finished grade of the edge of the parking lot), sunken below grade an average depth of three feet (measured from the finished grade of the edge of the parking lot to the finished grade of the adjacent berm or landscaped area), or both.

(5) Truck parking for vehicles necessary for the operation of the facility may be located either:

(a) Within an enclosed building; or

(b) Outside of a building if the following standards are met and must:

(i) Be prohibited in all front and street-side yards;

(ii) Meet the building setback standards specified in SDC 3.2.420; and

(iii) Be screened as specified in SDC 3.2.445.

(E) Medical Services (MS) District. Motor vehicle parking standards are determined based upon standards for similar uses in Table 4.6.2 and upon the required Traffic Study.

(F) Public Land and Open Space District. Motor vehicle parking standards are determined based upon standards for similar uses in Table 4.6.2. Uses not listed require a Parking Study.

(G) Mixed Use Districts.

(1) Nonresidential Requirements. Off-street surface parking must meet the minimum parking requirement for the various commercial and industrial uses in Table 4.6.2 unless reduced under applicable provisions in this Code.

(2) Residential Requirements. Minimum off-street parking standards for residential uses must comply with the standards specified in Table 4.6.2 unless reduced under applicable provisions in this Code.

4.6.130 Loading Areas—Purpose and Applicability

(A) These regulations provide standards for the development of loading areas.

(B) Unless exempted elsewhere in this Code, all commercial and industrial development requiring loading areas must comply with the loading area provisions of this Section.

4.6.135 Loading Areas—Facility Design and Improvements

(A) All necessary loading areas for commercial and industrial development must be located off-street and provided in addition to the required parking spaces.

(B) Vehicles in the loading area must not protrude into a public right-of-way or sidewalk. When no other reasonable alternative exists, loading areas must be located so that vehicles are not required to back or maneuver in the public right-of-way or internal travel aisles.

(C) The minimum sizes required for commercial and industrial loading areas are as follows:

(1) Two hundred fifty square feet for buildings of 5,000 to 20,000 square feet of gross floor area.

(2) Five hundred square feet for buildings of 20,000 to 50,000 square feet of gross floor area.

(3) Seven hundred fifty square feet for buildings in excess of 50,000 square feet of gross floor area.

(D) The required loading area must not be less than ten feet wide by 25 feet long and have an unobstructed height of 14 feet.

(E) A school having a capacity greater than 25 students must have a driveway designed for the continuous forward flow of passenger vehicles for loading and unloading children.

4.6.140 Bicycle Parking—Purpose and Applicability

(A) Safe and convenient bicycle parking is required in most land use districts and land use categories to encourage the use of bicycles as a mode of transportation. The required number of spaces is lower for uses that do not tend to attract bicycle riders and higher for those that do. Additionally, some bicycle parking is required on the basis of specifically encouraging employee, student or customer related bicycle use. The following standards ensure that bicycle parking is convenient to the cyclist in its location and provides sufficient security from theft and damage. Long-term bicycle parking space requirements accommodate employees, commuters, students, residents and other persons who expect to leave their bicycles for more than two hours. Short-term bicycle parking spaces accommodate visitors, customers, messengers, and other persons expected to depart within approximately two hours.

(B) Unless exempted elsewhere in this Code, all development must comply with the bicycle parking provisions of this Section.

4.6.145 Bicycle Parking—Facility Design

(A) Required bicycle parking spaces and facilities must be a powder coated staple or inverted-U rack as shown in Figure 4.6.B. Alternatively, the required bicycle parking spaces must fulfill the criteria for quality bicycle parking, which are as follows:

(1) Supports the bicycle frame in a stable position without damage to wheels, frames, or components and provides two points of contact;

(2) Allows locking of the frame and one or both wheels with a U-lock;

(3) Is securely anchored to the ground or to a structure;

(4) Resists cutting, rusting, bending, or deformation, both from natural causes and from human abuse;

(5) Powder coated or durable, non-scratching surface; and

(6) Works well for a variety of bicycle frame types (e.g., should work for step-through frame as well as diamond frame, children's bicycles as well as adult bicycles, recumbent as well as other styles of adaptive bicycles).

(B) Required bicycle parking spaces and facilities must be constructed and installed in accordance with SDC 4.6.150 and Figures 4.6.B and 4.6.C. Bicycle parking must be provided at ground level unless an elevator with bicycle wayfinding signage directs users to an approved bicycle storage area. Each required bicycle parking space must allow a bicycle to be placed in the space without removing another bicycle from another space.

(C) All required long-term bicycle parking spaces must be sheltered from precipitation, in conformance with (D)(3) below, and include lighting in conformance with the lighting standards in SDC 4.5.100.

(D) Short-term bicycle parking must be sheltered as follows:

(1) If ten or fewer short-term bicycle parking spaces are required, no shelter is required for short-term bicycle parking.

(2) If more than ten short-term bicycle parking spaces are required, at least 50 percent of the short-term bicycle parking spaces in excess of ten must be sheltered.

(3) Shelters must have a minimum seven foot overhead clearance and must completely cover the bicycle parking rack and any bicycles that are parked in the way the rack was designed to be used.

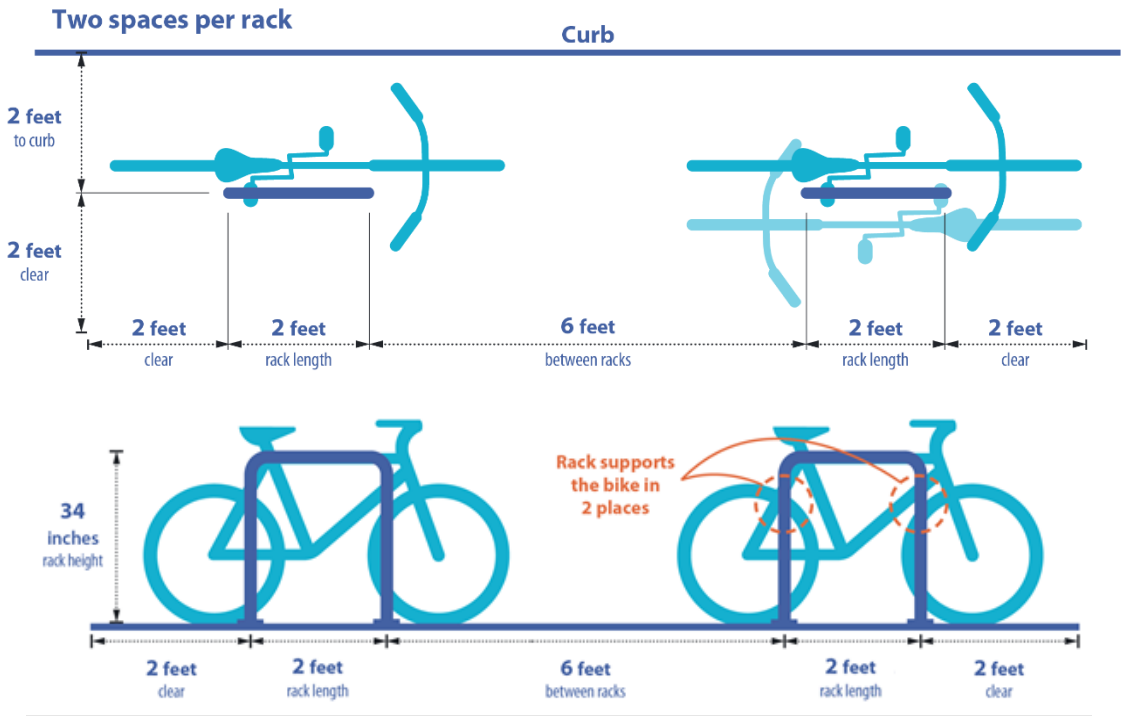
(E) Bicycle parking that accommodates oversized bicycles and alternative bicycle types must be provided as follows:

(1) Each oversized bicycle parking space must provide minimum clear area of four feet by eight feet as shown in Figure 4.6.C.

(2) At least ten percent of the long-term bicycle parking spaces for commercial uses and residential uses must be oversized bicycle parking spaces.

(3) At least ten percent of the short-term bicycle parking spaces for schools (elementary through high school) must be oversized bicycle parking spaces.

Figure 4.6.B


Two spaces per rack
Curb
2 feet
to curb
2 feet
clear
2 feet
clear
2 feet
rack length
6 feet
between racks
2 feet
rack length
2 feet
clear
34
inches
rack height
Rack supports
the bike in
2 places
2 feet
clear
2 feet
rack length
6 feet
between racks
2 feet
rack length
2 feet
clear

Two spaces per rack

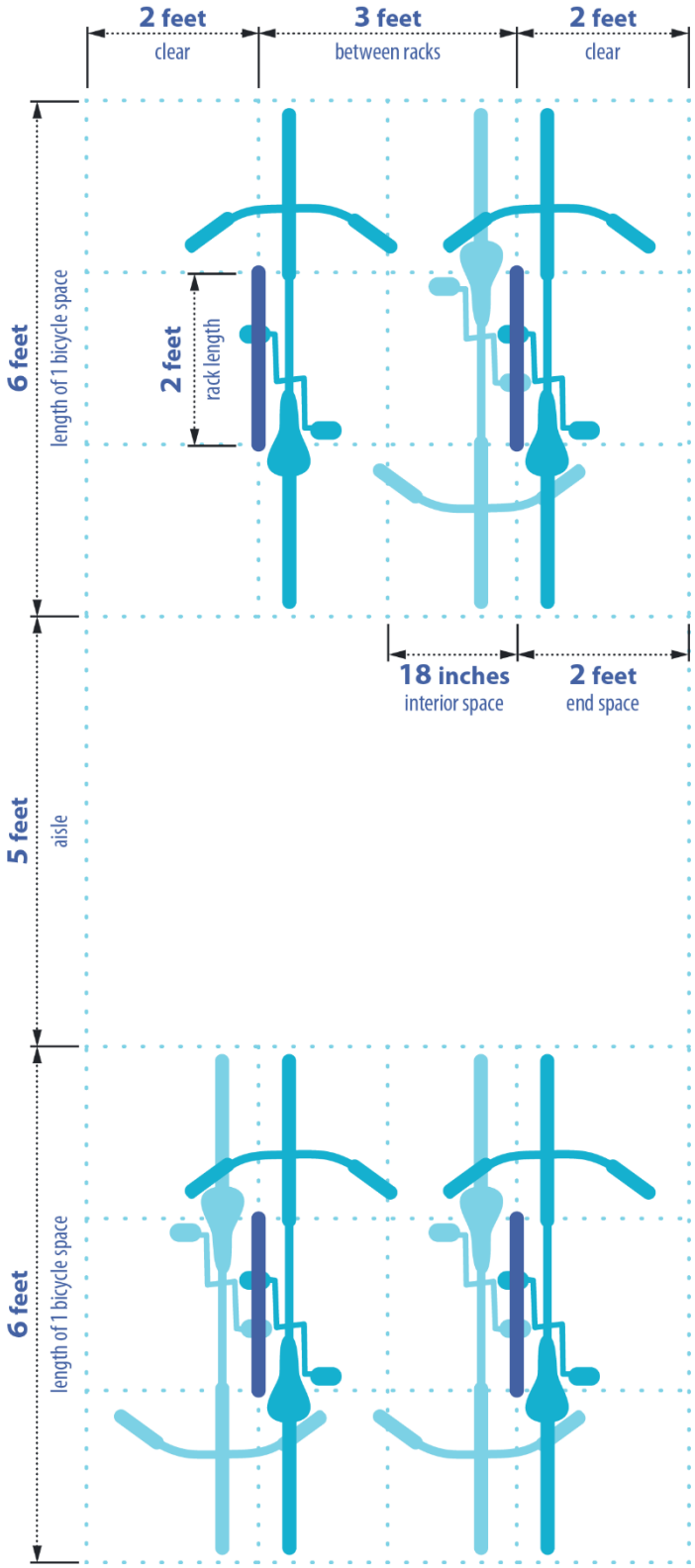
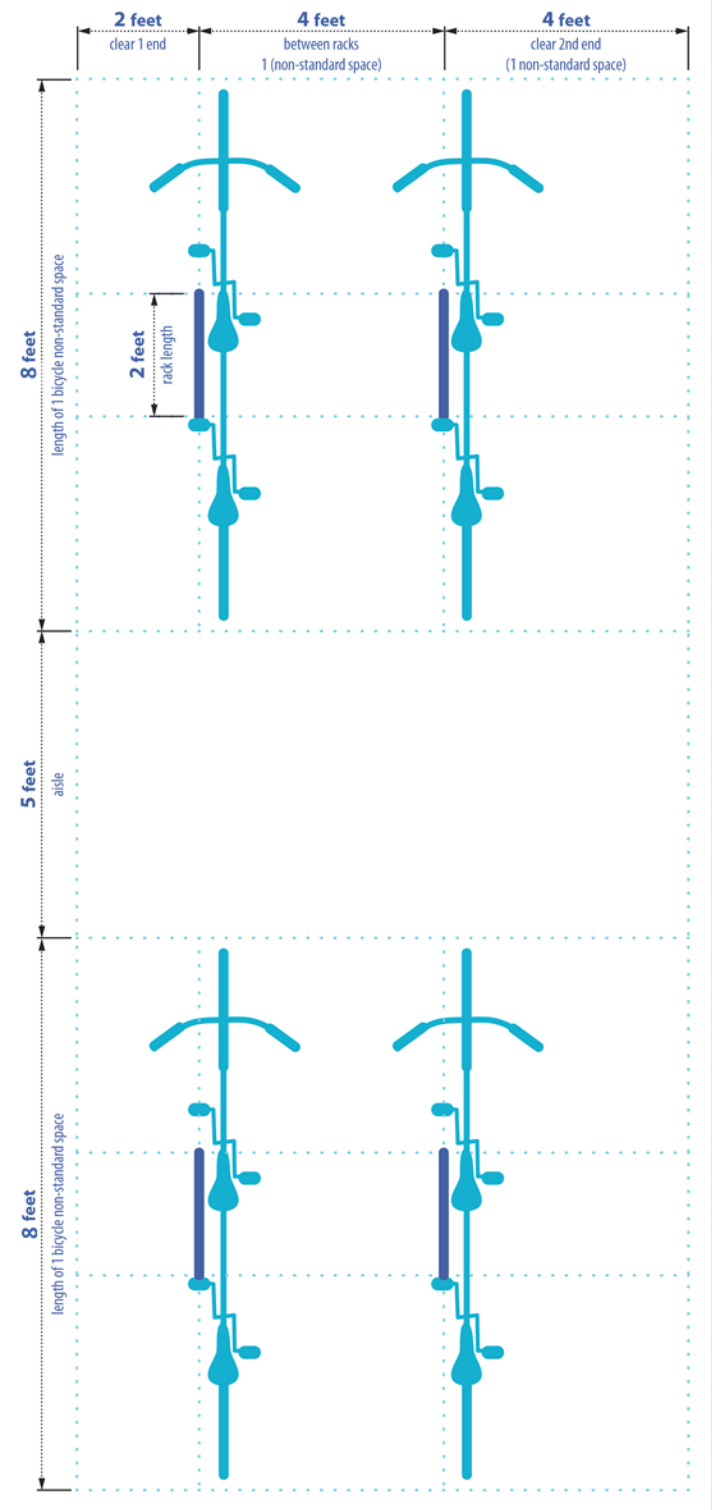


Figure 4.6.C


2 feet
clear 1 end
4 feet
between racks
1 (non-standard space)
4 feet
clear 2nd end
(1 non-standard space)
8 feet
length of 1 bicycle non-standard space
2 feet
rack length
5 feet
aisle
8 feet
length of 1 bicycle non-standard space

4.6.150 Bicycle Parking—Facility Improvements

(A) Bicycle Parking Location and Security.

(1) Bicycle parking racks, shelters, or lockers must be securely anchored to the ground or to a structure.

(2) Exterior long-term bicycle parking must be located within 200 feet from the main building entrance, primary point of entry to the use, or employee entrance.

(3) Exterior short-term bicycle parking must:

(a) Be located no further than 50 feet from the main building entrance or primary point of entry to the use, as determined by the City, but not further away than the closest on-site automobile parking space excluding designated accessible parking spaces, whichever distance is less; and

(b) Be clearly visible from the main building entrance or primary point of entry to the use.

(4) Bicycle parking must be separated from motor vehicle parking by a minimum distance of five feet or be separated by a barrier or curb placed a minimum distance of two feet to prevent damage to parked bicycles.

(5) Where bicycle parking facilities are not directly visible and obvious from the public right-of-way, signs must be provided to direct bicyclists to the bicycle parking. Directions to sheltered facilities inside a structure may be signed or supplied by the employer, as appropriate. Short-term parking must be available to the general public.

(6) Bicycle parking may be located inside a building on a floor, which has an outdoor entrance open for use, and which does not require stairs to access the space. Alternatively, the Director may allow, through a land use decision process, bicycle parking on upper stories within multi-story residential building when an elevator is provided.

(7) In order for bicycle parking and bicycle racks to be located to avoid conflict with pedestrian movement and access, bicycle parking must be located outside of the public right of way and public or private sidewalk area. Paved access from bicycle parking spaces to the public right-of-way must be provided by at-grade or ramp access with a maximum slope of 8 to 12 percent. Paved pedestrian access must be provided from the bicycle parking area to the building entrance. Alternatively, bicycle parking may be located in the public sidewalk or right-of-way where there is a minimum five feet between the parked bicycle and the storefront and does not conflict with pedestrian accessibility.

(8) For multiple unit housing with required bike parking, requirements may be met through the provision of individual garages or storage units. For housing relying on a common garage and without storage units, bicycle racks must be provided in the garage.

(B) Employers with changing rooms and shower facilities or other additional amenities may be eligible for a ten percent reduction of Transportation System Development Charges if the Director determines that those facilities encourage bicycling or other active modes of transportation by employees or patrons.

4.6.155 Bicycle Parking—Number of Spaces Required

(A) The required minimum number of bicycle parking spaces for each principal use is four spaces, unless otherwise specified in Table 4.6.3. Additional bicycle parking spaces may be required at common use areas. When the number of required spaces results in a fractional number, the total number of required spaces will be rounded up to the next whole number. When application of the long- and short-term bicycle parking percentages results in a fractional number of long- and short-term spaces, the number of long-term spaces required will be rounded up to the next whole number; the remaining number of required spaces will be designated as short-term bicycle parking.

(B) The following parking standards have been established according to use and apply to that use in any land use district.

Table 4.6.3 Minimum Required Bicycle Parking Spaces

Use Category	Specific Uses	Number of Required Spaces	Long- and Short-Term Bicycle Parking Percentages
Residential			
	Single unit dwelling & middle housing	Zero	N/A
	Multiple unit housing	One per dwelling unit	75% long-term 25% short-term
	Dormitories	One space per every three occupants	50% long-term 50% short-term
	Assisted care and day cares	One per five employees	75% long-term 25% short-term
	Other residential uses	One per dwelling unit	50% long-term 50% short-term
Commercial			
	General retail	One per 3,000 square feet of floor area	25% long-term 75% short-term
	Eating and drinking establishments	One per 600 square feet of floor area	25% long-term 75% short-term

Use Category	Specific Uses	Number of Required Spaces	Long- and Short-Term Bicycle Parking Percentages
	Service establishments	One per 2,000 square feet of floor area	25% long-term 75% short-term
	Art institution/gallery	One per 1,500 square feet of floor area	25% long-term 75% short-term
	Drive-through only establishments	Two for employee parking (minimum of four does not apply)	100% long-term
	Lodging	One per ten rentable rooms	75% long-term 25% short-term
	Office, including medical offices and clinics	Three quarters of a space per 5,000 square feet of floor area	75% long-term 25% short-term
	Industrial and wholesale	One quarter of a space per employee OR one per 4,000 square feet of floor area, whichever is less	75% long-term 25% short-term
Institutional			
	Government related uses	One per 3,000 square feet of floor area	25% long-term 75% short-term
	Schools (elementary through high school)	One per ten students based on planned capacity	25% long-term 75% short-term
	Parks and playgrounds	Eight per park or playground	100% short-term
	Recreation, amusement, and entertainment facilities	One per 1,000 square feet of floor area	25% long-term 75% short-term
	Universities/colleges	One per five full-time students	25% long-term 75% short-term
	Hospitals and medical centers	One per 3,000 square feet of floor area	75% long-term 25% short-term
	Religious institutions and places of worship	One per 20 seats or 40 feet of bench length (fixed seating) OR One per 500 square feet of floor area (no fixed seating)	100% short-term
Transportation-Related			
	Structured parking	Ten percent of the number of vehicle parking spaces provided	75% long-term 25% short-term
	Transit station	Ten percent of the number of vehicle parking spaces provided (if no vehicle parking is provided, the minimum of four applies)	50% long-term 50% short-term

Use Category	Specific Uses	Number of Required Spaces	Long- and Short-Term Bicycle Parking Percentages
	Transit park & ride	Ten percent of the number of vehicle parking spaces provided	50% long-term 50% short-term

5.1 - Development Review and Procedures

Subsections:

5.1.100 Purpose and Applicability
5.1.200 General Provisions
5.1.300 Type 1 Procedures
5.1.400 Type 2 and Type 3 Procedures
5.1.500 Quasi-Judicial Hearings
5.1.600 Type 4 Procedures
5.1.700 Reconsideration
5.1.800 Appeals
5.1.900 Proceedings on Remand
5.1.1000 Limitations on Approvals
5.1.1100 Declaratory Ruling
5.1.1200 Development Agreements
5.1.1300 Summary of Development Application Types

5.1.100 Purpose and Applicability

5.1.105 Purpose
5.1.110 Applicability

5.1.105 Purpose

(A) This section of the Springfield Development Code (SDC) provides uniform procedures for the granting or denial of applications and determinations by the City of Springfield under the applicable State of Oregon statutes and rules, Springfield Comprehensive Plan, Springfield Development Code, and other ordinances which by their terms incorporate by reference the procedures in this section.

(B) All applications required by this Code are reviewed using Type 1, 2, 3, and 4 procedures. The procedure "type" assigned to each application governs the decision-making process for that application. SDC 5.1.300, 5.1.400 and 5.1.600 describe the four review procedure types. SDC 5.1.1200 lists the applications' procedure types.

5.1.110 Applicability

(A) The provisions of this section do not apply to the issuance, suspension, or revocation of any on-site sewage disposal, sign, building, electrical or plumbing permits, except as they relate to consideration of permitted uses.

(B) For lands located inside the Springfield Urban Growth Boundary, but outside the City limits, the applicability of this Code is set forth through intergovernmental agreements.

(C) The following developments and activities do not require Type 1, 2, 3, or 4 review procedures, but must conform to all other applicable provisions of this Code or any other applicable Code as determined by the Director.

(1) Normal maintenance, replacement, or enhancement of existing landscaping, or normal maintenance or minor repair of parking surfaces, consistent with approved plans.

Development approval may be required for replacement or enhancement of landscaping as specified in SDC 3.3.300, 3.3.500, 5.17.100, 4.1.100, 5.12.100 and 5.19.100.

(2) An emergency measure necessary for the safety or protection of life or property when authorized by the Director. An emergency measure may be conditioned by the requirement to obtain Development Approval at a later date.

(3) Special Events sponsored by non-profit organizations and public agencies that conform to all applicable statutes, ordinances, or regulations necessary to protect the public health and safety. A Special Event is an activity sponsored by a non-profit organization or public agency that is 14 calendar days or less in duration and includes, but is not limited to school carnivals, benefit dinners, concerts, bazaars, festivals, neighborhood fairs, and revival meetings.

(4) Agricultural uses and structures on any lot or parcel two acres or larger where the underlying land use district allows this use and on any size lot or parcel with a valid farm deferral tax classification from the Oregon State Department of Revenue.

(5) The establishment, construction, or termination of certain public facilities authorized by the City Engineer including streets, driveways, drainage ways, sewers, pump stations, and traffic control devices, but not including substations, treatment facilities, storage tanks, reservoirs, electrical transmission structures, and communications towers, unless specified elsewhere in this Code. Underground public or private facilities, including but not limited to, water lines, electrical power distribution lines, gas distribution lines, telecommunications lines and cable system lines are also exempt. See SDC 4.3.145 for additional information concerning siting standards and the review process for certain wireless telecommunications systems facilities.

(6) Excavation or filling of land as specified in Springfield Municipal Code except for any excavation or filling of land within the Flood Plain Overlay District within the Willamette Greenway Overlay District, or where an inventoried and locally-significant Goal 5 resource is present, that is subject to the standards of this Code.

(7) A change of use that does not increase demand on public facilities, change property access or circulation, or require additional parking spaces, provided that, prior to granting building occupancy, the property complies with applicable requirements related to landscaping in [code citation], parking lot striping in [code], on-site lighting in [code section], and bicycle parking in [code citation]. This exemption does not apply when the change of use includes development that otherwise requires Development Approval under this code, such as additions or expansions of buildings or impervious surfaces for which site plan review or minimum development standards review is required.

(D) The Building Official will not issue a Building Permit for which Development Approval is required and has not been obtained.

5.1.200 General Provisions

Subsections:

5.1.205 Effect of Determinations Made Outside of Established Processes
5.1.210 Pre-Development Meetings
5.1.215 Submission of Materials
5.1.220 Application Submittal Standards
5.1.225 Acceptance of Application
5.1.230 Withdrawal of Application
5.1.235 Applicable Standards
5.1.240 Development Review Committee
5.1.245 Notice to Public Agencies
5.1.250 Conflicting Procedures
5.1.255 Time Computation

5.1.205 Effect of Determinations Made Outside of Established Processes

(A) Any informal interpretation or determination, or any statement made outside the declaratory ruling process according to SDC 5.1.1100 or outside the process for approval or denial of a Type 2 or 3 application in conformance with SDC 5.1.400 is considered to be only a statement of opinion and not a final action. Such informal interpretations, determinations, or statements are not deemed to constitute final City action affecting a change in the status of a person's property or conferring any rights, including any reliance rights, on any person.

5.1.210 Pre-Development Meetings

(A) The City has established three pre-development meeting processes to assist prospective applicants through the application review process.

(1) Development Initiation Meeting (DIM). The purpose of a Development Initiation Meeting is to give a prospective applicant the opportunity to discuss a limited number of development topics with City staff. The discussions can be general or specific depending on the questions submitted with the application. The Development Initiation Meeting is voluntary, unless specifically required elsewhere in this Code.

(2) Pre-Application Meeting. A pre-application meeting is highly recommended for complex applications or for applicants who are unfamiliar with the land use process. The purpose of the meeting is to acquaint the applicant with the substantive and procedural standards of the Development Code and to identify issues likely to arise in processing an application.

The Pre-Application Meeting is required for a Master Plan application as specified in SDC 5.13.115.

(3) Application Completeness Check Meeting. The purpose of the Completeness Check Meeting is to determine whether the proposed development application is complete prior to acceptance of the application for processing by the City. A complete application is required for the review process. The Completeness Check

Meeting will examine if the submittal standards of SDC 5.1.220 are met. A Completeness Check Meeting is required for all Type 2, 3 and 4 land use applications. The Pre-Submittal Meeting is required even if the meeting specified in Subsection (1)) have been utilized. An application will be reviewed for completeness according to SDC 5.1.405.

5.1.215 Submission of Materials

(A) General. The submission of any materials by any party including application materials, supplemental information, written comments, testimony, evidence, exhibits, or other documents that are entered into the record of any land use application must be submitted either at the offices of the Director or at a public hearing, unless specified otherwise by the hearing notice or Hearings Authority prior to the close of the record. Materials are considered submitted when received in compliance with the requirements of this section SDC 5.1.215, or in the case of materials submitted at a public hearing, placed before the Hearings Authority.

(B) Electronic Materials

(1) When application or appeal materials are over 20 pages in length, an applicant or appellant must provide an identical electronic version and hard copy of the submitted materials. Any other party submitting materials into the record that are over 20 pages is also encouraged to submit identical electronic and hard copies. Any electronic materials must be in a portable document format (PDF). This provision should not be interpreted to prohibit electronic submittals of materials less than 20 pages in length. The Director will scan submitted materials upon request for a fee set by Resolution of the Council.

(2) When electronic materials over 20 pages in length are submitted by any party for inclusion in an application record, an identical hard copy of the materials must also be submitted unless this requirement is waived by the Director.

(C) Deadline. Where any materials, including both hard and electronic copies, are required to be submitted to the offices of the Director subject to a date-certain deadline, the materials must be received by the Director by 5:00 PM on that date.

5.1.220 Application Submittal Standards

(A) Property Owner. For the purposes of this section, the term ‘property owner’ means the owner of record and does not include a person or organization that holds a security interest.

(B) Applications must:

(1) Be submitted by the property owner or a person who has written authorization from the property owner as defined herein to make the application;

(2) Be submitted to the Director;

(3) Be completed on an application form prescribed by the Director;

(4) Contain all applicable information requested on the application form;

(5) Include supporting information required by this code ;

(6) Be accompanied by the appropriate filing fee or documentation of an approved fee waiver as provided in this Code;

(7) Provide proof of ownership in the form of a deed, or other recorded document; and

(8) Include concurrent applications where a proposal involves more than one application for the same property.

(C) The following applications are not subject to the ownership requirement set forth in subsection (B)(1) of this section:

(1) Applications submitted by or on behalf of a public entity or public utility having the power of eminent domain with respect to the property subject to the application;

(2) Applications for development proposals sited on lands owned by the State or the Federal government; or

(3) Applications for Development Initiation Meetings.

5.1.225 Acceptance of Application

(A) An application submitted to the Director will not be considered accepted for processing solely because of having been received. Upon receipt of an application, the Director will date stamp the application and verify that the appropriate application fee and materials have been submitted before accepting the application for processing.

(B) Acceptance of an application for processing will not preclude a later determination that the application is incomplete.

(C) An application will be reviewed for completeness according to SDC 5.1.405.

5.1.230 Withdrawal of Application

(A) An applicant may withdraw an application in writing at any time prior to the time a decision becomes final. If the property owner is not the applicant, no consent to withdraw the application is needed from the property owner.

5.1.235 Applicable Standards

(A) If an application was complete when first submitted, or the applicant submits additional information according to SDC 5.1.410 within 180 days of the date the application was first submitted, review of the application will be based upon the standards that were applicable at the time the application was first submitted.

5.1.240 Development Review Committee

(A) The Development Review Committee (DRC) is chaired by the Director and composed of representatives from City Departments and Divisions. When applicable, agencies including, but not limited to, Springfield Utility Board, utilities, the Lane Transit District, Lane Regional Air Pollution Authority, and the Oregon Department of Transportation may also participate. The DRC reviews development applications and provides technical assistance and input to the Approval Authority regarding the standards and criteria of this Code.

5.1.245 Notice to Public Agencies

(A) In addition to any notice required by this Code, written notice must be provided to public agencies as prescribed below.

(1) **Department of Land Conservation and Development.** The City must notify the Department of Land Conservation and Development (DLCD) according to ORS 197.610 when any application proposes a change to an acknowledged comprehensive plan or land use regulation. The City must provide this notice within the time period designated by DLCD rule.

(2) **Oregon Department of State Lands**. The City must notify the Oregon Department of State Lands (DSL) in writing of any development application that involves lands that are wholly or partially within areas that are identified on the Statewide Wetlands Inventory. Notice will be in writing using the DSL Wetland Land Use Notification Form, and must be sent within five working days of acceptance of a complete application. (See ORS 227.350)

(3) **Department of Fish and Wildlife**. The City will notify the Oregon Department of Fish and Wildlife (ODFW) in writing of any development application that involves lands that are wholly or partially within the riparian corridor. ODFW may make recommendations to the Approval Authority on strategies to avoid or replace habitat that is damaged by the proposed development, consistent with the standards and criteria of approval of this Code. (See OAR chapter 635, division 415)

(4) **Parks and Recreation Department**. The City will notify the Oregon Parks and Recreation Department (OPRD) in writing of any development application that involves lands that are wholly or partially within the Willamette River Greenway.

(5) **Lane County.** The City must notify Lane County in writing of any development application or any appeal outside City limits but within the Springfield Urban Growth Boundary, except for applications for annexation to the City. Lane County will automatically be considered a party to such applications.

(6) **Other Agencies**. The City will notify other public agencies, as appropriate, that have statutory or administrative rule authority to review or issue State permits associated with local development applications.

5.1.250 Conflicting Procedures

(A) Notwithstanding the provisions of this section, where other provisions of the Springfield Development Code, Springfield Municipal Code, or other City of Springfield ordinances specify procedures that provide greater public notice and comment opportunities, the procedures that provide the most public notice and/or comment opportunity will apply.

5.1.255 Time Computation

(A) Except when otherwise provided, the time within which an act is required to be done is computed by excluding the first day and including the last day, unless the last day is a Saturday, Sunday, legal holiday, or any day on which the City is not open for business pursuant to a City ordinance, in which case it will also be excluded.

(B) For the purposes of determining whether a person has complied with a time limitation in this Code for filing any document with the Director, the time prescribed by this Code does not include the day on which the specific period begins to run. The designated period also does include the last day unless the last day is:

(1) A legal holiday or Saturday;

(2) A day in which the offices of the Director are closed for the purpose of filing development applications and other documents;

(3) A day on which the offices of the Director are closed by order of the City Manager, to the extent provided by the order; or

(4) A day on which the offices of the Director are closed before the end of the normal hours during which development applications and other documents may be filed.

(C) If the last day of a designated period is excluded under the subsection (B) of this section, the act must be performed on the next day that the offices of the Director are open for the purpose of filing pleadings and other documents.

5.1.300 Type 1 Procedures

Subsections:

5.1.305 Type 1 Application
5.1.310 Completeness Check
5.1.315 Decision
5.1.320 Appeal

5.1.305 Type 1 Application

(A) The Type 1 application involves the ministerial review of an application based on clear and objective standards. In general, potential impacts of development allowed through a Type 1 application have been recognized through the adoption of standards. The Type 1 procedure does not require interpretation or exercise of policy or legal judgement when

evaluating development standards. A Type 1 determination is made by the Director without public notice or a hearing.

(B) The Director may elevate a Type 1 application to a Type 2 application when there is a need to interpret or exercise policy or legal judgment, or to apply discretionary land use standards. The Director's decision to elevate a Type 1 application to a Type 2 application is not an appealable decision.

(C) The applicant may elevate a Type 1 application to a Type 2 application by submitting a Type 2 application and paying the applicable fee associated with the Type 2 process.

(D) A Type 1 application is reviewed according to the following procedures.

5.1.310 Completeness Check

A. The Director must determine application completeness according to SDC 5.1.405.

5.1.315 Decision

(A) The Director's decision must address all the applicable approval criteria and/or development standards. The Director may approve, approve with conditions, or deny the application.

(B) The Director's decision for a Type 1 application is the final decision of the City. The Director's decision is effective on the day it is mailed or otherwise provided to the applicant.

5.1.320 Appeal

(A) A Type 1 determination is not appealed at the City level except as otherwise provided in the Springfield Development Code or if found to constitute a permit and authorized by the Director.

5.1.400 Type 2 and Type 3 Procedures

Subsections:

5.1.405 Completeness Check
5.1.410 Timelines
5.1.415 Type 2 Application
5.1.420 Type 3 Application
5.1.425 Mailed Notice of Application
5.1.430 Contents of Mailed Notice
5.1.435 Posted Notice of Application
5.1.440 Published Notice of Application
5.1.445 Type 2 and 3 Review and Decision
5.1.450 Modification of Application
5.1.455 Site Specific Plan Amendment and Zone Change

5.1.405 Completeness Check

(A) Within 30 days of an application being received, the Director will evaluate the application for completeness according to subsections (1) through (5) below.

(1) An application must be submitted to the Director as provided in SDC 5.1.215, 5.1.220, and 5.1.225.

(2) An application will be evaluated for completeness with applicable application submittal standards of SDC 5.1.220.

(3) **Supplementation of Application within First 30 days of Submittal.** An applicant may not submit any supplemental information for an application within the first 30 days following acceptance of the application or until the application has been deemed complete, whichever is first, except when requested according to (5) below, or otherwise authorized by the Director. Any supplemental information submitted by an applicant in violation of this section will not be considered in determining whether the application is complete and will be returned to the applicant.

(4) **Complete Application.** An application will be deemed complete if the application submittal standards have been fully satisfied upon initial filing or through the procedures set forth in subsection (5)(a)-(c) below. When the Director deems the application complete, the Director will notify the applicant in writing. If the Director has not issued in writing a completeness determination within 30 days from the date the application is received by the Director, the application is automatically deemed complete on the 31st day after it was received.

(5) **Incomplete Application.** Except as otherwise provided for through a Completeness Check Meeting, if a Type 2 or Type 3 application is incomplete, the City must notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application will be deemed complete for the purpose of SDC 5.1.410(1) upon receipt by the Director of:

(a) All of the missing information;

(b) Some of the missing information and written notice from the applicant that no other information will be provided; or

(c) Written notice from the applicant that none of the missing information will be provided.

5.1.410 Timelines

(A) 120-day Time Limit

(1) Except as provided in subsections (B) through (D) of this section, the City must take final action on a Type 2 or Type 3 application, including resolution of all local appeals, within 120 days after the application is deemed complete according to SDC 5.1.405.

(2) Applications for the following determinations or approvals are exempt from the 120-day time limit established by this section:

(a) A Type 2 or Type 3 application submitted concurrently with a comprehensive plan amendment;
(b) Revocation proceedings;
(c) Declaratory rulings;
(d) Consideration of remanded applications; and
(e) Adoption and modification of Master plans.

(B) 100-day Time Limit

(1) Except as provided in subsection (C) and (D) of this section, the City must take final action on a qualifying application, including resolution of all local appeals, within 100 days after the application is deemed complete according to SDC 5.1.405.

(2) Definitions. For the purposes of this section only, the following definitions apply:

(a) "Affordable housing" means housing that is affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the development is built or for the state, whichever is greater.

(b) "Multifamily residential building" means a building in which three or more residential units each have space for eating, living and sleeping and permanent provisions for cooking and sanitation.

(3) An application qualifies for a final action within 100 days under this subsection if:

(a) The application is for development of a multifamily residential building containing five or more residential units within the urban growth boundary;

(b) At least 50 percent of the residential units included in the development will be sold or rented as affordable housing; and

(c) The development is subject to a covenant appurtenant that restricts the owner and each successive owner of the development or a residential unit within the development from selling or renting any residential unit described in paragraph (c) of this subsection as housing that is not affordable housing for a period of 60 years from the date of the certificate of occupancy.

(C) Void Application. On the 181st day after first being submitted, an incomplete application is void if the applicant has been notified of missing information and the application has not been deemed complete according to SDC 5.1.405(5)(a)-(c).

(D) Extension. The 120-day time limit in subsection (A) or the 100-day time limit in subsection (B) may be extended for a specified period of time at the written request of the applicant. The total of all extensions cannot exceed 245 days.

5.1.415 Type 2 Application

(A) A Type 2 application involves the Director's interpretation and exercise of discretion when evaluating approval standards. Uses or development evaluated through this process are

uses that are conditionally permitted or allowed after Director review that may require the imposition of conditions of approval to ensure compliance with development and approval standards.

(B) A Type 2 decision is made by the Director after public notice, but without a public hearing, unless appealed. A Type 2 application is reviewed according to the procedures below, unless the Director determines that the application should be reviewed as a Type 3 decision. A Type 2 decision may be appealed according to SDC 5.1.800.

5.1.420 Type 3 Application

(A) A Type 3 quasi-judicial application involves discretion but implement established policy. A request will generally be considered a quasi-judicial decision if it involves the following factors:

(1) The process is bound to result in a decision;

(2) The decision is bound to apply preexisting criteria to concrete facts; and

(3) The action is customarily directed at a closely circumscribed factual situation or small number of persons.

Although no factor is considered determinative and each must be weighed, the more definitively these factors are answered affirmatively, the more it will be considered a quasi-judicial decision.

(B) A Type 3 decision is made by the following Hearings Authority after a public hearing following the quasi-judicial hearings procedures of SDC 5.1.500:

(1) A Type 3 application that does not require adoption of an ordinance and that involve property entirely within City limits are made by the Planning Commission.

(2) A Type 3 application that involves property entirely or partially outside of City limits and entirely within the Springfield Urban Growth Boundary are made by the Hearings Officer.

(3) The City Council is the sole approval authority for vacations and annexations.

(4) The City Council is the final decision maker in a Type 3 development application that require the adoption of an ordinance and are within City limits, including but not limited to site-specific comprehensive plan or refinement plan amendments. Except for vacations and annexations, the Planning Commission will conduct a quasi-judicial public hearing and make a recommendation to the City Council to approve, approve with conditions, or deny the application.

(5) The City Council and Lane County Board of Commissioners are the final decision-makers for a Type 3 development application that requires adoption of an ordinance and are entirely or partially outside City limits but within the Springfield Urban Growth Boundary, including but not limited to site-specific comprehensive plan or refinement plan amendments, according to the procedures in SDC 5.14.130.

5.1.425 Mailed Notice of Application

(A) Notice of a Type 2 application must be mailed at least 14 days prior to the issuance of a decision to persons listed below. Notice of a Type 3 application must be mailed at least 20 days before the hearing, or, if more than one hearing is provided, at least 10 days before the first hearing. The applicant is responsible for the cost (i.e., mailing, etc.) of any notice. The notice must include all the applicable information specified under SDC 5.1.430. Written notice must be sent by mail to the following persons:

(1) The Applicant.

(2) Owners of record of property, as shown on the most recent property tax assessment roll, located within 300 feet of the property that is the subject of the notice.

(3) The designated land use chair(s) of a neighborhood association recognized by the City of Springfield, where any property within the notice area specified in subsection (A)(2) of this section is within the boundaries of a recognized neighborhood association.

(B) The notice requirements of this section will be deemed met when the Director can provide an affidavit or other certification that such notice was given.

(C) The Director may increase the minimum notice area up to 400 feet beyond what is otherwise required under subsection (A)(2) of this section, at their sole discretion.

5.1.430 Contents of Mailed Notice

(A) All required mailed notices must contain the following:

(1) A map locating the subject property;

(2) Identification of the application by City case number;

(3) Identification of the subject property by reference to the Lane County assessment map and tax lot number, and the property address/location;

(4) Identification of the property owner and applicant;

(5) An explanation of the nature of the application and the proposed use or uses that could be authorized by the decision;

(6) The applicable approval criteria from this Code or from an applicable comprehensive plan, functional plan, or refinement plan that applies to the decision;

(7) The name and phone number of the assigned planner;

(8) If the application proposes a change to a zoning map, refinement plan map, or comprehensive plan map, a copy of the map that is to be altered;

(9) A statement that the application, all documents and evidence relied upon by the applicant, and the applicable standards are available for inspection at no cost and that copies will be provided at reasonable cost;

(10) The date, time, and location of any hearing or date by which written comments must be received.

(11) A statement that any person may comment in writing and include a general explanation of the requirements for submission of testimony and the procedures for conduct of testimony including, but not limited to, a party's right to request a continuance or to have the record held open;

(12) A statement briefly summarizing the local decision-making process for the particular application;

(13) For Type 2 applications, a statement that issues which may provide the basis for an appeal must be raised in writing prior to the expiration of the comment period, and that issues must be raised with sufficient information to enable the Approval Authority to respond to the issue; and

(14) For Type 3 applications, a statement that failure to raise an issue in a hearing, in person or in writing, or failure to provide statements or evidence sufficient to afford the Approval Authority an opportunity to respond to the issue preclude appeal to the Oregon Land Use Board of Appeals based on that issue.

5.1.435 Posted Notice of Application

Notice of a Type 2 or Type 3 application must be posted on the subject property by the applicant/property owner throughout the duration of the required public comment period. The applicant must post one sign, approved by the Director, on the subject property that is located within ten feet of any abutting public way. Failure of applicant/property owner to maintain posting of the sign throughout the duration of the required public comment period does not invalidate a land use approval.

5.1.440 Published Notice of Application

(A) Notice of a Type 3 application must be published in a newspaper of general circulation in the city of Springfield at least 20 days before the hearing, or, if more than one hearing is provided, at least 10 days before the first hearing.

(B) The published notice must include the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration.

5.1.445 Type 2 and 3 Review and Decision

(A) **Review and Decision.** Upon determination of completeness required by SDC 5.1.405, a Type 2 or 3 application will be reviewed according to the following procedures:

(1) Notice of application will be made if required or elected by the Director or applicant, as provided in SDC 5.1.425, 5.1.435, and 5.1.440.

(2) Any person may comment in writing on an application within 14 days from the date notice was mailed or a longer period as specified in the notice for a Type 2 application, or until the close of the public record for a Type 3 application.

(3) The Director must distribute the application to the Development Review Committee and the Historic Commission for comments as applicable.

(4) At the conclusion of the comment period specified by the notice of application, or upon determination of application completeness if notice of application is not required or elected by the Director or applicant, the application and written comments will be reviewed and a written decision prepared.

(5) Each decision must include a finding as to when the proposed Type 2 or 3 application was deemed complete and formally accepted as such by the Director.

(6) Each decision must include a finding that the property subject to the proposed land use action is a lot of record as that term is defined in this Code.

(7) Approval or denial of a Type 2 or 3 application must be based upon and accompanied by a written statement that explains the standards considered relevant to the decision, states the facts relied upon in rendering the decision, and explains the justification for the decision based upon the standards and facts set forth.

(8) Any portion of an application not addressed in a Approval Authority's decision is deemed to have been denied.

(9) Notice of the Hearings Authority's decision must be in writing and mailed to all parties within two days of the date of the written decision. However, one person may be designated by the Approval Authority to be the recipient of the decision for a group, organization, group of petitioners or similar collection of individual participants.

(10) If the decision changes an acknowledged comprehensive plan or land use regulation, notice must be provided to the Department of Land Conservation & Development according to ORS 197.615.

(11) A Type 2 or 3 decision may be appealed according to the procedures in SDC 5.1.800.

(B) Final Decision. A decision on a Type 2 or 3 application is not final until the Approval Authority issues a written decision, the decision or notice of the decision has been mailed, and the appeal period to the next higher Approval Authority within the City has expired.

(C) Appeal to the Oregon Land Use Board of Appeals (LUBA). Appeals of the final City decision by the Hearings Officer or City Council may be appealed to the Land Use Board of Appeals according to ORS 197.830, as further described at SDC 5.1.800.

(D) Unless a temporary use permit has been issued, no building permit will be issued until a decision is final. Appeal of a final decision to LUBA does not affect the finality of a decision for purposes of issuing building permits, unless stayed by LUBA or by court order. If an

applicant elects at their own discretion to proceed under a land use action with a pending LUBA appeal, they must proceed only if:

(1) The applicant accepts each and every risk of loss and damage that may result if the application is reversed or modified or denied upon remand, and further agrees in writing to hold the City, its officers, agents, and employees harmless from such loss and damage.

(2) The applicant agrees in writing to restore the site to its original condition if the application for the land use approval is reversed or denied upon remand, or to modify or restore any portions of the site as required by a decision that is modified upon remand.

(3) The applicant posts a bond or other form of security acceptable to the Approval Authority in an amount sufficient to cover the costs of restoration of the site to its pre-approval condition.

5.1.450 Modification of Application

(A) An applicant may modify an application at any time during the approval process up until the issuance of a Type 2decision, or the close of the record for a Type 3 decision, subject to the provisions of SDC 5.1.405 and this section.

(B) The Approval Authority must not consider any evidence submitted by or on behalf of an applicant that would constitute modification of an application (as that term is defined in SDC 6.1.100, Definitions), unless the applicant submits an application for a modification, pays all required modification fees and agrees in writing to restart the 120-day time limit as of the date the modification is submitted. The 120-day time limit for an application, as modified, may be restarted as many times as there are modifications up to a total of 365 days from the day the application was accepted as complete.

(C) The Approval Authority may require that the application be re-noticed and additional hearings be held.

(D) Up until the issue of a Type 2 decision or the day a hearing is opened for receipt of oral testimony for a Type 3 decision, the Director has the sole authority to determine whether an applicant's submittal constitutes a modification. After such time, the Hearings Authority makes any modification determination. For both Type 2 and Type 3 decisions, the Approval Authority's determination on whether a submittal constitutes a modification is appealable only to LUBA and is appealable only after a final decision is entered by the City on an application.

5.1.455 Site-Specific Plan Amendments and Zone Changes

(A) Any change initiated by an individual that includes a plan amendment and zone change for specific real property may be accompanied by the appropriate applications for a specific development proposal. Approval of such a plan amendment and zone change accompanied by a specific development proposal may be conditioned upon initiation of the development proposal within a specified time period, at the discretion of the Hearings Authority, to ensure no greater intensity of use than that contemplated in the proceeding. Approvals of site-specific plan amendments and zone changes that are not accompanied

by applications for a specific development proposal must be based on evaluation of the highest impact uses authorized in the proposed zone.

5.1.500 Quasi-Judicial Hearings

Subsections:

5.1.505 Filing of Staff Report for Hearing
5.1.510 Burden of Proof
5.1.515 Nature of Evidence
5.1.520 Limitation on Oral Presentations
5.1.525 Standing
5.1.530 Record
5.1.535 Disclosure of Ex Parte Contacts
5.1.540 Disclosure of Personal Knowledge
5.1.545 Challenge for Bias, Prejudgment or Personal Interest
5.1.550 Hearings Procedure
5.1.555 Setting the Hearing
5.1.560 Close of the Record
5.1.565 Continuances or Record Extensions
5.1.570 Reopening the Record

5.1.505 Filing of Staff Report for Hearing

(A) The Director will set a hearing date at the time an application is deemed complete as provided in SDC 5.1.560, if the application requires a hearing in the judgment of the Director.

(B) A staff report must be completed seven days prior to the first hearing. If the report is not completed by such time, the hearing must be held as scheduled, but at the hearing or in writing prior to the hearing, any party may request a continuance of the hearing to a date that is at least seven days after the date the initial staff report is complete. The Hearings Authority has discretion whether to grant a continuance under these circumstances .

(C) A copy of the staff report must be mailed to the applicant, made available at a reasonable cost to such other persons who request a copy, and filed with the Hearings Authority.

(D) Notwithstanding subsection (B) of this section, oral or written modifications and additions to the staff report must be allowed prior to or at the hearing.

5.1.510 Burden of Proof

(A) Throughout all local land use proceedings the burden of proof rests on the applicant.

5.1.515 Nature of Evidence

(A) All relevant evidence must be received according to SDC 5.1.215.

5.1.520 Limitation on Oral Presentations

(A) The Hearings Authority may set reasonable time limits on oral testimony.

5.1.525 Standing.

(A) Any interested person may appear and be heard in a Type 3 hearing, except that in appeals heard on the record, a person must have participated in a previous proceeding on the subject application.

(B) Any person appearing on the record at a hearing (including appeals) or presenting written evidence in conjunction with an administrative action or hearing has standing and is a party. A person whose participation consists only of signing a petition will not be considered a party.

5.1.530 Record

(A) An electronic recording of the hearing must be made.

(B) All exhibits presented must be marked to show the identity of the person offering the exhibit.

(C) Exhibits must be numbered in the order presented and must be dated.

(D) When exhibits are introduced, the exhibit number or letter must be read into the record.

(E) When a digital storage device is submitted into the record, a transcript of the contents must also be submitted.

5.1.535 Disclosure of Ex Parte Contacts

(A) Prior to making a decision, the Hearings Authority or any member thereof must not communicate directly or indirectly with any party or their representative in connection with any issue involved in a pending hearing except upon notice and opportunity for all parties to participate. Should such communication – whether written or oral – occur, the Hearings Authority member must:

(1) Publicly announce for the record the substance of such communication; and

(2) Announce the parties' right to rebut the substance of the ex parte communication during the hearing.

(3) Communication between City staff and members of the Planning Commission or City Council tis not considered to be an ex parte contact.

5.1.540 Disclosure of Personal Knowledge

(A) If the Hearings Authority or any member thereof uses personal knowledge acquired outside of the hearing process in rendering a decision, the Hearings Authority or member thereof must state the substance of that knowledge on the record and allow all parties the opportunity to rebut such statement on the record.

(B) For the purposes of this section, a site visit by the Hearings Authority or member thereof is deemed to fall within this rule. After the site visit has concluded, the Hearing Authority or

member thereof must disclose its observations and conclusions gained from the site visit on the record and allow all parties the opportunity to rebut such observations or conclusions.

5.1.545 Challenge for Bias, Prejudgment or Personal Interest

Prior to or at the commencement of a hearing, any party may challenge the qualification of the Hearings Authority, or a member thereof, for bias or conflict of interest. The challenge must be made on the record and be documented with specific reasons supported by facts. Should qualifications be challenged, the Hearings Authority or the member must disqualify themself, withdraw, or make a statement on the record of their capacity to hear the matter.

5.1.550 Hearings Procedure

(A) A hearing must be conducted as follows:

(1) The Hearings Authority must explain the purpose of the hearing and announce the order of proceedings, including reasonable time limits on presentations by parties.

(2) A statement by the Hearings Authority must declare any ex parte contacts, bias, or conflicts of interest.

(3) Any facts received, noticed, or recognized outside of the hearing must be stated for the record.

(4) Challenges to the Hearing Authority's or its member's qualifications to hear the matter must be stated and challenges entertained.

(5) At the commencement of a hearing in a quasi-judicial Type 3 decision, the Hearings Authority or their designee must make a statement to those in attendance that:

(a) Lists the applicable substantive criteria;

(b) States that testimony, arguments, and evidence must be directed toward that criteria or other criteria in the Comprehensive Plan or land use regulations which the person believes to apply to the decision;

(c) States that failure to raise an issue accompanied by statements or evidence sufficient to afford the Hearings Authority and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

(6) At the commencement of the initial public hearing, the Hearings Authority or its designee must make a statement to the applicant that the applicant's failure to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the Hearings Authority to respond to the issue precludes an action for damages in circuit court. An applicant is not required to raise constitutional or other issues relating to proposed conditions of approval unless the conditions of approval are stated with sufficient specificity to enable the applicant to respond to the conditions prior to the close of the final local hearing.

(7) An issue which may be the basis for an appeal to the Oregon Land Use Board of Appeals must be raised not later than the close of the record at or following the final hearing on the proposal before the local government. Such issues must be raised and accompanied by statements or evidence sufficient to afford the Hearings Authority and the parties an adequate opportunity to respond to each issue.

(8) Order of Presentation.

(a) Explanation of procedural requirements.
(b) Open the hearing.
(c) Statement of ex parte contacts, bias, or conflicts of interest.
(d) Challenge for bias or conflicts of interest.
(e) Staff report.
(f) Applicant testimony.
(g) Testimony by those in favor of the application.
(h) Testimony by those neutral.
(i) Testimony by those opposed to the application.
(j) Applicant rebuttal.
(k) Staff comment.
(l) Questions from or to the chair may be entertained at any time at the Hearings Authority's discretion prior to close of hearing.
(m) Close the hearing.
(n) Close of the record.
(o) Deliberation.
(p) Decision.

(9) In appeal proceedings, the applicant is the party who initiated the application which is under appeal. Those person(s) opposed to the application must testify under the "Testimony by those opposed to the application" portion of the appeal proceeding. Those persons in favor of the application must testify under the "Testimony by those in favor of the application" portion of the appeal proceeding.

(10) The record must be available for public review at the hearing.

5.1.555 Setting the Hearing

(A) After an application is deemed accepted a hearing date must be set. A hearing date may be changed by the City staff, or the Hearings Authority up until the time notice of the hearing is mailed. After the notice of hearing is mailed, changes in the hearing date must be processed as a continuance in accordance with SDC 5.1.570, unless a new notice of hearing is provided at the City's expense.

(B) If an applicant requests that a hearing date be changed before notice of hearing is mailed, such request can be granted only if the applicant agrees that the extended time period for the hearing will not count against the 120-day time limit set forth in ORS 227.178.

5.1.560 Close of the Record

(A) Except as set forth herein, the record must be closed to further testimony or submission of further argument or evidence at the end of the presentations before the Hearings Authority.

(B) If the hearing is continued or the record is held open under SDC 5.1.570, further evidence or testimony must be taken only according to the provisions of that section.

(C) Otherwise, further testimony or evidence will be allowed only if the record is reopened under SDC 5.1.580, Reopening the Record.

(D) An applicant must be allowed, unless waived, to submit final written arguments in support of its application after the written record has closed to other parties, within such time limits as the Hearings Authority sets. The Hearings Authority must allow applicant at least seven days to submit their argument, which time is not counted against the 120-day time limit.

5.1.565 Continuances or Record Extensions

(A) Grounds

(1) Prior to or at the initial hearing, an applicant must receive a continuance upon any request if accompanied by a corresponding extension of the 120-day time limit. If a continuance request is made after the published or mailed notice has been provided by the City, but at least seven days prior to the hearing, the hearing place must be posted with notification of cancellation and a revised notice with the new hearing date, place and time must be mailed to all persons who received the original notification. The applicant is responsible for any costs for providing notice of the continuance. If a continuance request is made less than seven days prior to the hearing, the Hearings Official must take evidence at the scheduled hearing date from any party wishing to testify at that time after notifying those present of the continuance.

(2) Any party is entitled to a continuance of the initial evidentiary hearing or to have the record left open in such a proceeding in the following instances: upon the party's request made prior to the close of the hearing for time to present additional evidence or testimony.

(3) Any party is entitled to a continuance of the initial evidentiary hearing where additional documents or evidence containing new facts or analysis are submitted by any party less than seven days before the hearing, or upon a showing that denying a continuance would prejudice the party's substantial procedural rights.

(B) Except for continuance requests made under subsection (A)(1)-(3) of this section, the choice between granting a continuance or leaving the record open is at the discretion of the Hearings Authority. After a choice has been made between leaving the record open or granting a continuance, the hearing is governed thereafter by the provisions that relate to the path chosen.

(C) Hearing Continuances

(1) If the Hearings Authority grants a continuance, the hearing must be continued to a date, time, and place certain at least seven days from the date of the initial hearing.

(2) An opportunity must be provided at the continued hearing for persons to rebut new evidence and testimony received at the continued hearing.

(D) **Leaving Record Open**. If the Hearings Authority leaves the record open for additional written evidence or testimony after the conclusion of the hearing, the Hearings Authority must allow for response to written evidence or testimony submitted during the period the record is held open.

(E) A continuance or record extension granted under this section is subject to the 120-day time limit unless the continuance or extension is requested or otherwise agreed to by the applicant. When the record is left open or a continuance is granted after a request by an applicant, the time during which the 120-day time limit is suspended includes the time period made available to the applicant and any time period given to parties to respond to the applicant's submittal.

5.1.570 Reopening the Record

(A) The Hearings Authority may reopen the record at its discretion, either upon request or on its own initiative. The Hearings Authority must not reopen the record at the request of an applicant unless the applicant has agreed in writing to an extension or a waiver of the 120-day time limit.

(B) Procedures

(1) Except as otherwise provided for in this section, the manner of testimony (whether oral or written) and time limits for testimony to be offered upon reopening of the record is be at the discretion at the Hearings Authority.

(2) The Hearings Authority must give written notice to the parties that the record is being reopened, stating the reason for reopening the record and how parties can respond. The parties must be allowed to raise new issues that relate to the new evidence, testimony, or criteria for decision-making that apply to the matter at issue.

5.1.600 Type 4 Procedures

5.1.605 Type 4 Application – Legislative Procedures
5.1.610 Hearing Required, Procedure
5.1.615 Notice
5.1.620 Initiation of a Legislative Change
5.1.625 Approval Authority
5.1.630 Final Decision
5.1.635 Corrections

Subsections:

5.1.605 Type 4 Legislative Application

(A) A Type 4 application applies to a legislative matter involving the creation, revision, or large-scale implementation of public policy including, but not limited to adoption of land use regulations that apply to entire districts, the annexation of large areas initiated by the City, and comprehensive plan, functional plan, or refinement plan amendments that are not quasi-judicial in nature.

(B) A Type 4 Legislative decision is made after public notice, public hearings, and a recommendation by the Planning Commission to the City Council, except the City Council is the sole approval authority for vacations and annexations.

5.1.610 Hearing Required, Order of Procedure

(A) No legislative change can be adopted without review by the Planning Commission and a final public hearing before the City Council, except the City Council is the sole approval authority for vacations and annexations. Public hearings are set at the discretion of the Director, unless otherwise required by State law.

(B) Order of Presentation.

(1) Explanation of procedural requirements.
(2) Open the hearing.
(3) Staff report.
(4) Testimony from interested parties.
(5) Questions from or to the chair may be entertained at any time at the Hearings Authority's discretion prior to close of hearing.
(6) Close the hearing.
(7) Close of the record.
(8) Deliberation.
(9) Decision.

5.1.615 Notice

(A) Published Notice

(1) Notice of a Type 4 legislative change must be published in a newspaper of general circulation in the City of Springfield at least 20 days prior to each public hearing, or, if more than one hearing is provided, at least 10 days before the first hearing.

(2) The published notice must state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration.

(B) Posted Notice. Notice must be posted at the discretion of the Director.

(C) Individual Notice. Notice must be mailed as provided in ORS 227.186 prior to the first hearing on an ordinance to rezone property or the first hearing on an ordinance to adopt or amend a comprehensive plan that would require property to be rezoned to comply with the amended or new plan.

(D) Neighborhood Associations. Notice of a Type 4 legislative change must be mailed to the designated land use chair of any neighborhood association recognized by the City of Springfield, where the legislative change affects any land within the boundary of such neighborhood association.

(E) The Director will distribute the application to the Development Review Committee or the Historic Commission for comments, where applicable.

5.1.620 Initiation of a Legislative Change

(A) Requests for a plan map or text amendment of the Springfield Comprehensive Plan or its implementing documents may be initiated by an individual, corporation, or public agency upon submittal of an application, supporting documentation and payment of required fees. The City Council, Planning Commission, or Director may also initiate legislative changes.

5.1.625 Approval Authority

(A) A Type 4 legislative change entirely within City limits must be reviewed by the Planning Commission prior to action being taken by the City Council, except the City Council is the sole approval authority for annexations and vacations.

(B) A Type 4 legislative change to a comprehensive plan that is entirely or partially outside City limits and within the Springfield Urban Growth boundary must be reviewed jointly with Lane County as provided in SDC 5.14-130.

(C) A Type 4 legislative change to land use regulations that apply entirely or partially outside City limits must be reviewed by the Planning Commission, and Lane County Planning Commission at Lane County's discretion, prior to action being taken jointly by the City Council and Lane County Board of Commissioners.

5.1.630 Final Decision

(A) A Type 4 legislative change must be adopted by ordinance.

(B) The Planning Commission must make a recommendation to the City Council to approve, approve with conditions, or deny the application. The Planning Commission's recommendation must address all of the applicable approval standards and criteria and any written or oral testimony.

(C) The City Council may approve, approve with conditions, or deny the application. The City Council's decision must include findings that address all the applicable approval standards and/or development standards and any written or oral testimony.

(D) The City Council's decision is the City's final decision. The decision becomes effective 30 days after the decision is made if there is no emergency clause in the adopting Ordinance, unless provided otherwise on the face of the ordinance. Notwithstanding the effective date of an ordinance as specified above, the effective date of annexations must be as prescribed in ORS 222.040, 222.180, or 222.465. Notice of decision is mailed to the applicant, property owner, those persons who submitted written or oral testimony, those who requested notice, and as required by ORS 222 State law and SDC 5.7.150. Where required, the notice of decision must also be mailed to the Department of Land Conservation and Development as specified in ORS 197.615 and by DLCD rule.

(E) For Metro Plan amendments that require adoption by the City, Eugene and/or Lane County, the City Council decision is final only upon concurrence of the Lane County Commissioners and the City of Eugene City Council, as appropriate.

(F) The City Council's decision may be appealed within 21 calendar days to the Land Use Board of Appeals as specified in ORS 197.830 and SDC 5.1.800.

5.1.635 Corrections

(A) The City Attorney may renumber sections and parts of sections of ordinances, change the wording of titles, rearrange sections, change reference numbers to agree with renumbered chapters, sections, or other parts, substitute the proper subsection, section, or chapter or other division numbers, strike out figures or words that are merely repetitious, change capitalization for the purpose of uniformity, and correct clerical or typographical errors. In preparing revisions described herein, the City Attorney shall not alter the sense, meaning, effect, or substance of any ordinance.

5.1.700 Reconsideration

Subsections:

5.1.705 Reconsideration
5.1.710 Procedure
5.1.715 Limitation on Reconsideration

5.1.705 Reconsideration

(A) An applicant may request that the Approval Authority's decision be reconsidered as set forth herein. A request for reconsideration must be accompanied by a fee established by the City and by applicant's written consent that the 120-day time limit will not run during the period of the reconsideration and the resulting extended appeal period. The fee will be waived when, in the opinion of the Director, the reconsideration is requested to correct a clerical or technical error that is the City's fault.

(B) Grounds for reconsideration of a Type 1 or Type 2 decision are limited to the following instances:

(1) The applicant's submission of additional documents or evidence, that merely clarifies or supports the pending application, directed to one or more discreet aspects of the decision. The new information must not constitute a modification of application as defined herein.

(2) Correction of an error in a condition established by the Approval Authority where the condition is not supported by the record or is not supported by law.

(3) Correction of errors that are technical or clerical in nature.

(C) Grounds for reconsideration of the Hearing Authority's decision are limited to the following instances where an alleged error substantially affects the rights of the applicant:

(1) Correction of an error in a condition established by the Hearings Authority where the condition is not supported by the record or is not supported by law;

(2) Correction of errors that are technical or clerical in nature.

5.1.710 Procedure

(A) A request for reconsideration must be filed with the Director within 12 days of the date the decision was mailed. The request must identify the condition or issue to be considered and must specify how the applicant would be adversely affected if the issue were to remain uncorrected.

(B) Upon receipt of a request for reconsideration of a Type 1 or 2 decision, the Director must determine whether the request for reconsideration has merit. No comment period or prior notice is required for an administrative reconsideration.

(C) Upon receipt of a request for reconsideration of a Type 3 decision, the Director must notify all parties to the proceeding of the request and allow for a 10-day comment period on the request. In those instances, in which the only grounds for reconsideration of a Type 3 decision are technical or clerical in nature, at the end of the comment period, the Director must determine whether the request for reconsideration has merit. In all other instances, at the end of the comment period, the Hearings Authority must determine whether the request for reconsideration has merit.

(D) The Approval Authority must modify the decision upon a determination that the request has merit and the issue substantially affects the applicant. Notice of the modification must be sent to all parties to the proceeding. If the Approval Authority determines that no modification is warranted, a denial must be issued and sent to all parties to the proceeding.

(E) Filing a request for a reconsideration is not be a precondition for appealing a decision.

(F) Filing a request for reconsideration stays the deadline for any party to file an appeal of the Approval Authority's decision. A new 12-day appeal period for all parties to the proceeding commences upon mailing of a modification or upon mailing a determination that a modification is not warranted. The new 12-day appeal period will not be calculated as part of the 120-day time limit. If an opponent files an appeal and an applicant has requested reconsideration, the opponent's appeal must be stayed pending disposition of the request for modification. If the decision is not modified, the appeal will be processed according to the procedures set forth in SDC 5.1.800. If the decision is modified, the appellant must, within 12 days of the mailing of the modified decision, file in writing a statement requesting that its appeal be activated or the appeal will be automatically dismissed.

5.1.715 Limitation on Reconsideration

(A) No decision can be reconsidered more than once before the same Approval Authority.

5.1.800 Appeals

Subsections:

5.1.805 Who May Appeal
5.1.810 Filing Appeals
5.1.815 Notice of Appeal
5.1.820 Determination of Jurisdictional Defects
5.1.825 Consolidation of Multiple Appeals

5.1.830 Scope of Review
5.1.835 Hearing on Appeal
5.1.840 Re-hearing
5.1.845 Remands
5.1.850 Withdrawal of an Appeal

5.1.805 Who May Appeal

(A) The following may file an appeal:

(1) A party; or

(2) A person entitled to notice and to whom no notice was mailed.

(B) A person to whom notice is mailed is deemed notified even if notice is not received.

5.1.810 Filing Appeals

(A) To file an appeal, an appellant must file a completed notice of appeal on a form prescribed by the Director and pay an appeal fee.

(B) Unless a request for reconsideration has been filed, the notice of appeal and appeal fee must be received by the Community Development Director no later than the close of the public counter on the 12th day following mailing of the decision. If a decision has been modified on reconsideration, an appeal must be filed no later than the 12th day following mailing of the decision as modified. Notices of appeals must not be received by facsimile machine or e-mail.

(C) In the case of an appeal of a Type 2 decision to the Hearings Officer or to the Planning Commission, the Hearings Authority's decision on appeal is final 12 days after the decision is mailed. Except that, within 12 days after the decision is mailed, the City Council may, on its own motion and at its discretion, call up a decision of the Planning Commission and conduct an on the record review of the decision and limit issues identified in the Council's motion.

(D) In the case of an appeal of a Type 3 decision, the City Council's decision whether to grant review is discretionary. If the City Council declines review, the appellant may be entitled to a partial refund according to the City's adopted Fees Resolution.

(E) The Hearings Officer's decision on a Type 3 decision or upon appeal of a Type 2 decision is the City's final decision and is appealable only.

5.1.815 Notice of Appeal

(A) The Notice of Appeal must contain:

(1) A description of the decision which is being appealed, including the date of decision.

(2) A statement describing the interest the person who is appealing has in the decision. Only persons who have proper standing as provided by the law, and who have participated in the decision being appealed (if provision for such participation was

provided in the previous proceeding), may appeal the decision. The statement of interest must demonstrate the person's standing and participation.

(3) A description of the issues sought to be raised by the appeal; and a statement that the issues were raised during the proceeding that produced the decision being appealed. This description must include the specific criteria relied upon as the basis for the appeal, and an explanation of why the decision has not complied with the standards or requirements of the criteria. The issues raised by the appeal must be stated with sufficient specificity to afford the reviewing authority an opportunity to resolve each issue raised.

(4) In the case of a discretionary appeal request to the City Council, the Notice of Appeal must include the following additional information to assist the City Council in deciding whether to grant discretionary review of the decision being appealed:

(a) How the appeal presents issues that have significant public policy or community-wide implications for the City, as opposed to more limited issues which primarily involve the directly affected property or persons involved in the land use decision being appealed.

(b) Why it is necessary or desirable for the City Council to review these issues; and why the issues cannot be adequately and fairly reviewed by the Oregon Land Use Board of Appeals.

5.1.820 Determination of Jurisdictional Defects

(A) Any failure to conform to the requirements of SDC 5.1.810, Filing Appeals, and 5.1.815, Notice of Appeal, will constitute a jurisdictional defect and the appeal will be dismissed.

(B) Determination of jurisdictional defects in an appeal must be made by the Approval Authority to which an appeal has been made.

5.1.825 Consolidation of Multiple Appeals

(A) If more than one party files a notice of appeal on a land use action decision, the appeals must be consolidated and noticed and heard as one proceeding.

(B) In instances of multiple appeals where separate appellants have asked for a differing scope of review, any grant of de novo review controls over a separate request for a more limited review on appeal.

5.1.830 Scope of Review

(A) **Before Hearings Official or Planning Commission**. The review of a Type 2 decision on appeal before a Hearings Authority is de novo.

(B) **Before the Council**.

(1) Review of land use decisions by the City Council on appeal is discretionary. A decision by the City Council to not grant discretionary review of the appeal is the final determination of the City and will be considered to be an adoption by the Council of

the decision being appealed, including any interpretations of this code or of the plan provisions included in the decision. The final decision may be appealed to the Land Use Board of Appeals as provided by law. The City Council's decision whether to grant discretionary review will be made without testimony or argument from persons interested in the appeal.

(2) The scope of review for appeals that are granted discretionary review by the City Council must be:

(a) Restricted to the issues raised in the Notice of Appeal, or as prescribed by the City Council; and

(b) Be conducted during an appeal hearing before the City Council on the record made as part of the decision being appealed.

(3) The record for discretionary review by the City Council must include:

(a) The land use application or request which is the subject of the appeal, any staff report, and all written comments, exhibits, or any other materials or information considered by the decision-maker in the proceedings that produced the decision being appealed.

(b) A written transcript of all proceedings before the decision-maker, or a stipulated written summary of the proceedings submitted by all of the parties to the appeal.

(c) Appellants must submit the transcript or stipulated written summary of the proceedings to the Community Development Division no later than the close of the day five days prior to the date set for receipt of written arguments.

(d) An appellant is excused from providing a transcript or stipulated written summary of the proceedings if the appellant was prevented from complying by:

(i) The Director's inability to supply the appellant with an audio recording of the prior proceeding; or

(ii) Defects on the audio recording of the prior proceeding that make it not reasonably possible for the appellant to supply a transcript. Appellants must comply to the maximum extent reasonably and practicably possible.

(4) An appeal hearing before the City Council must be conducted according to such procedures as the City Council prescribes, which may include an opportunity for presentations by the parties to the appeal.

(5) Decisions reviewed by the City Council can be affirmed, remanded, reversed, or modified in whole or in part by the City Council.

5.1.835 Hearing on Appeal

(A) The appellant and all other parties to the decision below must be mailed notice of the hearing on appeal at least 20 days prior to any de novo hearing or deadline for submission of written arguments.

(B) Except as otherwise provided in this section, the appeal must be heard as provided in SDC 5.1.500, Quasi-Judicial Hearings. The applicant must proceed first in all appeals.

(C) The order of Approval Authority must be as provided in SDC 5.1.510, Hearings Authority.

(D) The record of the proceeding from which appeal is taken must be a part of the record on appeal.

(E) The record for a review on the record must consist of the following:

(1) Minutes and audio recordings of any prior hearing, if available;

(2) All written and graphic materials that were part of the record below;

(3) The Approval Authority's decision appealed from;

(4) Written arguments, based upon the record developed below, submitted by any party to the decision;

(5) A staff report and staff comment based on the record; and

(6) Other information deemed relevant by the Approval Authority.

(F) The City Council must not consider any new factual information in an "on the record" proceeding. Brief oral argument by the applicant and the appellant on the record may be allowed by the City Council.

5.1.840 Re-hearing

(A) Re-hearings are not allowed.

5.1.845 Remands

(A) Applications must not be remanded to a lower level Approval Authority after appeal, except by City Council as provided in SDC 5.1.830(B)(5).

5.1.850 Withdrawal of an Appeal

(A) An appeal may be withdrawn in writing by an appellant at any time prior to the rendering of a final decision. Subject to the existence of other appeals on the same application, in such event the appeal proceedings must terminate as of the date the withdrawal is received. An appeal may be withdrawn under this section regardless of whether other non-filing parties have relied upon the appeal filed by the appellant.

5.1.900 Proceedings on Remand

Subsections:

5.1.905 Purpose
5.1.910 Hearings Official
5.1.915 Notice and Hearings Requirements
5.1.920 Scope of Proceeding
5.1.925 Effect of Reversal

5.1.905 Purpose

(A) This section governs the procedures to be followed where a decision of the City has been remanded by the Land Use Board of Appeals (LUBA), the Department of Land Conservation and Development (DLCD), the Land Conservation and Development Commission (LCDC), or the Appellate Courts.

5.1.910 Approval Authority

(A) The Approval Authority for a remanded decision must be the last Approval Authority from which the appeal to LUBA or submittal to DLCD was taken, except that in voluntary or stipulated remands, the City Council may decide that it will hear the case on remand.

5.1.915 Notice and Hearings Requirements

(A) The City must conduct a review on any remanded decision if requested by the applicant in writing or initiated by the City for a City project. The remand procedure must be according to the applicable provisions of this section and the decision by LUBA, DLCD, LCDC, or Appellate Court, and applicable State law. Unless State law requires otherwise, only those persons who were parties to the proceedings before the City are entitled to notice and entitled to participate in any hearing on remand.

(B) The review procedures must comply with State law and with the requirements of this Code for either legislative or quasi-judicial procedures, whichever was employed for the initial decision or as required by the remand.

5.1.920 Scope of Proceeding

(A) On remand, the Approval Authority must review only those issues that LUBA, DLCD, LCDC, or an appellate court required to be addressed. The Approval Authority has the discretion to reopen the record as it deems appropriate.

(B) If additional testimony is required to comply with the remand, parties may raise new, unresolved issues that relate to new evidence directed toward the issue on remand. Other issues that were resolved by LUBA, DLCD, LCDC, or the Appellate Court or that were not appealed are deemed to be waived and may not be reopened.

(C) Notwithstanding subsections (A) and (B) above, for remands of City-initiated legislative amendments or for any voluntary or stipulated remand reviewed by the City Council, the City Council may allow the introduction and processing of new work tasks, issues, evidence, and testimony if the Council determines that the information or task is necessary and/or valuable.

5.1.925 Effect of Reversal

(A) A decision reversed by LUBA, DLCD, LCDC, or an appellate court that results in a final appellate judgment or order of reversal cannot be further heard by the City in the absence of an amended or new application. Submission of a revised application is governed by the time limit set forth in SDC 5.1.1030, Limitation on Refiling Applications.

5.1.1000 Limitations on Approvals

Subsections:

5.1.1005 Expiration of Approval
5.1.1010 Initiation of Use
5.1.1015 Modification of Approval
5.1.1020 Transfer of Approval
5.1.1025 Revocation of Approval
5.1.1030 Limitations on Refiling Applications

5.1.1005 Expiration of Approval

(A) Scope

(1) Except as otherwise provided herein, this section applies to and describes the duration of all development approvals provided for under this code.

(2) This section does not apply to:

(a) Those determinations made by declaratory ruling, such as verifications of nonconforming uses and lot of record determinations that involve a determination of the legal status of a property, rather than whether a particular application for a specific land use meets the applicable standards of the code. Such determinations are final unless appealed and are not subject to any time limits;

(b) Temporary use permits of all kinds, which are governed by applicable ordinance provisions specifying the duration of such permits;

(c) Quasi-judicial and legislative plan and map amendments;

(d) Master Plans, which are governed by SDC 5.13.100, Master Plans; or

(e) Annexations; or

(f) Vacations.

(B) Duration of Approvals

(1) A permit for a discretionary approval is void two years after the date of the final decision if the use approved in the permit is not initiated within that time period, unless otherwise specified in the approval, by other provisions of this Code, and or unless the approval period is extended pursuant to subsection (C) below.

(2) Approval of tentative land division plats is void two years after the date of preliminary approval, if the final plat has not been recorded with Lane County, unless otherwise specified in the approval, by other provisions of this Code, and or unless the approval period is extended pursuant to subsection (C) below.

A one-year extension may be approved by the Director if the applicant can demonstrate sufficient progress to reasonably assure the plat will be recorded at the end of the third year, and if:

(a) An applicant makes a written request for an extension of the development approval period; and

(b) The request is submitted to the Director prior to the expiration of the approval period.

(3) In the case of a development approval authorized under applicable approval standards to be completed in phases, each phase must be consistent with the time specified in the approval. In no case can the total time period for all phases be greater than five years.

(C) Time Extensions

(1) Unless prohibited by the approval or other provisions of this Code, the Director may grant one extension of up to one year for a development approval that contained a two-year initial duration of approval, if:

(a) An applicant makes a written request on the form provided by the Director for an extension of the development approval period, accompanied by the required fee; and

(b) The request for extension is submitted to the Director prior to the expiration of the approval period, but not earlier than six months before the expiration date of the permit.

(2) The Director may grant one or more additional extensions if authorized by a City Council resolution which recognizes a City-wide need for an additional limited-duration extension, not to exceed two years. The additional extension may be granted if:

(a) The applicant has exhausted all other extension opportunities;

(b) The applicant makes a written request for an extension of the development approval period; and

(c) The request is submitted to the Director prior to the expiration of the approval period.

(3) In addition to, or in lieu of, the extensions provided under subsections (C)(1) and (C)(2) above, the Director may grant an additional extension based upon good cause, provided that:

(a) The request for an extension is made in writing prior to expiration of the original approval;

(b) There are special or unusual circumstances that exist which warrant an extension;

(c) No material changes of surrounding land uses or zoning has occurred; and

(d) No new land use regulations have been adopted that affect the applicant's proposed development.

(4) Approval of an extension granted under this section is an administrative decision and is not a land use decision or a limited land use decision as described in ORS 197.015 or this code. An extension is not subject to appeal and will be processed as a Type 1 application.

(D) Effect of Appeals. The time period set forth in subsection (B) of this section will be tolled upon filing of an appeal to LUBA, until all appeals are resolved.

5.1.1010 Initiation of Use

(A) For the purposes of this Section, development undertaken under a development approval described in SDC 5.1.1005, Expiration of Approval, has been "initiated" if it is determined that:

(1) The proposed use has lawfully occurred;

(2) Substantial construction toward completion of the development approval has taken place; or

(3) Where construction is not required by the approval, the conditions of a permit or approval have been substantially exercised and any failure to fully comply with the conditions is not the fault of the applicant.

(B) For the purposes of this section, substantial construction has occurred when the holder of an approval has physically altered the land or structure or changed the use thereof and such alteration or change is directed toward the completion and is sufficient in terms of time, labor or money spent to demonstrate a good faith effort to complete the development.

(C) Initiation of use must not be granted in lieu of a phased approval.

(D) A determination of whether a land use has been initiated must be processed as a declaratory ruling.

5.1.1015 Modification of Approval

(A) An approval may be modified at any time after a decision becomes final.

(B) Modification of Type 2 Approval Procedures

(1) A modification of a Type 2 approval that does not have significant additional impacts on surrounding properties must be reviewed only under the standards applicable to the aspect(s) of the proposal that are to be modified.

(2) A modification that has significant additional impacts on surrounding properties must be reviewed under all standards applicable to the entire approval and may, at the discretion of the Director, require the filing of a new application.

(3) A modification must not be considered to have significant additional impacts on surrounding properties if the identified impacts could be addressed under the applicable provisions of this code at the time of future development (e.g., a future site plan review or conditional use permit application).

(4) A modification that is a new proposal must be filed as a new application.

(C) An application for a modification of a Type 1 approval must be processed as a Type 1 application. All other modifications must be processed as a Type 2 application unless elevated to a Type 3 process by the Director.

(D) The original approval time limitation is governed by SDC 5.1.1005.

(E) Modifications of development approvals must meet the approval standards required in subsection (B) of this section in the appropriate corresponding section of this code (e.g., modification of a site plan review approval is subject to SDC 5.17; modification of a discretionary use permit is subject to SDC 5.9, modification of a master plan is subject to the applicable sections in SDC 5.13).

5.1.1020 Transfer of Approval

(A) Except as otherwise provided in this code, a development approval is deemed to run with the land and be transferable to applicant’s successors in interest.

5.1.1025 Revocation of Approval

(A) Proceedings to revoke a development approval must be initiated by the Director by giving notice of intent to revoke to the property owner.

(B) The Director may revoke a development approval for the following reasons:

(1) The conditions or terms of development approval are violated; or

(2) The project is not in substantial conformance with the approved plans or decision; or

(3) The applicant or the applicant's representative made a material misstatement of fact in the application or supporting documents and such misstatement was relied upon by the Approval Authority in making its decision whether to accept or approve the application.

(C) Revocations must be processed as a declaratory ruling according to SDC 5.1.1100.

5.1.1030 Limitations on Refiling Applications

(A) An application for a property owner-initiated Plan Amendment, which a substantially similar application relating to the same property or tract has been denied within the previous year, will not be accepted. At the Director's discretion, an earlier refiling may be allowed if it can be demonstrated that the basis for the original denial has been eliminated.

5.1.1100 Declaratory Ruling

Subsections:

5.1.1105 Availability of Declaratory Ruling
5.1.1110 Who May Apply
5.1.1115 Procedures
5.1.1120 Effect of Declaratory Ruling
5.1.1125 Revocation of Approval
5.1.1130 Limitations on Refiling Applications

5.1.1105 Availability of Declaratory Ruling

(A) Subject to the other provisions of this section, the Declaratory Ruling process is available for the City's comprehensive plan and this Code for the following categories of rulings. Such a determination or interpretation is known as a "declaratory ruling" and will be processed according to this section. In all cases, as part of making a determination or interpretation the Approval Authority Director (where appropriate) or Hearings Official (where appropriate) has the authority to declare the rights and obligations of persons affected by the ruling.

(1) Interpreting a provision of the Springfield Comprehensive Plan, Metro Plan, functional plan, or refinement plan, or implementing ordinances (and other documents incorporated by reference) in which there is doubt or a dispute as to its meaning or application;

(2) Interpreting a provision or limitation of a development approval issued by the City in which there is doubt or a dispute as to its meaning or application;

(3) Determining whether an approval has been initiated or considering the revocation of a previously issued development approval;

(4) Determining the validity and scope of a nonconforming use; and

(5) Determining whether a lot is a lot of record.

(B) A declaratory ruling is available only in instances involving a fact-specific controversy and to resolve and determine the particular rights and obligations of particular parties to the controversy. Declaratory proceedings must not be used to grant an advisory opinion on a specific quasi-judicial development application. Declaratory proceedings must not be used as a substitute for seeking an amendment of general applicability to a legislative enactment.

(C) Declaratory rulings must not be used as a substitute for an appeal of a decision or for a modification of an approval. In the case of a ruling on a City development approval, a declaratory ruling is not available until 60 days after a decision is final.

(D) The Director may refuse to accept, and the Hearings Authority may deny an application for a declaratory ruling if:

(1) The Director or Hearings Authority determines that the question presented can be decided in conjunction with approving or denying a pending application or if in the Director or Hearings Official's Authority's judgment the requested determination should be made as part of a decision on a development application not yet filed; or

(2) The Director or Hearings Authority determines that there is an enforcement case pending in circuit court in which the same issue necessarily will be decided as to the applicant and the applicant failed to file the request for a declaratory ruling within two weeks after being cited or served with a complaint. The Director or Hearings Authority's determination to not accept or to deny an application under this section will be the City's final decision.

5.1.1110 Who May Apply

(A) The following may initiate a declaratory ruling under this section:

(1) The owner of a property requesting a declaratory ruling relating to the use of the owner's property;

(2) In cases where the request is to interpret a previously issued development approval, the holder of the approval; or

(3) In all cases arising under SDC 5.1.1105, Availability of Declaratory Ruling, the Director.

No other person is entitle to initiate a declaratory ruling.

(B) A request for a declaratory ruling must be initiated by filing an application with the Director and, except for applications initiated by the Director, must be accompanied by such fees as have been set by the City Council. Each application for a declaratory ruling must include the precise question on which a ruling is sought. The application must set forth whatever facts are relevant and necessary for making the determination and such other information as may be required by the Director.

5.1.1120 Procedures

(A) Declaratory rulings will be processed as either a Type 2 or Type 3 application.

5.1.1130 Effect of Declaratory Ruling

(A) A declaratory ruling will be conclusive on the subject of the ruling and bind the parties thereto as to the determination made.

(B) SDC 5.1.1030 Limitations on Refiling Applications notwithstanding, and except as specifically allowed therein, parties to a declaratory ruling are not entitled to reapply for a declaratory ruling on the same question.

(C) Except when a declaratory ruling is made by the City Council, the ruling does not constitute a final policy of the City of Springfield.

5.1.1200 Development Agreements

Subsections:

5.1.1205 Purpose
5.1.1210 Applicability
5.1.1215 Initiation
5.1.1220 Negotiations
5.1.1225 Adoption
5.1.1230 Hearings Official

5.1.1205 Purpose

(A) The purpose of this section is to clarify the authority and procedures for City Council consideration of Development Agreements authorized by ORS Chapter 94 outside the land use process.

5.1.1210 Applicability

(A) The City Council may establish a Development Agreement between the City and any person having a legal or equitable interest in real property for the development of that property. Development Agreements that do not include a development application are not governed by the City's Development Code and may be established in any manner deemed appropriate by the Council, consistent with the Council's authority under the City's Charter. Development Agreements that contain a development application are governed by this

section. The following include but are not limited to situations that may require a Development Agreement as described by this section:

(1) Multiple party or partnership situations;

(2) Large infrastructure requirements;

(3) Timing issues;

(4) Litigation;

(5) Urban renewal.

5.1.1215 Initiation

(A) Development Agreements governed by this section may be initiated by the Council on its own motion or in response to a request by City staff, following consultation with any person having a legal or equitable interest in the property that is the subject of the proposed Development Agreement. Neither City staff nor the Council are required to proceed with consideration of a request for a Development Agreement.

5.1.1220 Negotiation

(A) Negotiations between the parties to a Development Agreement must commence upon a request by the City Council to identified City staff to establish a Memorandum of Understanding (MOU) regarding the anticipated scope of the Development Agreement.

5.1.1225 Adoption

(A) The provisions of ORS 94.504 through 94.528 must be followed in the adoption of a Development Agreement under this section. Once a preliminary agreement is reached between the parties, the owner or owners of the property that is the subject of the Development Agreement must submit an application to the Director for adoption of the Development Agreement and for any development application requested in connection with the Development Agreement.

5.1.1230 Hearings Authority

(A) Notwithstanding any other provision of this code to the contrary, the City Council is the Hearings Authority for a Development Agreement. The Council may appoint the Planning Commission to serve as the Hearings Authority for specific development applications associated with a proposed Development Agreement, prior to the final decision on the Development Agreement as a whole. In that event, the Council must establish a schedule for such decisions, and must consider, but will not be bound by, such decisions.

5.1.1300 Summary of Development Application Types

There are four types of procedures: Type 1, 2, 3, and 4. Table 5.1.1300 lists the City's development applications and their required types of procedure(s).

Type of Application	***Decision Type***	***Applicable SDC Sections***
Accessory Dwelling Unit	Type 1 or Type 2	3.2.275
Amendment of Development Code Text	Type 4	5.6-100
Amendment of Refinement Plan Text or Diagram	Type 4	5.6-100
Annexation	Type 4	5.7-100
Appeal of a Type II Director's Decision	Type 3	5.1.800
Appeal of Type III Decision to City Council	Type 4	5.1.800
Appeal of an Expedited Land Division	Type 3	5.12.240
Conceptual Development Plan	Type 3	Applicable Section
Conceptual Development Plan Amendment	Type 3	Applicable Section
Demolition of Historic Landmark	Type 3	3.3-900
Determination of Nonconforming Use Status	Type 1	5.8-100
Development Initiation Meeting	Type 1	5.1.210
Discretionary Use	Type 3	5.9-100
Drinking Water Protection Overlay District Development	Type 1	3.3-200
Duplex and Detached Single-Family Dwelling Design Standards	Type 1	3.2.245
Emergency Medical Hardship	Type 2	5.10-100
Establishment of Historic Landmark Inventory	Type 3	3.3-900
Expansion/Modification of a Non-Conforming Use	Type 2	5.8-100
Expedited Land Division	Type 2	5.12.200
Extraterritorial Extension of Water or Sewer Service	Type 4	3.3-825
Final Site Plan Equivalent	Type 1	5.17-100
Final Site Plan Review/Development Agreement	Type 1	5.17-100
Floodplain Development	Type 1	3.3-400
Hillside Development Overlay District	Type 2	3.3-500
Historic Commission Review—Major Alteration	Type 2	3.3-900
Historic Commission Review—Minor Alterations	Type 1	3.3-900
Home Business	Type 1	4.7.365
HS Hospital Support Overlay District	Type 2	3.3-1100
Interpretation involving policy	Type 4	5.11-100
Interpretation not involving policy	Type 3/no formal review	5.11-100/3.4-260
Land Use Compatibility Statement	Type 1	3.1-100
Major or Minor Replat Tentative Plan	Type 2	5.12-100
Major or Minor Replat Plat	Type 1	5.12-100
Major Variance	Type 3	5.21-100
Manufactured Dwelling Park	Type 2	4.7.345
Multiple Unit Housing Discretionary Review	Type 2 or Type 3	3.2.385
Multiple Unit Housing Variance	Type 2	3.2.390
Master Plan	Type 3	5.13-100
Master Plan Amendment	Various	5.13-100

Metro Plan Amendment Type I (text) or Type II (diagram)	Type 4	5.14-100
Middle Housing (Triplex, Fourplex, Cottage Cluster, Townhomes)	Type 3	3.2.250 to 3.2.265
Minimum Development Standards	Type 1	5.15-100
Minor Variance	Type 2	5.21-100
Partition Tentative Plan	Type 2	5.12-100
Pre-Application Report	Type 1	5.1.120
Property Line Adjustment—Single	Type 1	5.16-100
Property Line Adjustment—Serial	Type 2	5.16-100
Site Plan Modification—Minor	Type 1	5.17-100
Site Plan Review Modification—Major	Type 2	5.17-100
Site Plan Review	Type 2	5.17-100
Short Term Rental Type 1	Type 1	
Short Term Rental Type 2	Type 3	
Solar Access Protection	Type 2	5.18-100
Subdivision Tentative Plan	Type 2	5.12-100
Tree Felling Permit	Type 2	5.19-100
Vacation of Plats, Public Right-of-Way, or Other Public Property	Type 4	5.20-100
Vacation of Public Easements	Type 2	5.20-100
Willamette Greenway Overlay District Development	Type 3	3.3-300/3.4-280
Wireless Telecommunications Systems Facilities	Type 1, 2, or 3	4.3-145
Land Use District Map Amendment	Type 3	5.22-100

Section 5.15.100 Minimum Development Standards (MDS)

Subsections:

5.15.105 Purpose
5.15.110 Applicability
5.15.115 Submittal Standards
5.15.120 Review
5.15.125 Approval Standards
5.15.130 Development in Accordance with Permit Approval

5.15.105 Purpose

(A) The purpose of Minimum Development Standards (MDS) review is to:

(1) Minimize development review for minor development, additions, expansions, or changes of use;

(2) Ensure compliance with applicable development standards; and

(3) Protect the public health, safety, and welfare.

5.15.110 Applicability

(A) The MDS review process applies to Commercial, Industrial, R2, R3, and Public Land and Open Space land use districts.

If an application triggers the need for a Traffic Impact Study (TIS) as specified in SDC 4.2.105(B), then the application does not qualify for an MDS and must be processed through a Site Plan Review process.

A proposal for developments in commercial, industrial, R-2, or R-3 land use districts where the development is within 150-feet of a locally significant wetland or riparian area is not eligible for the MDS process. Site Plan Review is required according to SDC 4.3.117(D) in these cases.

There are two types of Minimum Development Standards review procedures which are applied subject to applicability and locational standards. The Director determines the appropriate MDS process from the following list of MDS applicability standards:

(1) The MDS Minor process is used for:

(a) New construction on a vacant development site where the new construction does not exceed 50,000 square feet of impervious area;

(b) Addition or expansion on a development site where the addition or expansion does not exceed 50 percent of the existing building area or up to 50,000 square feet of new impervious area or new gross floor area, whichever is less.

(c) An outdoor use or parking area expansion of up to 50 percent of the existing outdoor use area or parking area or up to 5,000 square feet of new outdoor use area or parking area, whichever is less;

(d) A change in land use category or building occupancy of a structure or property that requires new additional parking spaces; or

(e) Relocating or reconfiguring an existing driveway that does not increase a nonconformity or create a nonconformity.

(B) MDS provisions only apply to properties located within Springfield's land use jurisdiction. Development proposals that do not conform to the MDS applicability standards require Site Plan Review according to SDC 5.17.

(C) An MDS application may be submitted concurrently with a complete Building Permit application; the applicant assumes all liability and responsibility if concurrent reviews necessitate the revision of either permit in response to review.

(D) Where there is an MDS application for addition, expansion, or change of use category for a building or property containing multiple uses, the entire property may be brought into compliance with the standards specified in SDC 5.15.125, or the application may request that required improvements be reviewed, approved, and installed in proportion to the relative impacts of the businesses on the property.

5.15.115 Submittal Standards

Application materials must be submitted as required below in addition to the requirements in SDC 5.4.105. Applications that do not include all the following requirements will be deemed incomplete.

(A) The required plans that must be submitted with an MDS application as specified below must be prepared by a design professional, licensed in the state of Oregon, when required by state law, such as:

(1) engineer;
(2) architect;
(3) landscape architect;
(4) land surveyor; or
(5) Other qualified professional as determined by the Director.

(B) An MDS application must include the following information:

(1) Existing Conditions Plan. The applicant must submit an Existing Conditions Plan that meets the following standards:

(a) The plan must provide the name, location, and dimensions of all existing site features including, but not limited to, significant stands of trees, watercourses shown on the Water Quality Limited Watercourse Map and their riparian areas, wetlands, flood designations and slopes.

(b) Be drawn to scale. Scale must be indicated and provided on the Plan.

(c) The Plan must show all the existing improvements.

(d) Show the entire property, including property lines, gross area, and dimensions.

(e) Include labels of all elements on the Plan. Include a legend or key.

(f) Show setbacks of all existing structures and dimensions.

(g) Show existing landscaped areas and dimensions.

(h) Show existing landscaping including irrigation and street trees.

(i) Show existing fencing.

(j) Show the waste storage location and enclosure, including dimensions and connection to sanitary sewer as applicable.

(k) Show the bicycle parking spaces including the number and location with dimensions and indicate the type of bicycle parking rack.

(l) Show the parking and vehicle circulation areas including the location, dimensions, number of spaces, typical striping, compact and disabled spaces, and aisles.

(m) Show the access to the public right of way including the dimensions of the existing curb cuts and any curb cuts to be closed.

(n) Show pedestrian facilities including any existing sidewalks.

(o) Show any existing streetlight locations and type.

(p) Show connections to utilities including any existing easements, location and size of connection points.

(2) Site Plan. The applicant must submit a Site Plan that meets the following standards:

(a) Be drawn to scale. Scale must be indicated and provided on the Plan.

(b) The Plan must show all the proposed improvements.

(c) Show the entire property, including property lines, gross area, and dimensions.

(d) Include labels of all elements on the Plan. Include a legend or key.

(e) Show setbacks of all proposed structures and dimensions.

(f) Show proposed landscaped areas and dimensions.

(g) Show proposed landscaping including irrigation and street trees.

(h) Show proposed fencing.

(i) Show the waste storage location and enclosure, including dimensions and connection to sanitary sewer as applicable.

(j) Show the bicycle parking spaces including the number and location with dimensions and indicate the type of bicycle parking rack.

(k) Show the parking and vehicle circulation areas including the location, dimensions, number of spaces, typical striping, compact and disabled spaces, and aisles.

(l) Show the access to the public right of way including the dimensions of the existing and proposed curb cuts and any curb cuts to be closed.

(m) Show pedestrian facilities including any proposed sidewalks.

(n) Show any existing and proposed streetlight locations and type.

(o) Show connections to utilities including any existing and proposed easements, location, and size of connection points.

(3) Utilities Improvement Plan. The applicant must submit a Utilities Improvement Plan meeting the following standards:

(a) Show the location and width of all existing and proposed easements.

(b) Show the location and dimensions of all existing and proposed rights-of-way.

(c) Show the location of existing or proposed utilities and infrastructure on or within 150 feet of the subject site including the following as applicable: stormwater management systems, sanitary sewer mains, power, water mains, gas, and communications connections including cable, internet, and television cable, etc.

(d) Show all stormwater drainage patterns and connection points, together with supporting documentation indicating how the proposed stormwater system will function.

5.15.120 Review

(A) An MDS application is reviewed under the Type 1 ministerial review process without notice or an opportunity to appeal. The applicant may request that the application process include public notice according to SDC 5.1.425. In this case the applicant is responsible for paying the notice fee.

(B) The Director must approve, approve with conditions, or deny an application for Minimum Development Standards review based upon the approval standards listed below.

(C) Required public improvements and any additional required land use permits or approvals will be reviewed in accordance with this Code.

5.15.125 Approval Standards

(A) In order to grant MDS approval, the Director must verify compliance with all applicable standards specified below.

(1) The proposed land use is a permitted use or is allowed as a discretionary use in the land use district.

(2) If a use is allowed as a discretionary use, in addition to meeting the standards below, a Discretionary Use application must be approved in conformance with the standards in SDC 5.9.100.

(3) A five foot wide landscaped planter strip, including street trees, with approved irrigation or approved drought resistant plants in conformance with SDC 4.4.100 and 4.2.140 must be installed between the sidewalk and parking areas or buildings with the following exceptions:

(a) Where there is an unimproved street, a four-foot-wide landscaped area, in conformance with the applicable standards of SDC 4.4.105, Landscaping, must be provided along the frontage of the property. This landscape area is required to be set back one foot from the property line;

(b) Where there is not a four foot wide area between existing improvements and the front property line for a landscaped area as required in (3)(a) above, due to existing buildings, street width, paved parking, changes of elevation, or location of utilities including catch basins, one of the following must be provided:

(i) Fencing along the front property line located immediately behind the property line in conformance with SDC 4.4.115, Fences. The fencing must be either wrought iron or masonry and is subject to the fence height standards of the applicable zoning district and the vision clearance setbacks of SDC 4.2-130; or

(ii) Provide a landscaped area, in conformance with the applicable standards of SDC 4.4.105, Landscaping, that is equivalent in square foot area to the amount required in Subsection (a) above. This equivalent area must be placed at the property corners or other areas of the property that are visible from the street.

(4) Waste storage must be screened with a fence or wall. The fence or wall must be:

(a) Between five and six feet in height.

(b) Made of wood, metal, masonry, or other permanent materials that are 100 percent sight obscuring on all sides except for a gate access area.

(c) A gate access to the waste storage must have at least 50 percent site-obscuring screening such as cyclone fencing with slats.

(d) On all sides of the screening structure, up to 12 inches measured from grade may be visually unobscured provided that the unobscured area is covered with a material that contains the debris within the structure, such as cyclone fencing.

(5) The area under the waste storage, the “catchment area”, must be hydraulically isolated and connected to the sanitary system.

(6) The waste storage area must be covered. The cover must be:

(a) A permanent canopy, roof, or awning that completely covers the waste storage area.

(b) Constructed to cover the waste storage area so rainfall cannot come in contact with the waste materials being stored.

(c) Sized relative to the perimeter of the hydraulically isolated activity area. Runoff from the cover must be directed to a stormwater destination that meets all applicable code requirements for stormwater discharge.

(7) Any new outdoor storage areas must be screened. The screening must meet the standards of SDC 4.4.110.

(8) Bicycle parking must be provided or upgraded to meet the standards specified in SDC 4.6-140, 4.6-145, 4.6-150, and 4.6-155.

(9) Any new or modified motor vehicle parking, loading, and vehicle circulation areas must be provided, including paving, striping, and wheel stops as specified in SDC 4.6.110, 4.6.115, 4.6.120, 4.6.130, and 4.6.135.

(10) The submitted storm water plan and supporting documentation, as part of the Utility Improvement Plan, must demonstrate that for any new paving and other new impervious surface area a stormwater facility will function in conformance with the stormwater management standards specified in SDC 4.3.110 and 4.3.115.

(11) Access to the public right of way must comply with SDC 4.2.120.

(12) Sidewalks must be installed or upgraded where the proposed development area abuts a curb and gutter street as specified in SDC 4.2.135.

(13) Streetlights must be installed as specified in SDC 4.2.145.

(14) The development area must connect to public utilities as specified in SDC 4.3.105, 4.3.110, 4.3.120, 4.3.125 and 4.3.130 and comply with the Springfield Building Safety Codes, where applicable.

5.15.130 Development in Accordance with Permit Approval

(A) Final approvals and/or occupancy is contingent upon the completion of all required site improvements. Development must not commence until the applicant has received all the appropriate land use and development approvals including but not limited to: Final

Minimum Development Standards review approval, grading permits, and building permits. Construction of any public improvements must not commence until the City has approved all required public improvement plans (e.g., utilities, streets, public land dedication, etc.). The City may require the applicant to enter into an agreement (e.g., for phased developments and developments with required public improvements), and may require bonding or other assurances for improvements, in accordance with SDC 5.15.135, Bonding and Assurances for Development.

(B) The applicant must comply with the Tentative MDS approval and any conditions of approval within three years of the Tentative MDS Plan approval as follows:

(1) Submittal of a Final MDS Plan within 90 days of the Tentative MDS approval, including the following additional material, where applicable:

(a) The original recorded copy of any required Improvement Agreement.

(b) Where applicable, any required ODOT Right-of-Way Approach Permit must be submitted prior to construction of improvements with ODOT right-of-way.

(c) Where applicable, a copy of a recorded joint use access/parking agreement.

(d) A copy of any recorded private easement or other original easement.

(C) If public improvements are required, the applicant must submit to the City a signed Development Agreement within 90 days of the Director's Final MDS Plan approval.

(D) A Building Permit may be issued by the Building Official only after the Development Agreement has been signed by the property owner and submitted to the City.

(E) No structure or site approved as part of the MDS approval can be occupied until all improvements are made as specified in this Section, unless otherwise permitted below.

(F) The construction of the required improvements must begin within two years of the Final MDS approval. If this time line cannot be met, the applicant may submit a written request for a one year extension of the two year start of construction timeline specified above.

(G) If the timeline established for the start of construction in Subsection (F) above is not met and the applicant has not requested an extension, then the approval decision is null and void.

(H) Upon satisfactory completion of site development, as determined by a Final Site Inspection (prior to the final building inspection), the City will authorize the provision of public facilities and services and issue a Certificate of Occupancy or otherwise authorize use of the site.

(I) All required improvements must be installed prior to the issuance of a Certificate of Occupancy or Final Building Inspection for the development. Alternatively, the applicant may apply for Type II application for a deferral/extension to request that the improvements be deferred for good cause. In the case of a deferment to completion of improvements the following requirements must be met:

(1) A Temporary Certificate of Occupancy may be issued prior to complete installation and approval of improvements if security is filed with the City.

(2) Required security must equal 120 percent of the cost of the design, materials and labor, as determined by the Director. Required security must consist of cash, certified check, time certificate or deposit, or lending agency certification to the City that funds are being held until completion.

(3) If the installation of improvements is not completed within the period stipulated by the Final Approval, or if the improvements have been improperly installed, the security may be used by the City to complete the installation, or the security may be held by the City and other enforcement powers employed to prevent final occupancy until the improvements are completed. Upon completion of the improvements as certified by the Director, any portion of the remaining security deposited with the City, including any accrued interest, will be returned.

Section 5.17.100 Site Plan Review

Subsections:

5.17.105 Purpose
5.17.110 Applicability
5.17.115 Submittal Standards
5.17.120 Review
5.17.125 Approval Standards
5.17.130 Final Site Plan
5.17.135 Development in Accordance with Permit Approval

5.17.105 Purpose

(A) The purpose of Site Plan Review is to:

(1) Facilitate and enhance the value of development;
(2) Regulate the manner in which land is used and developed;
(3) Ensure the provision of public facilities and services;
(4) Maintain the integrity of the City's watercourses by promoting bank stability, assisting in flood protection and flow control, protecting riparian functions, minimizing erosion, and preserving water quality and significant fish and wildlife areas;
(5) Provide for connectivity between different uses;
(6) Promote the use of a complete range of transportation modes including and walking, bicycling, and transit facilities;
(7) Implement the Springfield Comprehensive Plan, applicable refinement plans, specific area plans, and development plans;
(8) Minimize adverse effects on surrounding property owners and the general public through specific approval conditions; and
(9) Protect the public health and safety.

5.17.110 Applicability

(A) The Site Plan Review process is used for:

(1) The following categories of multiple unit housing, commercial, public and semi-public, and industrial development or uses, including construction of impervious surfaces for parking lots and storage areas:

(a) New development on vacant sites and redevelopment, except where a proposed development qualifies for a Minimum Development Standards review in accordance with SDC 5.15;

(b) Additions or expansions that exceed either 50 percent of the existing building gross floor area or 5,000 square feet or more of new building gross floor area and/or impervious surface area, except where a proposed development qualifies for a Minimum Development Standards review according to SDC 5.15;

(c) Additions, expansions, and changes of use, regardless of size or intervening use, that:

(i) Contain or are within 150 feet of the top of bank (as measured from the property line of the subject property) of any Water Quality Limited Watercourses (WQLW) identified on the WQLW Map on file in the Development Services Department;

(ii) Contain or are within 100 feet of the top of bank (as measured from the property line of the subject property) of any direct tributaries of WQLW identified on the WQLW Map on file in the Development Services Department;

(iii) Are located within the City's urbanizable area, outside of the city limits; or

(iv) Are located within 50 feet of property in a residential land use district or residentially designated land (as measured from the property line of the subject property);

(d) Discretionary Uses, except where a proposed development qualifies for a Minimum Development Standards review in accordance with SDC 5.15; and

(e) Any uses listed in the applicable land use district, overlay, or plan district, which specifically require Site Plan Review.

(B) Developed or partially developed industrial properties 5 acres or greater in size that have never obtained Final Site Plan Review approval prior to the adoption of this Code may obtain Final Site Plan Equivalent Map approval as specified in Section 5.17.135. This approval is necessary to allow a property to complete a site plan modification process specified in (C) below, or for future additions or expansions.

(C) Existing lawfully developed sites that do not conform to the current standards of this code are only required to meet current standards on the portions of the site affected by the proposed alteration or expansion. Any alterations to the site must meet current code standards.

5.17.115 Submittal Standards

Application materials must be submitted as required below in addition to the requirements in SDC 5.1.215, Application Requirements. Applications that do not include all the necessary information may be deemed incomplete in accordance with SDC 5.1.220, Acceptance of Application.

(A) General requirements. All plans submitted under this section must:

(1) Be prepared by an design professional, licensed in the state of Oregon, when required by state law, such as:

(a) engineer;
(b) architect;
(c) landscape architect;
(d) land surveyor; or

(e) Other qualified professional as determined by the Director.

(2) Be drawn to scale with the scale indicated on the plans, and the scale sized appropriately for the area involved and sufficient to show detail of the plan related to the approval standards;

(3) Include a north arrow and date of preparation and/or revision;

(4) Provide the physical address of the subject property, if applicable, and the County assessor's tax map and lot number;

(5) Provide the names and addresses of all persons listed as owners on the most recently recorded deed;

(6) Provide the name, address, email address, and telephone number of any person that assisted in preparing the application materials or plans; and

(7) Show the size of the property and development area in acres or square feet.

(B) Existing Site Conditions Plan. The application must include an existing site conditions plan that shows, for the entire property and the surrounding property to a distance of 150 feet from the subject property boundaries:

(1) The property boundaries, dimensions, and gross area;

(2) Topographic contour lines at one-foot intervals for slopes equal to or less than ten percent and at two-foot intervals for slopes greater than ten percent;

(3) The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements;

(4) Potential natural hazard areas, including areas mapped by the City, County, or State as having a potential for geologic hazards;

(5) Soil types and water table information as mapped and specified in the *Soils Survey of Lane County*;

(6) Resource areas, including wetlands on the City's Local Wetlands Inventory, streams, surface mines, and wildlife habitat identified by the City or any natural resource regulatory agencies as requiring protection;

(7) The name, location, dimensions, direction of flow, and top of bank of all watercourses that are shown on the Water Quality Limited Watercourse Map and their riparian areas;

(8) The 100-year floodplain and floodway boundaries on the site, as specified in the latest adopted FEMA Flood Insurance Rate Maps or FEMA approved Letter of Map Amendment or Letter of Map Revision;

(9) The Time of Travel Zones, as specified in SDC 3.3-200 and delineated on the Wellhead Protection Areas Map on file in the Development Services Department;

(10) Features, including existing structures, pavement, large rock outcroppings, drainage ways, canals and ditches;

(11) The location, size and species of trees and other vegetation having a caliper (diameter) of six inches or greater at four feet above grade; and

(12) Locally or federally designated historic and cultural resources.

(C) Proposed Site Plan. The application must include a site plan that shows:

(1) The proposed development site, including boundaries, dimensions, and gross area;

(2) Existing site features, including trees, identified on the site analysis map, if any, which are proposed to be retained, removed, or modified by the proposed development;

(3) The location and dimensions of all existing and proposed structures, utilities, pavement, and other improvements on the site and adjacent to the site for a distance of 150 feet;

(4) Setback dimensions for all existing and proposed buildings;

(5) Loading and service areas for waste disposal, loading, and delivery; and

(6) Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements.

(D) Utility and Improvement Plan. The application must include a utility and improvement plan that shows:

(1) The name and location of all existing and proposed public and private streets within or on the boundary of the proposed development site including the right-of-way and paving dimensions, and the ownership and maintenance status;

(2) Location of existing and required traffic control devices, fire hydrants, streetlights, power poles, transformers, neighborhood mailbox units, and similar public facilities;

(3) The location, width, and construction material of all existing and proposed sidewalks, sidewalk ramps, pedestrian access ways, and trails;

(4) The location and size of existing and proposed utilities on and adjacent to the site including sanitary sewer mains, stormwater management systems, water mains, power, gas, telephone, and communications connections including cable, internet, and television cable, etc.;

(5) The proposed connection points of the proposed utilities; and

(6) The location and size of existing and proposed easement and public dedications.

(E) Landscape Plan. The application must include a landscape plan that shows:

(1) Existing and proposed building and pavement outlines;

(2) The location and dimensions of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;

(3) Existing and proposed abutting street right-of-way landscaping;

(4) Screening as specified in SDC 4.4.110;

(5) Plantings, either existing or proposed, used in erosion control and stormwater treatment facilities;

(6) Details of a permanent irrigation system, unless specifically exempted as specified in SDC 4.4.100;

(7) Street trees as specified in SDC 4.2.140;

(8) A specifications list for all landscaping materials to be used;

(9) A planting schedule containing the location, size, and species of the existing and proposed plant materials (at time of planting);

(10) The anticipated size of all proposed plants at two years, or at maturity, whichever is first; and

(11) A description of planting methods as specified in SDC 4.4.100.

(F) Access, Circulation, Parking, and Lighting Plan. The application must include an Access, Circulation, Parking, and Lighting that shows:

(1) The location, dimensions and number of typical, compact, and disabled parking spaces; including aisles, landscaped areas, wheel bumpers, directional signs and striping;

(2) The location and dimensions of all site circulation for vehicles, pedestrians, and bicycles including entrances and exits to the site, and loading and service areas;

(3) Access to streets, alleys, and properties to be served, including the location and dimensions of existing and proposed driveways and driveways proposed to be closed;

(4) On-site lighting including the location, orientation, and maximum height of all proposed exterior light fixtures, both free standing and attached.

(5) For lighting, the type and extent of shielding, including cut-off angles and the type of illumination, the wattage, luminous area, and a photometric test report for each light source;

(6) The location, type, number, and dimensions of all bicycle parking spaces;

(7) The amount of gross floor area applicable to the parking requirement for the proposed use;

(8) The location of off-street loading areas;

(9) Existing and proposed transit facilities;

(10) A copy of a Right-of-way Approach Permit application, where the property has frontage on an Oregon Department of Transportation (ODOT) facility; and

(11) A Traffic Impact Study prepared by an Oregon Licensed Traffic Engineer when required by and as specified in SDC 4.2.105(A)(4).

(G) Grading, Paving, and Stormwater Management Plan. The application must include a grading, paving, and stormwater management plan that shows:

(1) The stormwater management system for the entire development area;

(2) The roof drainage patterns and discharge locations;

(3) The pervious and impervious area drainage patterns;

(4) The size and location of stormwater management systems components, including but not limited to: drain lines, catch basins, dry wells and/or detention ponds; stormwater quality measures; and natural drainage ways to be retained; and

(5) The existing and proposed elevations, site grades, and contours.

(H) Phased Development Plan. The application must include a Phased Development Plan if phasing is proposed. The plan must indicate any proposed phases for development, including the boundaries and sequencing of each phase as specified in SDC 5.17.115. Phasing must progress in a sequence that promotes street connectivity between the various phases and accommodates other required public improvements, including but not limited to, sanitary sewer, stormwater management, water, and electricity. The Approval Authority may require the applicant to enter into an agreement for phased developments, and may require bonding or other assurances for improvements, in accordance with SDC 5.15.135, Bonding and Assurances for Development.

(I) Narrative. The application must include a written letter, narrative, or report documenting how the proposal is in compliance with the applicable approval criteria contained in SDC 5.17.125, Site Plan Review Approval Standards.

(J) Deed Restrictions. The application must include submit copies of all existing and proposed restrictions or covenants.

(K) Additional Information. The Director may require an applicant to submit additional information at the time of Site Plan Review application submittal. At the applicant's expense, additional studies, reports, or exhibits prepared by qualified professionals may be required to address specific site features or concerns to demonstrate compliance with approval standards. Additional information may include, but is not limited to the following items:

(1) Evidence that any required Federal or State permit has been applied for or approved;

(2) A Geotechnical Report prepared by an Oregon-licensed engineer, if the required Site Assessment specified in SDC 5.17.120 indicates the proposed development area has unstable soils and/or a high water table as specified in the *Soils Survey of Lane County*.

(L) Septic Systems. If the properties are not served by the City sewer system in accordance with SDC 4.3.105, the application must include documentation from the Department of Environmental Quality or its agent that indicates that the proposed development will be in compliance with all applicable requirements for sanitary septic systems when such systems exist on the properties affected by the development.

5.17.120 Review

(A) Pre-Application Options. Although voluntary, prospective applicants are encouraged to request a Development Initiation Meeting or Pre-Application Meeting as specified in SDC 5.1.210.

(B) Site Plan Review applications are reviewed under the Type 2 procedure in accordance with SDC 5.1.400.

(C) Required public improvements and any additional required land use permits or approvals will be reviewed in accordance with this Code.

5.17.125 Approval Standards

(A) The Director must approve, approve with conditions, or deny a proposed Site Plan Review application based on the following standards:

(1) The proposed land use is a permitted use or is allowed as a discretionary use in the land use district.

(2) If a use is allowed as a discretionary use, in addition to meeting the standards below, a Discretionary Use application must be approved in conformance with the standards in SDC 5.9.100.

(3) The proposal complies with the standards of the land use district of the subject property;

(4) The proposal complies with any applicable approved master plan, master facilities plan, refinement plan, and/or special planned district.

(5) The proposal complies with the applicable sections of SDC 4.2, Infrastructure Standards-Transportation.

(6) The proposal complies with the applicable sections of SDC 4.3, Infrastructure Standards-Utilities.

(7) The proposal complies with the applicable sections of SDC 4.4, Landscaping, Screening, and Fence Standards.

(8) The proposal complies with the applicable sections of SDC 4.5, On-Site Lighting Standards.

(9) The proposal complies with the applicable sections of SDC 4.6, Motor Vehicle Parking, Loading, and Bicycle Parking Standards.

(10) The proposal complies with the applicable sections of SDC 4.7, Specific Development Standards.

(11) The proposal complies with the applicable sections of SDC 4.8, Temporary Use Standards.

5.17.130 Final Site Plan

(A) A Final Site Plan must be submitted to the Director within 90 days of the written decision and expiration of any appeal period.

(B) The Final Site Plan must include the same information as required for the proposed site plan however must depict the proposal as approved and must incorporate all conditions of approval that the decision requires to be shown on the Final Site Plan. No building or engineering permits will be issued until the Final Site Plan is approved.

(C) Submittal of a Final Site Plan must include the following material, where applicable:

(1) The original recorded copy of any required Improvement Agreement.

(2) Where applicable, any required ODOT Right-of-Way Approach Permit must be submitted prior to construction of improvements with ODOT right-of-way.

(3) Where approved a copy of a recorded joint use access/parking agreement.

(4) A copy of any recorded private easement or other original easement.

(D) The Final Site Plan becomes null and void if after 3 years from the date of Final Site Plan acceptance by the Director if no building permit has been issued, or if a building permit was issued but has expired without a new building permit being issued within 3 years of the date of the Final Site Plan acceptance.

5.17.135 Development in Accordance with Permit Approval

(A) Development must not commence until the applicant has received all the appropriate land use and development approvals including but not limited to: Final Site Plan Review approval, grading permits, and building permits. Construction of any public improvements must not commence until the City has approved all required public improvement plans (e.g., utilities, streets, public land dedication, etc.).

(B) If public improvements are required, the applicant may be required to submit to the City a signed Development Agreement within 90 days of the Director's Final Site Plan approval.

(C) A Building Permit may be issued by the Building Official only after the Development Agreement, if one is required, has been signed by the property owner and submitted to the City.

(D) Upon satisfactory completion of site development, as determined by a Final Site Inspection (prior to the final building inspection), the City will authorize the provision of public facilities and services and issue a Certificate of Occupancy or otherwise authorize use of the site.

(E) All required improvements must be installed prior to the issuance of a Certificate of Occupancy or Final Building Inspection for the development. Alternatively, the applicant may apply for Type II application for a deferral/extension to request that the improvements be deferred for good cause. In the case of a deferment to completion of improvements the following requirements must be met:

(1) A Temporary Certificate of Occupancy may be issued prior to complete installation and approval of improvements if security is filed with the City.

(2) Required security must equal 120 percent of the cost of the design, materials, and labor, as determined by the Director. Required security must consist of cash, certified check, time certificate or deposit, or lending agency certification to the City that funds are being held until completion. When the final improvements are complete and certified by the Director, any portion of the remaining security deposited with the City, including any accrued interest, will be returned to the depositor.

(3) If the required improvements are not completed within the approved deferral or extension period, or if the improvements are installed improperly and not remedied within the approved deferral or extension period, the City may use the security to complete the installation or correct the required improvement(s). This remedy is in addition to, and not in lieu of, the City's other enforcement authorities.

2.1-100 General Provisions

Subsections:

2.1-105 Title
2.1-110 Purpose
2.1-115 Applicability
2.1-120 Enforcement
2.1-125 Violation and Penalties
2.1-130 Code Construction
2.1-135 Fees

2.1-105 Title

This Ordinance is known and may be cited as the “Springfield Development Code” or “SDC” and is referred to as “this Code” or “the Code.”

2.1-110 Purpose

The regulations contained in this Code are intended to ensure that development is:

A. Sited on property zoned in accordance with the applicable Metro Plan diagram and/or applicable Refinement Plan diagram, Plan District map, and Conceptual Development Plan;

B. Served by a full range of key urban facilities and services that can be provided in an orderly and efficient manner; and

C. Consistent with the applicable standards of this Code.

2.1-115 Applicability

A. Land may be used, or developed by land division or otherwise, and a structure may be used or developed by construction, reconstruction, alteration, and occupancy or otherwise, only as this Code permits.

B. In addition to the requirements of this Code, all uses and development shall comply with all other applicable City, regional, State, and Federal regulations. All references in this Code to other City, regional, State, or Federal regulations are for informational purposes only and do not constitute a complete list of these regulations. These references do not imply any responsibility by the City for enforcement of regional, State, or Federal regulations. All references to other City, regional, State, or Federal regulations in this Code refer to the most current version and citation for those regulations, unless specifically indicated otherwise. Where the referenced regulations have been repealed, requirements in this Code for compliance are no longer in effect.

2.1-120 Enforcement

A. The Director, in consultation with the City Attorney and affected Division/Department heads, is responsible for the enforcement of this Code. Whenever the Director reasonably believes a violation of any provision of this Code has occurred, or when necessary to investigate an application for or revocation of any Development Approval, the Director may enter on any site in a reasonable manner.

B. Enforcement of this Code may be through the applicable procedures for abatement and civil infractions in the Springfield Municipal Code (SMC), 1997. The enforcement remedies available under this Code or the SMC are not exclusive and do not preclude the City from using any other remedies available by law. In addition, the Building Official may order any work stopped by notice in writing.

C. Upon a request from the Director, the City Attorney shall institute any necessary legal proceedings to enforce the provisions of this Code.

2.1-125 Violation and Penalties

The Director may, in writing, suspend or revoke any permit or approval granted under the provisions of this Code: whenever the permit or approval is granted in error on the basis of incorrect information supplied or whenever its granted (or activity permitted is) in violation of any ordinance or regulation; or whenever the holder of the permit or approval violated the provisions of either this Code or the SMC.

2.1-130 Code Construction

A. Severability. If any portion of this Code is declared by a Court of law to be invalid or ineffective in whole or in part, that decision shall not affect the validity of the remaining portions.

B. **Effect of Repeal.** The repeal of prior code does not revive any ordinance in force before or at the time the prior code took effect. The repeal of the prior code does not affect a penalty incurred before the repeal took effect, nor a legal action pending at the time of the repeal.

C. **Chapter and Section Titles.** The titles of the code chapters and sections indicate the contents of each section and are not a part of the substance of the section. The titles are not affected by amendments or re-enactments.

D. **Editing of the Code.** The City Attorney may renumber sections and parts of sections of ordinances, change the wording of titles, rearrange sections, change reference numbers to agree with renumbered chapters, sections, or other parts, substitute the proper subsection, section, or chapter or other division numbers, strike out figures or words that are merely repetitious, change capitalization for the purpose of uniformity, and correct clerical or

typographical errors. In preparing revisions of the code for publication and distribution, the City Attorney shall not alter the sense, meaning, effect, or substance of an ordinance.

2.1-135 Fees

A. The City Council shall establish fees by separate Resolution for the performance of the actions and reviews required by this Code. The list of fees is available at the Development Services Department.

B. Payment of these fees is required at the time of application submittal. No application will be accepted without payment of the appropriate fee in full, unless the applicant qualifies for a fee waiver, as specified in Subsection C., below.

C. Fee Waivers. The following fee waivers apply only within the Springfield city limits to the following agencies and/or persons:

1. Non-profit affordable housing providers.

a. Development fees required by this Code may be waived for up to 50 affordable housing units per year or more, upon the determination of need by the Director in order to encourage the construction of affordable housing. Affordable housing is defined as newly constructed housing that is either for:

i. Rental housing for households with incomes below 60 percent of the area median income, as determined by the Federal Housing and Urban Development (HUD) income limits in effect at the time of submittal; or

ii. Home ownership housing sold to households with incomes below 80 percent of the area median income, as determined by the HUD income limits in effect at the time of submittal.

b. The property owner shall enter into a contractual agreement with the City for a 5-year period of affordability for each project to assure compliance with the stated intent of the project. In addition, all of the approval criteria listed below shall be met:

i. Proof of registered non-profit status;

ii. Adequate documentation that the housing meets appropriate standards regarding household income, rent levels, sales price, location, and number of units;

iii. For rental housing, adequate documentation that the housing shall remain exclusively available to low-income households at affordable rents for the period of affordability;

iv. For home ownership housing, adequate documentation that this housing is sold exclusively to low-income households at an affordable sales price, and additional documentation that if the housing is resold within the period of affordability, the housing shall only be sold another low-income household at an affordable sales price.

v. Adequate documentation that if, within the period of affordability, the use of the property is no longer for low-income housing, the owner shall pay the waived development fee from which the owner or any prior owner was exempt; and

vi. Recording of appropriate covenants and documentation to insure compliance with the requirements specified in this Subsection.

2. Low income citizens. Development fees required by this Code may be waived by the Director when the applicant is considered to be low income, as determined by the HUD income limits in effect at the time of submittal.

D. Application resubmittal fees. After denial of an application by the Approval Authority, application resubmittal shall occur as specified in SDC5.1-300. The fees in effect at the time of application resubmittal will be imposed.

E. Application modification or amendment fees. An additional fee is required for modifications or amendments to an approved preliminary or final application.

F. Application withdrawal. The Director shall determine the return of any fees upon a written request by the applicant based upon the following factors:

1. The time and level of review that went into the preparation of the staff report; and

2. City expenses prior to and during the preparation of the staff report.

3. **EXCEPTION:** Postage fees will not be returned.

3.1-100 Official Zoning Maps

Subsections:

3.1-105 Official Zoning Maps—Description
3.1-110 Zoning Map Amendments
3.1-115 Determination of Zoning District Boundaries
3.1-120 Zoning Verification

3.1-105 Official Zoning Maps—Description

Land use district boundaries are shown on the Official Zoning Maps of the City. The Official Zoning Maps are a part of this Code, but are published separately. Maps that delineate areas subject to additional zoning regulations may be included in this Code, attached to an adopting ordinance, or adopted by reference. The Development Services Department shall maintain the Official Zoning Maps.

3.1-110 Zoning Map Amendments

A proposed change to the Official Zoning Maps is subject to the amendment process described in SDC5.22-100.

3.1-115 Determination of Land Use District Boundaries

Where uncertainty exists relating to any land use district boundaries shown on the Official Zoning Maps, the Director shall determine the boundaries as specified in the following criteria:

A. Lot/parcel Lines. Where land use district boundaries are indicated as approximately following lot/parcel lines, the lot/parcel lines are considered to be the boundaries.

B. Multi-zoned Lot/parcels. Where a land use district's boundary line divides a lot/parcel and the boundary line location is not otherwise designated by ordinance or other action, the location of the boundary line is determined by use of the scale appearing on the Official Zoning Maps.

C. Street Lines.

1. Where land use district boundaries are indicated as approximately following the centerline of a public right-of-way, these lines are considered to be the district boundaries.

2. When a public right-of-way is lawfully vacated, the land use district boundary is the centerline of the vacated right-of-way, unless indicated otherwise.

3. The lands formerly within the public right-of-way are subject to the same zoning regulations that are applicable to the underlying property, unless the zoning is changed by separate action.

D. Water Courses. Land use district boundary lines shall follow the centerlines of water courses, unless the boundary lines are fixed by dimensions shown on the Official Zoning Maps.

E. Geographic Areas. Land Use District boundary lines may follow ridgelines, the toe of a hill and/or specific elevation contours.

3.1-120 Zoning Verification

A property owner may obtain a written verification of the zoning of a lot/parcel by applying for a Land Use and Zoning Compatibility Statement.

3.2-100 Base Zoning Districts

Subsection:

3.2-100 Base Land Use Districts

3.2-100 Base Land Use Districts

The Base Land Use Districts implement policies of the Metro Plan, Springfield 2030 Refinement Plan and any applicable refinement plan or plan district; regulate the use of land, structures and buildings; and protect the public health, safety and welfare. The following Base Land Use Districts are established consistent with applicable Metro Plan and Springfield 2030 Refinement Plan designations:

Section	***Base Land Use District Name***	***Metro Plan Designation***
3.2-200	**Residential Land Use Districts**	
	R-1	Low Density Residential
	R-2	Medium Density Residential
	R-3	High Density Residential
3.2-300	**Commercial Land Use Districts**	
	NC Neighborhood Commercial	Neighborhood Commercial Facilities**(1)**
	CC Community Commercial	Community Commercial Centers
	MRC Major Retail Commercial	Major Retail Center
	GO General Office	Community Commercial Center & Major Retail Commercial Center
3.2-400	**Industrial Land Use Districts**	
	CI Campus Industrial	Campus Industrial
	LMI Light-Medium Industrial	Light Medium Industrial
	HI Heavy Industrial	Heavy Industrial
	SHI Special Heavy Industrial	Special Heavy Industrial
3.2-500	MS Medical Services District	**(2)**
3.2-600	**Mixed Use Districts (3)**	
	MUC Mixed Use Commercial	Mixed Uses
	MUE Mixed Use Employment	Mixed Uses
	MUR Mixed Use Residential	Mixed Uses
3.2-700	PLO Public Land and Open Space	Public and Semi-Public
3.2-800	QMO Quarry and Mining Operations	Sand and Gravel

(1) Low, Medium, and High Density Residential designations
(2) Medium, High Density Residential, Community Commercial Center; Major Retail Center, and Mixed Use
(3) See also Section 3.4-245 for additional Mixed-Use Districts specific to Glenwood

3.2-500 Medical Services Zoning District

Subsections:

3.2-505 Establishment of the Medical Services (MS) District
3.2-510 Schedule of Use Categories
3.2-515 Base Zone Development Standards

3.2-505 Establishment of the Medical Services (MS) District

A. The MS District is established to provide for hospital expansion and health services development and for suitable, geographically dispersed areas for the development of hospitals, health services, and medical offices and associated medical residential facilities. These facilities shall be developed comprehensively and designed to ensure compatibility with the surrounding neighborhood.

B. The MS District may be applied in the vicinity of McKenzie-Willamette Hospital, as delineated in SDC 3.3-1110 and to land designated Community Commercial, Major Retail Commercial, Mixed Use, Medium Density Residential or High Density Residential under the Metro Plan, provided that all or portions of these designated property abut and have direct access to a collector or an arterial street.

C. The MS District shall be applied to contiguous sites of 3 or more acres.

D. Unless the use is limited to the conversion of a Single-unit Dwelling, detached to a medically related use, the minimum development area shall be at least 1 acre. This means that phasing of developments shall occur in increments of not less than 1 acre.

E. A Traffic Impact Study prepared by a Traffic Engineer as specified in SDC 4.2-105A.4. shall be required prior to the application of the MS District and prior to Site Plan approval.

3.2-510 Schedule of Use Categories

The following buildings and uses are permitted in this district as indicated subject to the provisions, additional restrictions and exceptions specified in this Code. Secondary retail uses shall be limited to 20 percent of the total gross floor area of all buildings on the site.

Uses/Use Categories	***MS District***
Primary Uses	
Hospital services	**P**
Medical clinics	**P**
Physicians services	**P**
Medical laboratory services	**P**
Dental services	**P**
Dental laboratories	**P**

Uses/Use Categories	*MS District*
Primary Uses	
Housing for the elderly and handicapped, independent of care facilities	**P**
Residential care facilities	**P**
Child Care Center	**P**
Adult day care facilities subject to any applicable State regulations	**P**
Certain Wireless Telecommunications Systems Facilities (SDC 4.3-145)	**P**
Health Services	**P**
Medical Office Buildings	**P**
Secondary Uses	
Dispensing pharmacies	**P**
Prosthesis, hearing and speech aids sales and service	**P**
Home medical equipment rental and sales	**P**
Cafeterias, medical related recreational facilities, low impact public utility facilities, and heliports and helistops serving and constructed in conjunction with on-site development.	**P**

3.2-515 Base Zone Development Standards

The following base zone development standards are established. The base zone development standards of this Section and any other additional provisions, restrictions or exceptions specified in this Code shall apply.

Development Standard	*MS Zoning District Requirement*
Minimum Area	3 or more contiguous acres **(1)**
Landscaped Setbacks (2), (3)	
Front Yard, Street Side Yard, and Through Lot/parcel Rear Yard	
Building Setback	10 feet
Parking, Driveway, and Outdoor Storage	5 feet
Interior Side Yard and Rear Yard Setback, When Abutting Residential or CI District	
Building Setback	10 feet
Parking, Driveway, and Outdoor Storage Maximum Lot/Parcel Coverage	5 feet Lot/parcel coverage standards are limited only by standards specified in other Sections of this Code.
Maximum Height (4)	None, unless abutting an R-1 or R-2 District (See below)
MS District abuts an R-1or R-2 District to the east, west, south, or north	Building height limitation must be no greater than that permitted in the residential districts for a distance of 50 feet

(1) Unless the use is limited to the conversion of a Single-unit Dwelling, detached to a medically related use, the minimum development area shall be at least 1 acre. This means that phasing of developments shall occur in increments of not less than 1 acre.
(2) Where an easement is larger than the required setback standard, no building or above grade structure, except a fence, shall be built upon or over that easement.
(3) Required setbacks are measured from the special street setback in SDC 4.2-105N, where applicable.
(4) Incidental equipment may exceed the height standards.

(6412)

- **3.2-600 Mixed-Use Zoning Districts.**

Subsections:

3.2-605 Establishment of Mixed-Use Zoning Districts
3.2-610 Schedule of Use Categories
3.2-615 Base Zone Mixed Use Development Standards
3.2-620 Mixed-Use District Development Standards—Conflicts and Exemptions
3.2-625 Mixed-Use District Development Standards—General
3.2-630 Mixed-Use Development Standards—Specific
3.2-635 Phased Development

- **3.2-605 Establishment of Mixed-Use Zoning Districts**

The following mixed-use zoning districts are established to implement areas designated Mixed-Use by the Metro Plan, on adopted refinement plans, specific area plans and specific development plan diagrams and along transportation corridors designated for commercial development:

A. **Mixed-Use Commercial District (MUC).** The MUC District is established where a mix of commercial with residential uses is compatible with existing nearby uses. Development within the MUC District shall have a commercial dominance, with residential and public uses also allowed. The primary development objectives of the MUC District are to expand housing opportunities; allow businesses to locate in a variety of settings; provide options for living, working, and shopping environments; facilitate more intensive use of land while minimizing potentially adverse impacts; and to provide options for pedestrian-oriented lifestyles. Development areas one acre or more in size in the MUC District shall have frontage on either an arterial or collector street. Access to any MUC development area may be from a local street, if there is no negative impact on adjacent residential uses.

B. **Mixed-Use Employment District (MUE).** The MUE District is established where a mix of light-medium industrial or special light industrial uses with commercial or medium-high density residential uses is intended. Development within the MUE District shall have an employment (industrial) emphasis, but may include commercial, public, and multiple unit housing uses. The primary development objectives of the MUE District are to expand employment opportunities by allowing businesses to locate in a variety of locations, provide services for employees in close proximity to their work place, to provide options for living, working, and shopping environments; facilitate more intensive use of land while minimizing potentially adverse impacts; and to provide options for pedestrian-oriented lifestyles. Development areas one acre or more in size in the MUE District shall have frontage on either an arterial or collector street. Access to any MUE development area may be from a local street, if there is no negative impact on adjacent residential uses.

C. **Mixed-Use Residential District (MUR).** The MUR District is established where a mix of medium and high density residential with commercial uses is intended. The MUR District shall only be applied to properties that are contiguous with property designated Community Commercial, Mixed-Use Employment or Mixed-Use Commercial on the Springfield Zoning Map. Development within the MUR District emphasizes development of multiple unit housing, but may include small-scale retail, office and service uses when they are developed as part of a mixed-use development in order to increase housing opportunities in close proximity to designated commercial zones; support the retail, office and service uses of the adjacent commercial zone; and to provide options for pedestrian-oriented lifestyles. Development areas 1 acre or more in size in the MUR District shall have frontage on either an arterial or collector street. Access to any MUR development area may be from a local street, if a Traffic Impact Study determines there is no negative impact on adjacent residential uses.

D. The Residential Mixed-Use (RMU), Commercial Mixed-Use (CMU) and Employment Mixed-Use (EMU) Districts are applicable to certain portions of the Glenwood Riverfront as specified in the Glenwood Refinement Plan. See SDC 3.4-245 for a description of these districts and SDC 3.4-250 for the schedule of permitted uses. (6286)

- **3.2-610 Schedule of Use Categories**

The following uses are permitted in the districts as indicated, subject to the provisions, additional restrictions and exceptions specified in this Code. Uses not specifically listed may be approved as specified in SDC 5.11-100.

“P” = PERMITTED USE subject to the standards of this Code.

"S" = SPECIAL STANDARDS subject to special locational and siting standards to be met prior to being deemed a permitted use (SDC 4.7-100).

“D” = DISCRETIONARY APPROVAL subject to review and analysis under Type 3 procedure (As a Discretionary Use under SDC 5.9-100 except where other criteria are indicated in the applicable special standards).

“N” = NOT PERMITTED

SITE PLAN REVIEW SHALL BE REQUIRED for all development proposals within all mixed use districts unless exempted elsewhere in this Code.

	Districts		
Use Categories/Uses	**MUC**	**MUE**	**MUR**
Accessory Use Structures			
Accessory Structures (SDC 4.7-105)	**N**	**P**	**S**
Agricultural And Animal Sales And Services			
Agricultural cultivation of undeveloped land	**N**	**P**	**P**

	Districts		
Use Categories/Uses	**MUC**	**MUE**	**MUR**
Garden supplies	**P**	**N**	**N**
Automotive Repair and Service			
Garage, repair	**N**	**P**	**N**
Parking lots and parking structures (SDC 4.7-180)	**S**	**P**	**S**
Tires, batteries and accessories	**N**	**P**	**N**
Operation, maintenance, repair, expansion and replacement of automobile, light truck sales, new and used, including accessory repair garages, parts and accessory sales on land where such uses lawfully existed as of June 3, 2002, owned, leased and controlled by a single entity	**P*** ***Only in Downtown Mixed-use area**	**N**	**N**
Business And Professional Offices And Personal Services			
Accountants, bookkeepers and auditors	**P**	**P**	**P**
Advertising/marketing agencies	**P**	**P**	**P**
Architects, landscape architects and designers	**P**	**P**	**P**
Art studios, fine	**P**	**N**	**P**
Art restoration	**P**	**N**	**P**
Attorneys	**P**	**P**	**P**
Audio/video production studio	**P**	**P**	**N**
Authors/composers	**P**	**N**	**P**
Banks, credit unions and savings and loans	**P**	**P**	**P**
Barber and beauty shops	**P**	**P**	**P**
Blue printing, Photostatting, and photo developing	**P**	**P**	**N**
Business schools	**P**	**N**	**N**
Business, labor, scientific and professional organizations and headquarters	**P**	**P**	**P**
Catering services	**P**	**P**	**N**
Clinics and research/processing laboratories	**P**	**P**	**P**
Collection agencies	**P**	**N**	**P**
Commodity contract brokers and dealers	**P**	**P**	**P**
Computer and information services	**P**	**P**	**P**
Dentists	**P**	**P**	**P**
Detective and protective agencies	**P**	**N**	**P**
Doctors	**P**	**P**	**P**
Drafting, graphic and copy services	**P**	**P**	**P**
Employment agencies and services	**P**	**P**	**P**
Engineers and surveyors	**P**	**P**	**P**
Financial planning, investment services	**P**	**P**	**P**
Graphic art services	**P**	**P**	**P**
Gymnastics instruction	**P**	**P**	**N**
House cleaning services	**P**	**N**	**N**
Insurance carriers, agents, brokers and services	**P**	**P**	**P**
Interior decorator and designers	**P**	**N**	**P**

	Districts		
Use Categories/Uses	**MUC**	**MUE**	**MUR**
Laundry, dry cleaners, including self-service, and ironing services	**P**	**P**	**N**
Loan companies, other than banks	**P**	**P**	**P**
	Districts		
Use Categories/Uses	**MUC**	**MUE**	**MUR**
Locksmiths	**P**	**P**	**P**
Lumber brokers	**P**	**P**	**P**
Mailing services/mail order sales	**P**	**P**	**P**
Management and planning consultants	**P**	**P**	**P**
Manufactured unit as a temporary construction office, night watchperson's quarters or general office (SDC 4.8-110, 4.7-185, and 4.7-170)	**P/S**	**P/S**	**N**
Motion picture studio/distribution	**P**	**P**	**N**
Non-profit organizations	**P**	**N**	**P**
Opticians	**P**	**P**	**P**
Performing arts instruction	**P**	**N**	**P**
Photocopying	**P**	**P**	**P**
Photography studios	**P**	**P**	**P**
Planners, land use	**P**	**P**	**P**
Printing/publishing	**P**	**P**	**N**
Psychologists and counselors	**P**	**P**	**P**
Real estate sales and management	**P**	**N**	**P**
Scientific and educational research	**P**	**P**	**P**
Security systems services	**P**	**P**	**N**
Self-defense studio	**P**	**P**	**N**
Shoe repair	**P**	**P**	**P**
Stenographers and secretarial services	**P**	**P**	**P**
Stockbrokers	**P**	**P**	**P**
Swimming pool cleaning	**P**	**N**	**N**
Tailors	**P**	**N**	**P**
Tanning salons	**P**	**N**	**P**
Title companies	**P**	**N**	**P**
Telephone answering services	**P**	**P**	**P**
Travel agencies	**P**	**P**	**P**
TV and radio broadcasting studios (does not include antennae)	**P**	**P**	**N**
Typing services	**P**	**P**	**P**
Window cleaning	**P**	**N**	**N**
Communications Facilities			
Communications towers, including antennas and relay equipment. Certain Wireless Telecommunications Systems Facilities (See SDC 4.3-145)	**N**	**D**	**N**

	Districts		
Use Categories/Uses	**MUC**	**MUE**	**MUR**
Child Care Facilities			
Child Care Center	**S**	**S**	**S**
Eating and Drinking Establishments			
Cafeteria (serving employees only)	**P**	**P**	**N**
Cocktail lounges	**P**	**P**	**N**
Delicatessens and sit down restaurants including espresso shops	**P**	**P**	**P**
Drive up restaurants and espresso shops (SDC 4.7-180)	**S**	**P**	**N**
Taverns and brew pubs	**P**	**P**	**N**
Educational Facilities- Public and Private Elementary and Middle Schools			
1 to 5 students in a private home (in a 24-hour period)	**N**	**N**	**P**
6 or more students in a private home	**N**	**D**	**D**
Private/public elementary and middle Schools (SDC 4.7-195)	**N**	**D**	**D**
Secondary schools and colleges	**N**	**D**	**N**
Residential Care Facilities			
Residential Care Facility	**N**	**N**	**D**
Home Business			
Home Business (SDC 4.7.365)	**S**	**S**	**S**
Manufacture and/or Assembly of:			
Appliances	**N**	**P**	**N**
Apparel and other finished products made from canvas, cloth, fabrics, feathers, felt, leather, textiles, wool, yarn and similar materials	**P**	**P**	**N**
Communication equipment, including radio and television equipment	**N**	**P**	**N**
Costume jewelry, novelties, buttons and misc. notions	**N**	**P**	**N**
Cutlery, hand tools and hardware	**N**	**P**	**N**
Electronic components and accessories	**N**	**P**	**N**
Electronic transmission and distribution equipment	**N**	**P**	**N**
Engineering, laboratory, scientific, and research instruments	**N**	**P**	**N**
Finished wood manufacturing and assembly including cabinets and door frames	**N**	**P**	**N**
Furniture, including restoration	**N**	**P**	**N**
Greeting cards, business forms and other business related printing	**N**	**P**	**N**
Measuring, analyzing, and controlling instruments	**N**	**P**	**N**
Medical, dental, and surgical equipment and supplies	**N**	**P**	**N**
Medicinal chemicals and pharmaceutical products	**N**	**P**	**N**
Metal fabrication and machine shops	**N**	**P**	**N**

	Districts		
Use Categories/Uses	**MUC**	**MUE**	**MUR**
Musical instruments	**N**	**P**	**N**
Prosthetic and orthopedic devices	**N**	**P**	**N**
Office computing and accounting equipment	**N**	**P**	**N**
Optical instruments, including lenses	**N**	**P**	**N**
Perfumes and toiletries	**N**	**P**	**N**
Photographic equipment and supplies	**N**	**P**	**N**
Signs and advertising display	**N**	**P**	**N**
Toys, sporting and athletic goods	**N**	**P**	**N**
Watches, clocks, and related components	**N**	**P**	**N**
Other Industrial Uses:			
Industrial/Business Parks (SDC 3.2-450)	**N**	**S**	**N**
Media productions, including TV and radio broadcasting, motion picture production and newspaper/book/periodical publishing	**P**	**P**	**N**
Regional distribution headquarters, including indoor storage	**N**	**P**	**N**
Research development and testing laboratories and facilities	**N**	**P**	**N**
Accessory structures	**N**	**P**	**N**
Administrative professional or business offices	**N**	**P**	**N**
Public Utility Facilities:			
High impact facilities (SDC 4.7-160)	**N**	**S**	**N**
Low impact facilities	**P**	**P**	**N**
Recreational Facilities:			
Arcades	**P**	**P**	**N**
Art studios, performing	**P**	**P**	**N**
Auditoriums	**N**	**P**	**N**
Bingo parlors	**N**	**P**	**N**
Bowling alleys	**P**	**P**	**N**
Dance halls	**N**	**P**	**N**
Exercise studios	**P**	**P**	**P**
Gyms and athletic clubs	**P**	**P**	**N**
Hot tub establishments	**P**	**P**	**P**
Miniature auto race track (e.g., slot car track)	**P**	**N**	**P**
Miniature golf	**P**	**N**	**N**
Movie theaters, indoor, single screen	**P**	**P**	**N**
Non alcoholic night club (SDC 4.7-205)	**S**	**P**	**N**
Off-track betting facility	**P**	**P**	**N**
Parks, private and public	**P**	**P**	**P**
Playground	**P**	**P**	**P**
Play/tot lot	**P**	**P**	**P**
Pool halls	**P**	**P**	**N**
Recreation center	**P**	**P**	**N**
Skating rinks	**N**	**P**	**N**

	Districts		
Use Categories/Uses	**MUC**	**MUE**	**MUR**
Tennis, racquetball and handball courts	**P**	**P**	**P**
Theater, legitimate (live stage)	**P**	**P**	**N**
Religious, Social and Civic Institutions:			
Branch educational facilities	**P**	**P**	**D**
Charitable services	**P**	**N**	**D**
Places of Worship (SDC 4.7.370)	**D**	**N**	**D**
Community and senior centers	**P**	**N**	**P**
Fraternal and civic organizations	**P**	**N**	**N**
Hospitals	**P**	**P**	**N**
Public offices, including, but not limited to: administrative offices, libraries, museums, courts, and detention facilities.	**P**	**N**	**D**
Private/Public Elementary and Middle Schools (SDC 4.7-195)	**N**	**D**	**D**
Residential Uses in Areas Designated Mixed-Use in the Metro Plan or Refinement Plans			
Accessory structures (SDC 4.7-105)	**S**	**P**	**S**
Single-unit dwellings, detached; and townhomes i	**P**	**N**	**P**
Duplexes (SDC 3.2.245)	**N**	**N**	**S**
Multiple unit housing	**P**	**P**	**P**
Short Term Rental			
Type 1 (SDC 4.7.355)	P*	N	P*
Type 2 (SDC 4.7.355)	S*	N	S*
Retail Sales			
Antiques	**P**	**N**	**P**
Apparel	**P**	**N**	**P**
Art galleries and museums	**P**	**N**	**P**
Art supplies	**P**	**N**	**P**
Bakeries	**P**	**P**	**P**
Bicycles	**P**	**N**	**P**
Books	**P**	**N**	**P**
Cameras and photographic supplies	**P**	**N**	**P**
Candies, nuts and confectioneries	**P**	**N**	**P**
China, glassware and metalware	**P**	**N**	**P**
Cigars and cigarettes	**P**	**N**	**N**
Computers, calculators and other office machines	**P**	**P**	**N**
Convenience stores	**P**	**P**	**P**
Dairy products	**P**	**P**	**P**
Department stores	**P**	**N**	**N**
Drapery, curtains and upholstery	**P**	**N**	**P**
Dry goods and general merchandise	**P**	**N**	**P**
Electrical supplies	**P**	**N**	**N**
Fabrics and accessories	**P**	**N**	**P**

	Districts		
Use Categories/Uses	**MUC**	**MUE**	**MUR**
Film drop off and pick up (not a drive-through)	**P**	**N**	**P**
Fish	**P**	**N**	**N**
Floor coverings	**P**	**N**	**P**
Florists	**P**	**N**	**P**
Fruits and vegetables	**P**	**N**	**P**
Furniture	**P**	**N**	**N**
Furriers	**P**	**N**	**N**
Groceries	**P**	**N**	**P**
Hardware	**P**	**N**	**N**
Hobby supplies	**P**	**N**	**N**
Household appliances	**P**	**N**	**N**
Jewelry	**P**	**N**	**N**
Liquor outlets (State)	**P**	**N**	**N**
Luggage and leather	**P**	**N**	**N**
Magazines and newspapers	**P**	**N**	**N**
Mail order houses	**P**	**N**	**N**
Marijuana business: production, processing, wholesaling, retail	**N**	**N**	**N**
Meats	**P**	**N**	**N**
Medical and dental supplies	**P**	**N**	**N**
Musical instruments and supplies	**P**	**N**	**N**
Novelties and gifts	**P**	**N**	**N**
Office equipment	**P**	**P**	**N**
Paint, glass and wallpaper	**P**	**N**	**N**
Pharmacies	**P**	**P**	**P**
Pottery	**P**	**N**	**N**
Radios, televisions and stereos	**P**	**N**	**N**
Second hand and pawn shops	**P**	**N**	**N**
Sewing machines	**P**	**N**	**N**
Shoes	**P**	**N**	**P**
Small electrical appliances	**P**	**N**	**N**
Sporting goods	**P**	**N**	**P**
Stationary	**P**	**P**	**P**
Supermarkets	**P**	**N**	**N**
Toys	**P**	**N**	**P**
Small Scale Repair and Maintenance Services (SDC 4.7-180)			
Business machine repair	**S**	**P**	**P**
Electrical appliance repair	**S**	**P**	**N**
Furniture repair	**S**	**P**	**N**
Janitorial services	**N**	**P**	**N**
Small engine repair	**S**	**N**	**N**
Watch repair	**P**	**P**	**P**

	Districts		
Use Categories/Uses	**MUC**	**MUE**	**MUR**
Transient Accommodations			
Emergency shelter facilities	**N**	**N**	**P**
Hotels (SDC 4.7-180)	**S**	**N**	**N**
Youth hostels	**P**	**N**	**N**
Transportation Facilities			
Heliports	**N**	**P**	**N**
Helistops	**N**	**P**	**N**
Linear park	**P**	**P**	**P**
Public transit station, without park and ride lot	**P**	**P**	**P**
Transportation Related, Non-Manufacturing			
Key/card lock fuel facilities	**N**	**P**	**N**
Warehouse Commercial Retail and Wholesale Sales and Distribution			
Cold storage lockers	**N**	**P**	**N**
Electrical supplies and contractors	**N**	**P**	**N**
Floor covering sales	**N**	**P**	**N**
Indoor storage, other than mini-warehouses, and outdoor storage areas/yards	**N**	**P**	**N**
Large electrical appliance sales	**N**	**P**	**N**
Merchandise vending machine operators	**N**	**P**	**N**
Plumbing and heating supplies and contractors	**N**	**P**	**N**
Unfinished furniture	**N**	**P**	**N**
Uses listed under automotive and retail which are wholesale uses	**N**	**N**	**N**
Regional distribution headquarters, including indoor storage	**N**	**P**	**N**
Warehouse/commercial uses engaged primarily in the wholesaling of materials to the construction industry	**N**	**N**	**N**
Wholesale trade, warehousing, distribution and storage (to include mini-storage)	**N**	**N**	**N**
Secondary Uses Serving or Related to on Site Commercial or Industrial Uses:			
Manufacture or assembly of goods or products to be sold on-premises	**P**	**P**	**N**
Accessory structures	**N**	**P**	**N**
Administrative professional or business offices	**P**	**P**	**P**
Blueprinting, photostatting, and photo developing	**P**	**P**	**N**
Cafeteria (serving employees only)	**N**	**P**	**N**
Child care facilities (primarily serving employees on-site)	**P**	**P**	**P**
Developed recreation area (serving the development area)	**N**	**P**	**P**
Heliports and helistops	**N**	**P**	**N**
Financial institutions	**P**	**P**	**P**

	Districts		
Use Categories/Uses	**MUC**	**MUE**	**MUR**
Manufactured home used as a night watch person's quarters (SDC 4.7-185)	**N**	**S**	**N**
Outdoor storage of materials directly related to a permitted use. (SDC 3.2-630B.3.)	**N**	**P**	**N**

(6412; 6352; 6238; 6228)3.2-610

- **3.2-615 Base Zone Mixed Use Development Standards**

The following base zone mixed use development standards are established.

Development Standard	***MUC***	***MUE***	***MUR***
Minimum Area	6,000 square feet	10,000 square feet	See SDC 3.2-215
Minimum Street Frontage**(1)**	40 feet	75 feet	See SDC 3.2-215
Maximum Lot/Parcel Coverage	Lot/parcel coverage standards in the MUC and MUE Districts shall be limited only by standards (including, but not limited to: required parking, landscaping) specified in SDCs 4.4-105 and 4.6-100. Generally, there is no maximum lot/parcel coverage standard.		45 Percent
Minimum Landscaping	Minimum requirements defined by standards in other SDCs of this Code.		
Landscaped Setbacks(2), (3),(4) and (5)			
Front, Street Side Yard, and Through Lot/parcel Rear Yard			
Building Setback	None	10 feet	See SDC 3.2-215
Parking, driveway, and outdoor storage setback	5 feet	5 feet	See SDC 3.2-215
Interior Side, Rear Yard Setbacks when Abutting Residential or CI Districts			
Building Setback	10 feet	10 feet	See SDC 3.2-215
Parking, Driveway, Outdoor Storage Setback	5 feet	5 feet	See SDC 3.2-215
Maximum Building Height(6)			
Maximum unless abutting residential districts (See below)	90 feet	60 feet	60 feet
When abutting an LDR, MDR, or MUR District to the north	Defined by the Maximum Shade Point Height requirement of SDC 3.2-225A.1.b., or up to 50 feet south of a northern lot/parcel line a plane extending south with an angle of 23 degrees and originating from the top of a 16 foot hypothetical fence located on the northern lot/parcel line.		See SDC 3.2-225
When abutting an LDR, MDR, or MUR District to the east, west, or south	No greater than that permitted in the LDR or MDR Districts for a distance of 50 feet.		See SDC 3.2-225

(1) The Director may waive the requirement that buildable City lots/parcels have frontage on a public street when all of the following apply:
(a) The lots/parcels have been approved as part of a Development Area Plan, Site Plan, Subdivision or Partition application, and
(b) Access has been guaranteed via a private street or driveway by an irrevocable joint use/access agreement as specified in SDC 4.2-120A.
(2) There are no setback requirements for buildings in the Downtown Exception Area.
(3) Where an easement is larger than the required setback standard, no building or above grade structure, except a fence, shall be built on or over that easement.
(4) Required setbacks are measured from the special street setback in SDC 4.2-105N, where applicable.
(5) Architectural extensions may protrude into any 5-foot or larger setback area by not more than 2 feet.
(6) Incidental equipment may exceed these height standards. In the MUE District, incidental equipment exceeding the height standards cannot occupy additional floor space.

(6412)

3.2-615

- **3.2-620 Mixed Use District Development Standards—Conflicts and Exemptions**
-

A. Conflicts.

1. In cases where the development standards of this Section conflict with standards found in other Sections of this Code, the standards of this Section shall prevail.

EXCEPTION: Standards in this Code pertaining to environmental protection, water quality protection and or public health and safety matters shall prevail over the standards in this Section.

2. Development standards found in adopted refinement plans, specific area plans and specific development plans shall prevail over those in this Section.

3. The intent of this Section is not to create non-conforming uses due to necessary zoning map amendments to Mixed Use. However, if a non-conforming situation is created; existing buildings, structures, and uses may continue, expand, or be modified as permitted in SDC 5.8-120 and 5.8-125 until they are abandoned and are transferable to a future purchaser.

B. Exemption Process.

1. SDC 3.2-625 and 3.2-630 detail a series of design standards that seek to achieve attractive, pedestrian oriented development where mixed-use is applied. Developers may choose to meet these standards as prescribed, or they may propose other design ideas which are equal to or superior in meeting the objective of a particular standard. When a developer requests an exemption from a required standard, it is their responsibility to propose an alternative that fulfills the intent of the standard to the Director’s satisfaction. The Director has the authority to authorize the exceptions and to determine the acceptability of the alternative the developer proposes.

2. When developers propose alternatives to development standards in SDC 3.2-625 and 3.2630 that is not acceptable, the Director shall deny the exemption. The Director shall issue findings which state the intent of the standard and describe how the alternative fails to meet that intent. The developer may appeal the decision of the Director to the Planning Commission as specified in SDC 5.3-115.

3.2-620

- **3.2-625 Mixed-Use District Development Standards—General**

Mixed use zoning districts require special attention to building design because of the intermixing of land uses and higher intensity of development that can occur in these areas. The standards below implement commonly accepted design principles with the goal to achieve more attractive, functional and pedestrian oriented design. Not every case and circumstance is anticipated by these standards, nor is it the goal of this Section to prescribe every design detail of development. It is expected that the Springfield development community will apply their own design creativity to build on these principles and create attractive, livable, and viable projects. The standards below provide an objective framework for achieving the desired goal of attractive, pedestrian oriented development. Developers may choose to meet these standards as prescribed, or they may propose other design ideas which are equal or superior to a particular standard in meeting the design objectives in Subsections A.-G., below. Where developers request an exemption from a stated standard, it is their responsibility to propose an alternative design and to demonstrate to the Director that it is equal or superior to the stated standard. The Director has the authority to authorize an exception to these standards and determine the acceptability of an alternative design the developer proposes. When developers propose alternative designs that are not acceptable to the Director, they may appeal the decision as specified in Section 5.3-115.

A. Building Design Standards. Intent: New structures and improvements to façades requiring building permits shall provide architectural relief and interest, with emphasis at building entrances and along sidewalks, to promote and enhance a comfortable pedestrian scale and orientation. Blank walls shall be avoided to the maximum extent practicable by complying with the following minimum requirements. The following standards are intended to be specific and quantifiable while allowing for flexibility in design.

1. Ground floor windows shall be required for all civic and commercial uses. All elevations of buildings abutting any street shall provide at least 50 percent of their length (e.g., a 100-foot wide building façade shall have a total of at least 50 linear feet of windows) and at least 25 percent of the ground floor wall area as windows and/or doors that allow views into lobbies, merchandise displays, or working areas. On corner lots/parcels this provision applies to both elevations.

EXCEPTION: Elevations of buildings adjacent to alleys or vehicle accessways used primarily for service and delivery access is exempt from this requirement.

2. Ground floor windows are required as part of the primary entrance elevation for all industrial uses. Windows are required for at least 30 percent of the primary

entrance and ground level offices that are part of the entrance elevation. The windows shall be measured in linear fashion (e.g., a 100-foot wide building entrance and office façade shall have a total of at least 30 linear feet of windows and/or doors on the ground floor that allow views into lobbies, merchandise displays, or working areas).

3. Along the vertical face of a structure, offsets shall occur at a minimum of every 50 feet by providing at least one of the following:

a. Recesses, including, but not limited to: entrances and floor area with of a minimum depth of 4 feet.

b. Extensions, including, but not limited to: entrances and floor area with a minimum clearance of 4 feet, a minimum depth of 4 feet, and a maximum length of an overhang shall be 25 feet.

c. Offsets or breaks in roof elevation with a minimum of 3 feet or more in height.

4. In order to break up vast expanses of single element building elevations, building design shall include a combination of architectural elements and features, including, but not limited to: offsets, windows, entry treatments, wood siding, brick, stucco, textured concrete block.

5. In order to provide differentiation between the ground floor and upper stories, building design shall include bays or balconies for upper levels, and awnings, canopies, or other similar treatments for lower levels. Variation in building materials, trim, paint, ornamentation, windows, or other features including public art, may also be used.

6. External modifications proposed for structures listed on the Springfield Historic Landmark Inventory shall comply with the applicable standards specified in SDC 3.3-900.

7. The proposal contains an equally good or superior way to achieve the intent of Subsections 1. through 6., above.

B. Building Orientation and Maximum Setbacks. Intent: To the greatest extent practicable, all new buildings in a mixed-use development shall be oriented toward both exterior and internal streets in a manner that accommodates pedestrian comfort, convenience and safety.

1. In the Downtown Mixed Use Area, buildings shall be oriented towards fronting streets in a manner that frames and defines both streets and pedestrian areas along those streets. The maximum building setback in the Downtown Mixed Use

Area is 10 feet. Buildings in this area shall not be separated from fronting streets by off-street parking, vehicle circulation aisles or drive-thru lanes.

EXCEPTIONS: Street setbacks in the Downtown Mixed Use Area may be approved by the Director when:

a. The building design incorporates public seating, plazas, or other usable public space as specified in Subsection G. below;

b. The building design incorporates landscaped stormwater quality facilities within the setback area that also enhance the pedestrian scale, orientation and interest;

c. Necessary to preserve existing healthy mature trees; or

d. Necessary to accommodate handicapped access requirements.

2. Parking in the Downtown Mixed Use Area shall be located beside or behind buildings, internal to development on a site. For existing development sites, outparcel buildings between a large parking lot and the street shall be used to help define the streetscape, and lessen the visual impact of the parking lot from the street.

3. Public entrances to all new buildings in the Downtown Mixed Use Area shall be visible from the street and oriented so that pedestrians have a direct and convenient route from the street sidewalk to building entrances.

4. In MUC Districts outside of the Downtown Mixed Use Area, buildings may be set back from fronting public or private streets, but shall be connected to those by a continuous internal sidewalk (and as needed, sidewalk crossings). This internal sidewalk network shall connect customer entrances of buildings on a development site with one another and with fronting public sidewalks or rights-of-way. The internal sidewalks shall be at least 5 feet wide. The internal sidewalk network shall connect transit stops or station to buildings on the development site to form a direct and convenient pedestrian connection with these transit facilities.

5. The proposal contains an equally good or superior way to achieve the intent of Subsections 1. through 4., above.

C. Weather Protection. Intent: Awnings and canopies are intended to protect pedestrians from the weather and add to the architectural interest of buildings. New commercial or mixed-use residential development shall provide a weather-protected area adjacent to sidewalks and plazas.

1. Awnings or canopies shall be at least 6 feet wide, and shall follow building offsets to eliminate long expanses of awnings and or canopies.

2. Awnings and canopies shall not obscure architectural features (e.g., transom area) of the building and shall not extend into the second story of the building.

3. Awnings and canopies shall be in proportion to the overall building and shall match the width of the storefront or window opening.

4. Backlit awnings and canopies are not permitted.

5. Awnings and canopies shall be suspended from the building and not supported by posts.

6. The proposal contains an equally good or superior way to achieve the intent of Subsections 1. through 5., above.

D. Landscaping and Screening.

1. Intent: Landscaping is intended to compliment built forms within a development area, softening and providing visual relief and contrast to buildings, sidewalks and parking lots. Trees, as part of a landscaping plan, shall provide shade for pedestrian comfort as well. The installation of landscaping shall be accomplished in a manner that assures that planted stock receives adequate irrigation. Screening is intended to compliment a development area by shielding trash receptacles, storage areas and other unsightly facilities from public view within the development area.

a. Mixed-use developments shall provide landscaping and screening in accordance with SDC 4.4-100 and 4.4-110 and the following standards:

b. Street trees shall be required consistent with SDC 4.2-140. Species shall be compatible with the design features specified in Subsection G., below and shall provide continuity with nearby landscaping. The Director may grant a 1-for-1 reduction in the number of street trees required when a development preserves healthy, mature trees located within 10 feet of the sidewalk Required street trees shall be placed in planter strips between sidewalks and curbs as specified in SDC 4.2-135 and 4.2-140, or in individual tree pits. If individual tree pits are utilized, each pit shall be a minimum of 64 square feet per tree, with a minimum width of 4.5 feet.

2. Screening of parking areas, drives, mechanical equipment and trash receptacles shall be as specified in SDC 4.4-110. In addition:

a. No trash receptacles shall be allowed within the front setback areas abutting residential districts.

b. All ground-mounted utility equipment not installed underground shall be placed to reduce visual impact or screened with walls or landscaping.

c. Notwithstanding the timelines specified in SDC 4.4-105, plants shall be sized to attain 50 percent coverage in 2 years and 100 percent coverage in 4 years.

3. Irrigation systems are required to support landscaping. Drought-resistant plants are encouraged. See SDC 5.17-120D.3. and 4.4-105.

4. Parking areas, drives, and mechanical equipment shall be screened as specified in SDC 4.4-110. Trash receptacles shall be screened from on and offsite view by placement of a solid fenced or walled enclosure, from 5 to 6 feet in height. No receptacles are allowed within front setback areas abutting residential districts. All ground-mounted utilities equipment not placed underground shall be placed to reduce visual impact or screened with walls or landscaping. Plants shall be sized to attain 50 percent coverage in 2 years and 100 percent coverage in 4 years.

5. The proposal contains an equally good or superior way to achieve the intent of Subsections 1. through 4., above.

E. Street Connectivity and Internal Circulation. Intent: To make mixed-use developments part of a connected street system that serves vehicles, pedestrians and bicycles. Public or private streets connect the development to adjacent neighborhoods and zoning districts. When street connections are not practicable, pedestrian connections are made to and through the development in lieu of planned street connections. Pedestrian connections shall equal what would be available if they were on a street.

1. Streets and accessways of any one development or site shall interconnect with those of adjacent developments or sites. Internal street or circulation patterns that isolate a development from all adjacent developments, and only allow access to fronting arterial or collector streets, shall be prohibited.

EXCEPTION: The Director may determine that topography and/or existence of natural features of the development site would be better accommodated with an alternative circulation pattern.

2. Streets and accessways shall align and connect to each other to create a direct and convenient pattern of circulation that is consistent with the City's existing street and block pattern in the area. The maximum block perimeter shall be 1,400 feet.

3. A mixed use development's street network (both public and private on-site streets) shall connect directly to neighborhood streets in the surrounding area, providing multiple paths for pedestrian, bicycle, and vehicular movement to and through the development area. In this way, trips made from the surrounding

residential neighborhood to the mixed use development will be possible without requiring travel along a major thoroughfare or arterial.

4. Outparcel buildings shall be connected to and served from the internal streets of the primary development area of which they are a part.

5. Pedestrian paths and sidewalks shall connect all building entrances with each other and with public rights-of-way in a manner that is direct and convenient for the pedestrian.

6. The proposal contains an equally good or superior way to achieve the intent of Subsections 1. through 5., above.

F. Neighborhood Compatibility. Intent: To achieve a compatible transition between mixed-use and other zones of differing height, bulk and scale requirements, consideration shall be given to the scale and design of surrounding buildings to promote compatibility and complement or enhance the character of existing residential neighborhoods. Development in mixed-use districts must be appropriate and related to the setting and established character of the surrounding area or neighborhood. Minimum standards adjacent to the R-1 District are:

1. Architectural compatibility between new development and adjacent R-1 development, including, but not limited to: similar roof forms, windows, trim, and materials, shall be required to the maximum extent practicable.

2. Lighting shall be arranged and constructed not to produce direct glare on adjacent LDR development as specified in SDC 4.5.100.

3. Site obscuring landscaping shall be required, including, but not limited to: the retention of existing vegetation; installation of a 6-foot minimum height, site-obscuring fence with shade trees planted a maximum of 30 feet on center (2-inch caliper at planting); and/or other landscaping to provide visual buffering.

4. Mechanical equipment shall be screened from view from adjacent R-1 properties and the street as specified in SDC 3.2.625(D)(4), above. Mechanical equipment shall be buffered so that noise does not typically exceed 50 decibels as measured at the LDR property line. The City may require a noise study certified by a licensed acoustical engineer.

5. The proposal contains an equally good or superior way to achieve the intent of Subsections 1. through 4., above.

G. Pedestrian Amenities. Intent: To provide appropriate pedestrian amenities in mixed-use developments, pedestrian amenities, including, but not limited to: benches, ornamental paving and public art shall be provided and durably designed and integrated into an overall design scheme or pattern.

1. All new structures and substantial improvements to existing buildings shall provide pedestrian amenities, as specified in this Subsection. The number of pedestrian amenities provided shall comply with the following sliding scale.

Size of Structure or Substantial Improvement	Number of Amenities
<5,000 sq. ft.	1
5,000—10,000 sq. ft.	2
10,000—50,000 sq. ft.	3
>50,000 sq. ft.	4

2. Acceptable pedestrian amenities include:

a. Sidewalks incorporating ornamental paving treatments, including, but not limited to: concrete masonry unit pavers, brick, or stone, which are 50 percent wider than required by this Code.

b. A public outdoor seating plaza adjacent to, or visible and accessible from, the street (minimum useable area of 300 square feet).

c. Sidewalk planters between the sidewalk and building including stormwater swales.

d. Street tree density more extensive than required by this Section.

e. Streetscape scale container planters.

f. Installation of 3-inch caliper size or larger to fulfill the street tree requirement.

g. Public art, including, but not limited to: sculptures, fountains, clocks, or murals with a value equal to or greater than 1 percent of construction value of the structure.

h. Pocket parks with a minimum usable area of 300 square feet.

3. Guidelines for the siting, construction and character of pedestrian amenities:

a. Amenities shall be visible and accessible to the general public from a fully improved street. Access to pocket parks, plazas, and sidewalks shall be provided via a public right-of-way or a public access easement.

b. The size or capacity of pedestrian amenities shall be roughly proportional to their expected use, including use by employees, customers, residents, and other visitors. The Director may alter minimum area standards for pocket parks and plazas based on this guideline.

c. Amenities shall be consistent with the character and scale of surrounding developments. For example, similarity in awning height, bench style, planter materials, street trees, and pavers is recommended to foster continuity in the design of pedestrian areas. Materials shall be suitable for outdoor use, easily maintained, and have at least a 10-year expected service life.

d. Bus stops, as a pedestrian amenity, shall conform to standards of the Lane Transit District.

4. The proposal contains an equally good or superior way to achieve the intent of Subsections 1. through 3., above.

- **3.2-630 Mixed-Use Development Standards—Specific**

A. MUC Development Standards.

1. Preservation of the Commercial Land Supply

a. One hundred percent of a new mixed use building footprint may be developed for commercial uses.

b. A minimum of 60 percent of the ground floor area within a new building in the MUC District shall be dedicated to commercial uses to ensure that commercial land is preserved for primarily commercial purposes. Up to 100 percent of any building may be developed for residential uses so long as 60 percent of the total ground floor area within the development area is devoted to commercial uses.

EXCEPTION: This provision shall not apply when commercial uses are proposed for an existing residential building within a commercial district that was within a commercial district prior to June 3, 2002.

c. The commercial uses on an MUC site shall be developed prior to or concurrently with other proposed uses. Concurrency may be established by approval of a Master Plan that provides a mix of uses that includes commercial and other proposed uses.

EXCEPTION: This provision shall not apply to residential and/or limited manufacturing uses that are in existence as of June 3, 2002.

2. Maximum Footprint for Retail Uses. The maximum building footprint for a grocery store shall be 70,000 square feet. The maximum building footprint for other single tenant wholesale or retail uses shall be 50,000 square feet. The maximum footprint for all other uses shall be based upon lot/parcel coverage and building setbacks.

3. Minimum Floor Area Ratio. A minimum floor area ratio (FAR) of .40 shall be required for all new development or redevelopment in the MUC portion of the Downtown Mixed Use Area. A FAR of .30 is required for new development on lots/parcels greater than 1 acre in the MUC District outside of the Downtown Mixed Use Area. FAR is defined for this purpose as the amount of gross floor area of all buildings and structures on the building lot/parcel divided by the total lot/parcel area.

EXCEPTION: Existing auto and truck dealerships in the Downtown Mixed Use area as specified in SDC 3.2-610 under the automotive and truck sales, storage, repair and service category are exempt from the minimum floor area ratio requirement.

B. MUE Development Standards.

1. Preservation of the Industrial Land Supply

a. A minimum of 60 percent of the gross floor area within a MUE District shall be dedicated to industrial uses to ensure that industrial land is preserved for primarily industrial purposes.

EXCEPTION: Pre-existing structures and uses shall be covered under the provisions of SDC 5.8-100 that addresses continuing non-conforming uses.

b. "Businesses and Professional Offices and Personal Services" listed in SDC 3.2-610 shall not have a ground floor area of more than 5,000 square feet for any single use.

c. The industrial uses on an MUE site shall be developed prior to or concurrently with any other commercial or residential uses. Concurrency may be established by approval of a Master Plan that provides a mix of uses that includes commercial and other proposed uses.

EXCEPTION: Commercial and/or residential uses that are in existence as of June 3, 2002.

2. Minimum Floor Area Ratio. A minimum floor area ratio of .25 is required for all new development or redevelopment in the MUE District.

3. On-Site Design Standards specified in SDC 3.2-445 apply to development in the MUE District with the following exemptions:

a. Outdoor storage is allowed, but storage areas shall not be permitted in front or street-side yards.

b. Outdoor storage shall be screened from the view of adjacent properties and from public rights-of-way as specified in SDC 4.4-110. Painted structural screens shall match the building color scheme of the development area.

c. The minimum landscaped open space and the maximum impermeable surface standards specified in SDC 3.2-445 shall be reduced to 25 percent and 75 percent respectively.

C. MUR Development Standards.

1. Preservation of the Residential Land Supply

a. A minimum of 80 percent of the gross floor area within a MUR District must be dedicated to multiple unit housing to ensure that medium and high density land is preserved for primarily residential purposes.

EXCEPTION: Pre-existing structures and uses shall be covered under the provisions of SDC 5.8-100 that addresses continuing non-conforming uses.

b. The residential uses on an MUR site shall be developed prior to or concurrently with any other commercial or industrial uses. Concurrency may be established by approval of a Master Plan that provides a mix of uses that includes commercial and other proposed uses.

EXCEPTION: Commercial and/or industrial uses that are in existence as of the adoption of this MUR District.

2. Minimum/Maximum Residential Densities.

a. Minimum residential densities for strictly residential development within the MUR District shall be 20 units per gross acre.

b. Minimum residential densities for developments that include mixed uses within the MUR District shall be 12 units per gross acre.

EXCEPTION: If less than 20 units per gross acre are provided, the development shall include a minimum of 10 percent of the total gross floor area in nonresidential uses.

c. There are no maximum residential densities established for the MUR District.

EXCEPTION: Building heights shall regulate maximum densities.

- **3.** Nonresidential Uses.

  a. Nonresidential uses in the MUR District shall not exceed 5,000 square feet of ground floor area for each separate use and shall be limited to a maximum of 20 percent of the total gross floor area in the development area.

  b. Nonresidential uses developed as part of a mixed use building that includes housing shall be developed to maintain a minimum density of 12 dwelling units per acre. When a development site is composed of 2 or more phases, each phase shall also meet this standard.

  EXCEPTION: Civic uses shall not be a permitted use in the MUR District.

- **4.** All development in the MUR District complies with the architectural design standards in SDC 4.7.375..

3.2-630

- **3.2-635 Phased Development**

A. If development is planned to occur in phases, a phased development plan shall be submitted concurrently with the Site Plan application specified in SDC 5.17-100. In addition to the phasing requirements specified in SDC 5.17-115, the phasing plan shall include the following information:

1. Existing buildings and dimensions with distances from property lines and other buildings.

2. The location of future right-of-way dedications based on the Springfield Transportation System Plan, including the Conceptual Street Map, and the block length and size standards specified in SDC 3.2-625E.

3. A re-division plan at the minimum density required by this Subsection, for any lot/parcel that is large enough to further divide or a plot plan showing building footprints for MUC minimum densities.

4. The location of natural resources, regulated wetlands, natural drainage/stormwater management areas and wooded areas showing how future development will address preservation, protection or removal.

5. Adopted public facilities plans.

6. The intended use, residential, commercial, and/or industrial and size in square feet of each building.

7. The ratio of the square footage of each intended use, residential, commercial, and/or industrial to the total square footage of the buildings in each phase of the development.

B. Site Plan Review shall include the monitoring of the ratio of uses to ensure that the proposed development maintains the ratio of:

1. Commercial and non-commercial uses as specified in SDC 3.2-630A.1.; or

2. Industrial and non-industrial uses as specified in SDC 3.2-630B.1.; or

3. Residential and non-residential as specified in SDC 3.2-630C.1. (6412)

3.2-800 Quarry and Mining Operations Land Use District

Subsections:

3.2-805 Establishment of the Quarry and Mine Operations (QMO) District
3.2-810 Schedule of Use Categories
3.2-815 Review
3.2-820 Permits for Quarry and Mine Extraction
3.2-825 Operation and Reclamation Standards
3.2-830 Blasting Standards

3.2-805 Establishment of the Quarry and Mine Operations (QMO) District

A. The QMO District is established to:

1. Recognize that minerals and materials within the Springfield Urban Growth Boundary are a non-renewable resource, and that extraction and processing are beneficial to the local economy.

2. Protect major deposits of minerals, rock and related material resources with appropriate zoning.

3. Institute procedures for the protection of public health and safety on and adjacent to land where quarry and mining blasting operations are occurring.

4. Institute standards to be used in reviewing referrals from State and Federal agencies of Operation and Reclamation Plans, pollution control and similar permits.

5. Provide for cooperation between private and governmental entities in carrying out the purposes of this Section.

B. The QMO District is applied to areas with a Sand and Gravel designation on the Metro Plan Diagram.

3.2-810 Schedule of Use Categories

The following buildings and uses are permitted in this district as indicated, subject to the provisions, additional restrictions and exceptions specified in this Code and the provisions of the Reclamation Permit required by ORS 517.790, issued by the Oregon Department of Geology and Mineral Industries.

"P" = PERMITTED USE subject to the standards of this Code.

"S" = SPECIAL DEVELOPMENT STANDARDS subject to special locational and siting standards to be met prior to being deemed a permitted use.

"D" = DISCRETIONARY USE subject to review and analysis under Type 3 procedure (SDC 5.9-100) at the Planning Commission or Hearings Officer level.

SITE PLAN REVIEW SHALL BE REQUIRED, unless exempted elsewhere in this Code.

Use Categories/Uses	***QMO District***
Extracting and storing of rocks and minerals, including equipment and materials necessary to carry out these functions	**P**
Plants for the processing of minerals from quarry and mining extraction operations	**P**
Sale of products generated from the quarrying and mining operation	**P**
Activities permitted as part of the reclamation process	**P**
Structures and buildings used in conjunction with the extracting and storing of mineral	**P**
Parking facilities for employees and customers	**P**
Tree felling necessary to prepare a site for mining or as a quarry activity as specified in SDC 5.19-100	**P**
Low impact public facilities	**P**
High impact public facilities	**P**
Certain wireless telecommunications systems facilities (SDC 4.3-145)	**P**
Night watchperson's quarters	**P**
Linear park	**P**

(6412)

3.2-815 Review

A. To establish a new quarry or mining operation within the Springfield Urban Growth Boundary, the following are required:

1. A Metro Plan amendment (Type 4 review).

2. A concurrent zone change to QMO District (Type 4 review). The ordinance rezoning properties to the QMO District shall specify the precise location of any scenic areas listed on Metro Plan inventories that require protection under Subsection A.1., above.

3. Site Plan Review (Type 2 review). For the purpose of this Section, all permitted uses are considered industrial uses requiring Site Plan Review as specified in SDC5.17-100.

4. A copy of the application for a Reclamation Permit as specified in SDC 3.2-820 shall be referred to the Director for review.

B. To expand an existing quarry or mining operation, which is zoned QMO District, within the Springfield Urban Growth Boundary, the following are required:

1. Discretionary Use (Type 3 review) shall be used to determine whether, where and under what conditions quarry and mining operations may occur in identified scenic areas within the QMO District.

2. Site Plan Review (Type 2 review). For the purpose of this Section, all permitted uses are considered industrial uses requiring Site Plan Review as specified in SDC 5.17-100.

3. A copy of the application for a Reclamation Permit as specified in SDC 3.2-820 shall be referred to the Director for review.

3.2-820 Permits for Quarry and Mine Extraction

No quarry or mining extraction or related operations may be initiated in the QMO District until a Reclamation Permit required by ORS 517.790 has been issued by the Oregon Department of Geology and Mineral Industries. Standards established under ORS 517 for quarry and mine extraction are considered minimum standards to be observed during extraction, processing and reclamation activities to assure that the operation takes into consideration the health, safety and welfare of people on and off the site who may be affected by the operation, and that the site shall be clean, orderly and left in a condition conducive to appropriate uses after extraction has been completed and that conflicts between other identified environmental resources are resolved consistent with the Policies of the Metro Plan.

3.2-825 Operation and Reclamation Standards

A. Information submitted as part of the Reclamation Permit process required in SDC 3.2-820 shall be evaluated against the following standards by the Director:

1. In lieu of uniform setbacks for all quarry and mine extraction operations:

a. Setbacks from adjacent properties shall be sufficient to protect the normal activities of residences, businesses, industries recreation and other uses permitted under this Code.

b. Setbacks from adjacent properties shall be a distance sufficient to minimize hazards to persons and property resulting from blasting, slides, slippage, subsidence, ground and surface water contamination and depletion and other hazards.

2. Any night lighting shall be arranged and controlled so as not to illuminate adjacent properties and uses permitted under this Code.

3. The hours of operation shall be determined by what is necessary to protect the surrounding activities from disturbance caused by quarry and mining extraction operations.

4. Fencing around the quarry and mining operation shall be required when it has been determined that the location, type and nature of the operation poses hazards to the safety of the surrounding residents and public and private property.

5. When expansion of an existing operation is in close proximity to existing or planned uses potentially incompatible with QMO District uses, or where there is a conflict with any other resource that appears on an adopted environmental resource inventory, the application of the QMO District or the expansion of an existing operation may be limited to a specific portion of a property in order to encourage the compatibility and proper management of land uses.

6. All mining spoils shall be disposed of so they will not create a geological hazard or contribute to water pollution through leaking, leaching or erosion. Management of mining spoils shall be in a manner which is consistent with the standards of the local soil and water conservation district.

7. Overburden and topsoil not removed from the property shall be placed and stabilized in a manner that does not create safety hazards or nuisances for adjacent properties.

8. Screening shall be required where it is determined necessary to minimize the visual impact of the quarry and mining extraction operation on neighboring properties, residences, commercial, industrial, park and recreational or other land use activities.

9. Wherever possible, existing trees, shrubs, and other types of vegetation along street frontages shall be preserved, maintained and supplemented.

10. When the quarry and mine operation includes the use of open shafts or tunnels, the entrance to all shafts and tunnels shall be covered, closed off or otherwise protected against entry during non-working hours.

B. Reclamation of land subjected to quarry and mining extraction operations is an ongoing process, which shall occur as phases of the quarry and mine extraction operation are completed. The application for the Reclamation Permit required in SDC 3.2-820 shall comply with the following standards:

1. General Provisions and Timing.

a. A schedule for reclamation shall define areas covered by each phase and the probable timing.

b. Reclamation operations shall be consistent with the Metro Plan.

c. All structures and buildings used in conjunction with the extraction and storing of minerals shall be removed following completion of the operation, unless the structures or buildings are suitable for other permitted uses or as determined by the Director.

2. Topsoil and Fill Material.

a. Material used in refilling holes, pits and excavations shall be of a quality that will not decompose, contaminate or pollute the groundwater or surface, or cause subsidence either during the operation of the excavation or upon termination of the quarry and mine operations.

b. All graded or back-filled areas, or banks shall be covered with topsoil to a depth sufficient to support vegetation and/or other approved cover adequate to control soil erosion.

3. Slopes and Grading. Excavations made to any setback lines shall meet the following requirements:

a. Where excavations have not been made to water-producing depth;

i. Slopes that are steeper than that of the immediately surrounding area shall be acceptable if they are designed by an engineer with expertise in the field of rock and soils mechanics and acceptable to the State Department of Geology and Mineral Industries. If the slopes are steeper than 1 vertical to 1-1/2 horizontal, provisions shall be made so that people and wildlife can find safe egress from the excavation area.

ii. The bottom of any excavation shall be graded so that drainage flows into one low area of the excavation. If drainage from this site is practical, the site shall be graded to discharge water to existing natural channels.

b. Where excavations have been made to water-bearing strata;

i. Excavations made to a water-producing depth creating lakes and ponds shall be deep enough to prevent stagnation and development of an insect-breeding area or back-filled with material that will not impair the groundwater quality.

ii. All banks shall be sloped at a ratio no steeper than 1 vertical to 2 horizontal to a water depth of 3 feet, measured from the low water mark, and to 3 feet above the high water mark.

iii. All grading shall be done to establish safe access to and egress from water for persons and wildlife.

c. Unless specified above, upon completion of operations, the condition of the land shall allow sufficient drainage to prevent water pockets or significant erosion. Natural drainage shall be maintained to prevent harmful effects on neighboring property. The rate of drainage shall not be increased over what it would have been if the site had remained in its original use.

d. All quarry faces, which exceed 45 degrees, shall be benched. The bench face ratio shall not exceed 1-1/2 vertical to 1 horizontal. Benches shall be at least 10 feet wide.

3.2-830 Blasting Standards

Operators using explosives for quarry and mine extraction shall follow explosive regulations and use engineering standards acceptable to the Director, based on atmospheric conditions and physical conditions of the site to prevent injury to persons and damage to public and private property.

A. When blasting is proposed within 500 feet of an occupied building, the operator, or an authorized agent, shall notify all occupants that a blast is to be initiated. Notice shall be given not more than 6 hours nor less than 30 minutes prior to detonation and shall include the approximate time of the blast.

B. Each operator shall maintain a record of each blast for at least 2 years. These records shall be available upon request to the City, the State Department of Geology and Mineral Industries and other governmental agencies with appropriate jurisdiction. The records shall show the following for each blast:

1. Name of quarry or mine.

2. Date, time and location of blast.

3. Description of type of explosives and accessories used.

4. Time interval of delay in milliseconds.

5. Number of different delays.

6. Number of holes per delay.

7. Nominal explosive weight per hole.

8. Total explosive weight per delay.

9. Total weight of explosives per blast.

10. Blast hole diameter, depth, spacing and stemming height.

3.2-900 Agriculture- Urban Holding Area (AG) Land Use District

Subsections:

3.2-905	**Establishment of the Agriculture—Urban Holding Area (AG) Land Use District**
3.2-910	**Applicability**
3.2-915	**Schedule of Use Categories**
3.2-920	**Pre-Existing and Nonconforming Uses**
3.2-925	**Standards for Interim Development**
3.2-930	**Planning Requirements Applicable to Zoning Map Amendments**

3.2-905 Establishment of the Agriculture—Urban Holding Area (AG) Land Use District

The City's Agriculture—Urban Holding Area District (AG) is established to protect urbanizable lands designated Urban Holding Area-Employment (UHA-E) and Natural Resource (NR) in the comprehensive plan from land division and incompatible interim development. The AG regulatory measures guide and support orderly and efficient transition from rural to urban land use to accommodate population and urban employment inside the UGB. AG standards regulate development to maintain the land's potential for planned future urban development until appropriate urban facilities and services are planned or available and annexation to Springfield can occur, as described in the Springfield Comprehensive Plan Urbanization Element. Land designated Urban Holding Area—Employment will be annexed to the City and rezoned from AG to an appropriate industrial or commercial zone at which time urban industrial and other employment uses will supersede the interim rural uses permitted in the AG District.

A. The AG District implements the Urban Holding Area-Employment (UHA-E) plan designation and Springfield Comprehensive Plan Urbanization Element policies by preserving an inventory of suitable employment sites—including sites 20 acres and larger—to provide opportunities for economic growth and diversification.

B. The AG District is applied concurrently with the UHA-E designation at the time of a Springfield Urban Growth Boundary (UGB) expansion and remains in effect until the land is designated and zoned for urban employment uses through a City or owner-initiated plan or zoning amendment process, as described in SDC 3.2-930 Planning Requirements Applicable to Zoning Map Amendments, and as further described in the Springfield Comprehensive Plan Urbanization Element.

C. The AG District implements the Natural Resource (NR) plan designation on private and publicly owned lands within the urbanizable areas to allow continuation of existing agricultural uses while supporting transition to use and management of land for the primary benefit of values such as fish and wildlife habitat, soil conservation, watershed conservation, scenic resources, passive recreational opportunities, vegetative cover, and open space.

D. The AG District is applied concurrently with the Natural Resource (NR) plan designation at the time of a Springfield Urban Growth Boundary (UGB) expansion, and remains in effect until the land is designated, zoned and master-planned as described in SDC 3.2-930 Planning Requirements Applicable to Zoning Map Amendments, and as further described in the Springfield Comprehensive Plan Urbanization Element. (6361)

3.2-910 Applicability

The provisions of the AG District apply to urbanizable lands designated UHA-E or Natural Resource (NR) in the comprehensive plan. (6361)

3.2-915 Schedule of Use Categories

The AG District implements Springfield Comprehensive Plan Urbanization Element policies by limiting interim uses on urbanizable land designated Urban Holding Area—Employment to only those rural uses that will not impede future annexation, zoning and development of the land to accommodate urban employment uses and densities to meet Springfield's long range employment land needs. The following uses are permitted in the AG District on an interim basis when developed under the applicable provisions, restrictions and exceptions specified in this Code.

"P" = PERMITTED USE subject to the standards of this Code.

"S" = SPECIAL DEVELOPMENT STANDARDS subject to special locational and/or siting standards as specified in SDC 4.7-100. Note: Some uses in this category may require Site Plan Review and/or Discretionary Use approval.

"D" = DISCRETIONARY USE subject to review and analysis under Type 3 procedure as required in SDC 5.9-100 at the Planning Commission or Hearings Officer level.

Use Categories/Uses	***AG***
A. *Allowed Interim Uses for Lands Designated Urban Holding Area—Employment*	
Agricultural uses including the cultivation of tree crops, plants, orchards, pasture, flower, berry and bush crops or the keeping, boarding, raising or breeding of livestock or poultry	P
On-site constructing and maintaining of equipment, structures and facilities used for the activities described as farm uses **(1), (3), (4)**	P
Preparation, storage, and marketing of the products or by-products raised on such land for human and animal use, or distributing food by donation to a local food bank or school or otherwise **(1)**	P
Sales/display of produce as specified in SDC 4.8-125 **(1), (4)**	S
Signs **(5)**	P
Accessory Uses	
Community gardens	P
Replacement of a lawfully existing dwelling or structure as specified in SDC 5.8-115 **(2), (3)**	P
Emergency medical hardship as specified in SDC 5.10-100 **(2)**	P

Use Categories/Uses	*AG*
Other Commercial Services	
Home business within a lawfully existing dwelling and as specified in SDC 4.7.365	S
Utilities and Communication	
High impact public utility facility as specified in SDC 4.7-160	S/D
Low impact public utility facility	P
B. *Allowed Interim Uses for Lands Designated Natural Resource (6), (7)*	
Continuation of normal farm practices such as grazing, plowing, planting, cultivating and harvesting **(6)**	P
Wetland and/or riparian restoration and rehabilitation activities	P
Vegetation management necessary to control invasive vegetation or to reduce a hazard to life or property	P
Removal of non-native vegetation, if replaced with native plant species at a density that prevents soil erosion and encourages the future dominance of the native vegetation	P
Maintenance of existing drainage ways, ditches, or other structures to maintain flows at original design capacity and mitigate upstream flooding, provided that management practices avoid sedimentation and impact to native vegetation and any spoils are be placed in uplands	P
Waterway restoration and rehabilitation activities such as channel widening, realignment to add meanders, bank grading, terracing, reconstruction of street crossings, or water flow improvements	P
Emergency stream bank stabilization to remedy immediate threats to life or property **(7)**	P
Bioswales or similar water quality improvement projects	P
Public multi-use paths, access ways, trails, picnic areas, or interpretive and educational displays and overlooks, including benches and outdoor furniture	P
Utilities and Communication	
High impact public utility facility as specified in SDC 4.7-160	S/D
Low impact public utility facility	D

(1) Where farm stands are designed and used for sale of farm crops and livestock grown on the farm operation and does not include structures for banquets, public gatherings or public entertainment. “Farm crops and livestock” includes both fresh or processed farm crops and livestock grown on the farm operation.

(2) On parcels larger than 20 acres, replacement of a lawfully existing farm dwelling as specified in SDC 5.8-115 shall be placed at the existing dwelling location; or at least 100 feet from the adjoining lines of property zoned EFU to minimize adverse effects on nearby farm lands outside the UGB; and in a location that does not impede future development of urban employment use or extension of urban infrastructure as shown in transportation plans, public facilities plans or master plans.

(3) Placement of new structures is subject to Water Quality Protection setbacks as specified in SDC 4.3-115 and the Natural Resource Protection standards as specified in SDC 4.3-117 where applicable.

(4) Proposed new uses or expansions of existing uses must demonstrate that the use will not generate vehicle trips exceeding pre-development levels.

(5) Signs shall not extend over a public right-of-way or project beyond the property line; shall not be illuminated or capable of movement; and shall be limited to 200 square feet in area.

(6) Consistent with applicable wetland or land use permits issued by Federal, State or local approving authority with jurisdiction over wetland or riparian resources, including the Water Quality Protection provisions in SDC 4.3-115 and SDC 3.3-400 Floodplain Overlay District.

(7) Federal, State or local emergency authorization may be needed for in-stream work.

(6361)

3.2-920 Pre-Existing and Nonconforming Uses

A. Continuance, expansion, modification or replacement of lawful uses existing on a property at the time of the effective date of this zone are determined and permitted as otherwise specified in SDC 5.8-100 of this Code; and

B. The Applicant shall submit evidence to demonstrate that the expansion or modification:

1. Will not generate vehicle trips exceeding pre-development levels;

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

3. Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use. (6361)

3.2-925 Standards for Interim Development

These regulations apply to the development of interim uses as specified in SDC 3.2-915 and 3.2-920 in the AG District.

A. Receive certification from the Lane County Sanitarian that any proposed wastewater disposal system meets Oregon Department of Environmental Quality (D.E.Q.) standards prior to Development Approval.

B. Interim uses may not be placed on a site in a manner that would impede future development of land designated Urban Holding Area-Employment with urban employment uses.

C. Interim uses may not be placed on a site in a manner that would impede extension of infrastructure to serve land designated Urban Holding Area-Employment from developing with urban employment uses.

D. To demonstrate compliance with this provision, and in addition to the special provisions listed in Table A, the Applicant shall submit a Future Development Plan that:

1. Includes a brief narrative explaining the existing and proposed use of the property;

2. Indicates the proposed development footprint on a scaled plot plan of the property;

3. Limits the proposed new development footprint to 1/2 acre or less of the site;

4. Addresses future street connectivity as shown in the Springfield Transportation System Plan (including the Conceptual Street Map), Regional Transportation System Plan, Springfield Comprehensive Plan, applicable Refinement Plans; and this Code;

5. Addresses the number and type of vehicle trips to be generated by the proposed use;

6. Addresses the applicable Natural Resources protection, Water Quality Limited Watercourses protection, Floodplain Overlay Development Standards, and Drinking Water Protection Overlay Development Standards of this Code.

E. Development shall utilize the following base zone development standards:

Minimum Lot/Parcel Sizes	A 50-acre minimum lot/parcel size is applied to lots/parcels 50 acres or larger. A 20-acre minimum lot/parcel size is applied to lots/parcels less than 50 acres in size. Lots/parcels less than 20 acres in size may not be further divided. **(1)**
Main Building Height	35 feet
Accessory Building Height	35 feet **(2)**
Building/Structure Setbacks: UHA-E designated parcels 20 acres and larger	20 feet from State, County, City roads, streets and local access roads. At least 100 feet from the adjoining lines of property zoned EFU; and in a location that does not impede future development of urban employment use or extension of urban infrastructure as shown in transportation plans, public facilities plans or master plans.
Building/Structure Setbacks: UHA-E designated parcels smaller than 20 acres	20 feet from State, County, City roads, streets and local access roads. 10 feet from other property lines.
Minimum Lot/Parcel Frontage	None
Minimum Lot/Parcel Depth	None

(1) Exemption: Land divisions that create lots/parcels for the purpose of establishing a Natural Resource or Public/Semi-Public Parks and Open Space designation within the floodway, wetland or riparian resource portions of the site may create lots/parcels less than 20 acres within the Natural Resource or Public/Semi-Public Parks and Open Space designation portion of the parent lot/parcel.

(2) Water tanks, silos, granaries, barns and similar accessory structures or necessary mechanical appurtenances may exceed the minimum height standard.

(6412; 6361)

3.2-930 Planning Requirements Applicable to Zoning Map Amendments

In addition to the standards, procedures and review criteria in SDC 5.22-100 applicable to Zoning Map Amendments, Table 1 provides an overview of the planning procedures required prior to rezoning land from Agriculture—Urban Holding Area (AG) to urban employment zoning

designations (e.g., Employment, Employment Mixed Use, Campus Industrial, or Industrial). Table 1 shows both City and Owner-initiated planning processes.

Table 1. Pre-Development Approval Process Steps—Urban Holding Areas	
City-Initiated Planning Process	***Owner-Initiated Planning Process***
1. City prepares Plan Amendment to address all applicable Statewide Planning Goals (e.g., amended or new refinement plan or district plan), Metro Plan and Springfield Comprehensive Plan policies and Springfield Development Code standards.	1. Applicant submits request to City to initiate amendments to the Transportation System Plan and Public Facilities and Services Plan, and other city actions that may be required prior to plan amendment approval.
2. City and Lane County approve Plan Amendment to amend Metro Plan and Springfield Comprehensive Plan. UHA-E designation is replaced with employment plan designations (e.g., Employment, Employment Mixed Use, Campus Industrial, or Industrial). AG zoning remains in effect until Master Plan and new zoning are approved.	2. Applicant prepares and submits Plan Amendment application to address all applicable Statewide Planning Goals, Metro Plan and Springfield Comprehensive Plan policies, and Springfield Development Code standards. Applicant proposes employment plan designations (e.g., Employment, Employment Mixed Use, Campus Industrial, or Industrial).
3. City prepares and approves Zoning Map Amendment to apply new land use districts (e.g., Industrial, Campus Industrial, Employment Mixed Use, or Employment). Land is planned and zoned and eligible for annexation.	3. City and Lane County approve Plan Amendment to amend Metro Plan and Springfield Comprehensive Plan. UHA-E designation is replaced with employment plan designations (e.g., Employment, Employment Mixed Use, Campus Industrial, or Industrial). AG zoning remains in effect until Master Plan and new zoning are approved.
4. Applicant prepares and submits Preliminary Master Plan and annexation applications with demonstration of key urban service provision.	4. Applicant prepares and submits Preliminary Master Plan, proposed zoning and demonstration of key urban services provision. Applicant submits annexation application.
5. City approves Master Plan and annexation.	5. City approves Master Plan and Zoning Map Amendment and annexation.
6. Applicant submits Site Plan, Subdivision and other applicable development applications.	6. Applicant submits Site Plan, Subdivision etc., development applications.

(6361)

3.3-100 Overlay Districts

Subsection:

3.3-100 Overlay Districts

3.3-100 Overlay Districts

The regulations of the overlay district shall supplement the regulations of the underlying land use district. In cases where the regulations conflict, the overlay district regulations shall supersede the underlying land use district regulations. The following overlay districts are established:

Section	***Overlay District Name***	***Metro Plan Reference***
3.3-200	Drinking Water Protection	Environmental Resources Element
3.3-300	Willamette Greenway	Willamette River Greenway, River Corridors, and Waterway Element
3.3-400	Floodplain	Environmental Resources Element
3.3-500	Hillside Development	Environmental Resources Element
3.3-600	Reserved for Future Use	
3.3-700	Reserved for Future Use	
3.3-800	Urbanizable Fringe	Growth Management and Urban Service Area Policies
3.3-900	Historic	Historic Preservation Element
3.3-1000	Nodal Development	Nodal Development Area Designation
3.3-1100	Hospital Support	Economic Element

3.3-1000 Nodal Development Overlay District

Subsections:

3.3-1005 Purpose, Applicability and Review
3.3-1010 Permitted and Prohibited Uses
3.3-1015 Location Standards
3.3-1020 Minimum Density and General Development Standards
3.3-1025 Specific Design Standards

3.3-1005 Purpose, Applicability and Review

A. Purpose. The Nodal Development (ND) Overlay District is established to work in conjunction with underlying land use districts to implement transportation-related land use policies found in Springfield Transportation System Plan and in the Metro Plan. The ND Overlay District also supports “pedestrian-friendly, mixed-use development” as outlined in the State Transportation Planning Rule.

Design standards for the ND Overlay District are structured to foster the essential characteristics of pedestrian-friendly, human scale development that define “nodal development.” These include:

1. Design elements that support pedestrian environments and encourage transit use, walking and bicycling;

2. Transit access within walking distance (generally 1/4 mile) of anywhere in the node;

3. Mixed uses and a core commercial area so that services are available within walking distance;

4. Public spaces, including parks, public and private open space, and public facilities that can be reached without driving; and

5. A mix of housing types and residential densities that achieve an overall net density of at least 12 units per acre.

It is important to note that the Nodal Development Overlay District works using the design and development standards found in SDC 3.2-600 Mixed-Use Districts, as a basis for achieving pedestrian-friendly design. The overlay district is needed to add those special standards and prohibitions that help define a nodal development area under TransPlan.

B. Applicability. The ND Overlay District applies to all property where ND Overlay is indicated on the Springfield Nodal Overlay Map, unless the property is an historic property as

specified in SDC 3.3-900. The ND Overlay District requirements described in this Section apply to the following:

1. New development on vacant land.

2. New structures on already developed sites, including the conversion of a parking area to a structure or demolition of a structure and construction of a new structure.

3. An expansion of 50 percent or more of the total existing building square footage on the development site.

4. The ND Overlay standards in this Section do not apply to a building alteration.

5. Single-unit dwellings for which building permits were filed prior to the designation of an area for nodal development are exempt from SDC 5.8-120 and from the standards of this Section for the purposes of reconstruction if the dwelling unit is partially or completely destroyed or if the dwelling undergoes renovation. Room additions or other expansions typical of a single-unit dwelling use shall also be allowed.

C. Review Procedure. All multiple unit housing, commercial and industrial development proposals within the ND Overlay District are reviewed under Type 2 procedure.

3.3-1010 Permitted and Prohibited Uses

A. Permitted Uses. The table below shows the schedule of allowed uses within each base zone. With some exceptions, the activities allowed within the base zone are also allowed within the ND Overlay District. The ND Overlay District adds the flexibility of mixing compatible uses on a given site. Mixed-use development is encouraged within the ND Overlay District. Certain auto oriented uses listed in Subsection B. below, are prohibited within the ND Overlay District.

Allowed Use Categories	***Base Zone***
Those uses allowed within Mixed-Use Commercial MUC District in SDC 3.2-610	NC, CC, MRC, GO, MUC, MS
Those uses allowed within Mixed-Use Employment MUE District in 3.2-610	LMI, SLI, HI, MUE
Those uses allowed within Mixed-Use Residential MUR District in 3.2-610	R-2, R-3, MUR
Those uses allowed within the R-1 zone as described in 3.2-210	R-1

B. Prohibited Uses.

1. Car washes.

2. Auto Parts stores.

3. Recreational vehicle and heavy truck sales/rental/service.

4. Motor vehicle sales/rental/service.

5. Service stations, including quick servicing.

6. Tires, sales/service.

7. Transit park and ride, major or minor.

EXCEPTION: Where there is a shared parking arrangement with another permitted use.

8. Agricultural machinery rental/sales/service.

9. Boats and watercraft sales and service.

10. Equipment, heavy, rental/sales/service.

11. Manufactured dwelling sales/service/repair.

3.3-1015 Location Standards

When establishing the location and boundaries of an ND Overlay District, the following criteria shall be considered:

A. The ND Overlay District shall be applied to the mixed-use centers or “nodes” identified by the City in response to its responsibility under the Springfield Transportation System Plan.

B. All parcels included within an ND Overlay District shall be located within 1/4 mile of a transit stop, and shall have near its center a commercial or employment core area. (6412)

3.3-1020 Minimum Density and General Development Standards

The General Development Standards for Mixed-Use described in SDC 3.2-625 describe the pedestrian-friendly and transit oriented design standards that apply to mixed use and nodal development. These standards apply to development within the ND Overlay District. In addition to those standards found in SDC 3.2-625, the following apply:

A. Minimum Density and Floor Area Ratio (FAR).

FAR means the amount of gross floor area of all buildings and structures on a building lot/parcel divided by the total lot/parcel area. A 2 story building that covers 50 percent of a lot/parcel would have a FAR of 1.0. Typical suburban FARs range from 0.3 to 1.0 in mixed-use centers.

1. Where the base zone is R-1, new subdivisions shall achieve a minimum residential density of 6 units per net acre. Minimum residential density in R-2 or MUR shall be 12 units per net acre; in R-3 it shall be 25 units per net acre. The combined net residential density within a node or mixed-use center shall be 12 units per acre or more.

2. Where the base zone is NC, CC, MRC, MUC, or GO, the minimum floor area ratio (FAR) is .40.

3. Where the base zone is LMI, CI or MUE, the minimum FAR is 0.25.

B. Building Setbacks.

1. Buildings occupied by commercial and industrial uses shall be set back a maximum of 20 feet from the street. There is no minimum setback from the street for commercial and industrial uses.

2. Residential uses shall be set back a maximum 25 feet from the street.

3. Where the site is adjacent to more than 1 street, a building is required to meet the above maximum setback standards on only 1 of the streets.

C. Parking Between Buildings and the Street.

1. Automobile parking, driving, and maneuvering areas shall not be located between the main building and a street.

2. For sites that abut a street, parking shall be located at the rear of the building or on one or both sides of a building when at least 40 percent of the site frontage abutting the street (excluding required interior yards) is occupied by a building and/or an enhanced pedestrian space.

EXCEPTION: These parking standards shall not apply where the base zone is R-1.

3.3-1025 Specific Design Standards

A. Specific Development Standards for Residential Uses.

1. Single-unit dwelling, detached, and Middle Housing, ,

a. Building Orientation and Connectivity to the Fronting Street

Dwelling units shall have a front door opening directly to the fronting street. A minimum 3-foot wide walkway shall connect the front door to the street. The walkway shall be constructed of a permanent hard surface (not gravel) and located directly between the street sidewalk and the front door. This walkway shall not be part of the driveway area.

b. Garage Doors. Garage door placement and design shall meet the following conditions:

i. Garage door openings facing a fronting street shall not exceed 40 percent of the width of the house façade.

ii. The garage façade shall be set back a minimum of 4 feet from the house façade. The minimum setback of the garage façade is reduced to 0 feet if the house façade has a porch, 50 square feet or more in size, encroaching into the setback.

c. Windows. A minimum area of 15 percent windows and/or dwelling doors shall be required on façades facing fronting streets, sidewalks, and multi-use paths (including garage façades). Gabled areas do not need to be included in the base wall calculation when determining the minimum 15 percent calculation for windows/doors.

d. Design Variety. Each home shall incorporate a minimum of 3 of the following 7 building design features. Applicants shall indicate which options they are proposing on plans submitted for building permits. While not all of the design features are expressly required, the inclusion of as many as possible is strongly encouraged.

i. Roof Pitch and Design. A minimum 4 to 12 roof pitch.

ii. Eaves. Eaves with a minimum 18-inch overhang.

iii. Building Materials. At least 2 different types of building materials (including, but not limited to stucco and wood, brick and stone) or a minimum of 2 different patterns of the same building material (e.g., scalloped wood and lap siding) on façades facing streets. These requirements are exclusive of foundations and roofs, and pertain only to the walls of a structure.

iv. Trim. A minimum of 2.25-inch trim or recess around windows and doors that face the street. Although not expressly required, wider trim is strongly encouraged.

v. Increased Windows. A minimum area of 20 percent windows and/or dwelling doors on façades facing streets, sidewalks, and multi-use paths (including garage façades). Gabled areas do not need to be included in the base wall calculation when determining the minimum 20 percent calculation for windows/doors.

vi. Architectural Features. At least one architectural feature included on a dwelling façade that faces the street. For the purposes of this provision, architectural features are defined as bay windows, covered porches greater than 60 square feet in size, second floor balconies, dormers related to living space, or habitable cupolas. If a dwelling is oriented so its front façade (façade with the front door) is oriented to a sidewalk and no façades of the dwelling face a street, then the architectural feature may be counted if it is located on the façade of the dwelling that faces the sidewalk and contains the front door.

vii. Architectural Details. Architectural details used consistently throughout the construction of the dwelling façades that face streets. For the purposes of this provision, architectural details are defined as exposed rafter or beam ends, eave brackets, gridded windows or windows with divided lites, or pergolas/trellis work integrated into building façades. Other architectural details may be approved by the Director. If a dwelling is oriented so its front façade (façade with the front door) is oriented to a sidewalk and no façades of the dwelling face a street, then the architectural details may be counted if they are located on the façades of the dwelling that face the sidewalk.

e. Compatibility. New single-unit dwelling, detached, and middle housing, constructed within the ND Overlay District shall be generally compatible with existing homes. The goal is to reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings, including building details, massing, proportions, and materials. To foster compatible residential development at the higher densities sought by this Section, the following standards apply.

i. Front Yard Setbacks for Buildings in Established Residential Areas. When an existing single-unit detached dwelling is located within 25 feet of the subject site and fronts on the same street as a proposed building, a front yard setback similar to that of the nearest single-unit detached dwelling must be used. "Similar" means the setback is

within 5 feet of the setback of the nearest single-unit detached dwelling. For example, if the existing single-unit detached dwelling has a front yard setback of 20 feet, then the new building shall have a front yard setback between 15 and 25 feet. If there are 2 adjacent single-unit detached dwelling fronting on the same street, then an average measurement shall be taken using the 2 adjacent residences. In no case shall the front yard setback be less than 10 feet. This standard shall not cause a front yard setback to exceed 25 feet.

Figures 3.3-A through 3.3-E are taken from the Infill and Development Handbook, Oregon TGM Program Sept. 1999.

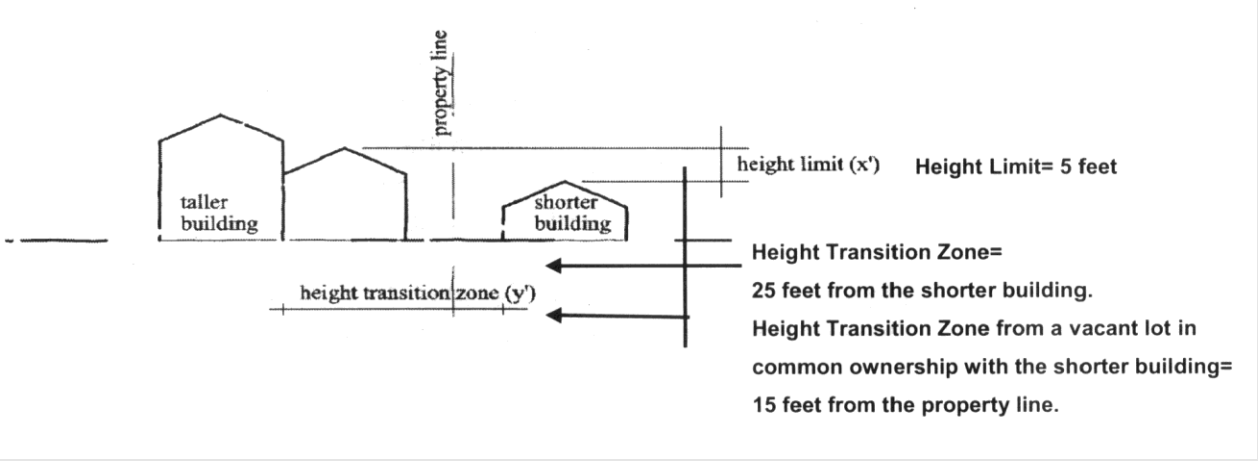
Figure 3.3-A

Similar Setback Not This

ii. Building Height Transition. Taller buildings shall step-down to provide a height transition to existing single story buildings. This standard applies to new and vertically expanded buildings within 25 feet (as measured horizontally) of an existing single story building. The standard is met when the height of the taller building or portion of the taller building does not exceed the height of the shorter building by more than 5 feet within the 25-foot horizontal zone. This horizontal zone is called the height transition zone.

When the owner of an existing single story home also owns an adjacent vacant lot/parcel, the height transition zone between the vacant lot/parcel and a new taller building shall be 15 feet as measured from the property line between the vacant lot/parcel and the new building.

Figure 3.3-B



iii. Massing and Scale. The scale, proportions, massing and detailing of any proposed building shall be in proportion to that of the block face where the building will be located. Proposed new R-1 in the ND Overlay District shall comply with the design guidelines shown in A through C below:

aa. Scale. Relate the size and proportions of new structures to the scale of adjacent buildings. Avoid buildings that in height, width, or massing, violate the existing scale of the area.

Figure 3.3-C

Recommended Avoid

bb. Massing. Break up uninteresting boxlike forms into smaller, varied masses. Avoid single monolithic forms that are not relieved by variations in massing.

Figure 3.3-D

Recommended Avoid

iv. Roof Shapes. Relate new roof forms to those found in the area. Avoid roof shapes, directional orientation, pitches, or materials that would cause the building to be out of character with quality buildings in the area.

Figure 3.3-E

Recommended Avoid

2. Multiple Unit Housing must comply with the design standards specified in SDC 4.7.380 (or alternative standards as approved under 4.7.385 or 4.7.390) and with SDC 3.2-625C.

B. Specific Development Standards for Commercial, Industrial, and Mixed-Uses.

Specific development standards for commercial, industrial and mixed-uses within the ND Overlay District shall conform to those standards specified in SDC3.2-630.

1. Commercial and Civic Uses. Commercial uses shall comply with the special development standards specified in SDC3.2-630A.

2. Light Industrial and Campus Industrial uses. Industrial uses shall comply with the development standards specified in SDC 3.2-630B.

3. Mixed-Uses. For mixed use developments, the dominant use of the building or development (dominant is defined as the use represented by the greatest floor area) shall determine the applicable development standards. If the dominant use is residential, the applicable Subsection SDC of 3.3-1025 Development Standards For Single-unit And Multi-unit Residential Uses apply. If the dominant use is commercial, SDC 3.3-1025A. Development Standards for Commercial and Civic Uses apply. If the dominant use is industrial, SDC 3.3.105B. Development Standards for Light Industrial and Special Light Industrial Uses apply.

3.3-800 Urbanizable Fringe Overlay District

Subsections:

3.3-805	**Purpose**
3.3-810	**Applicability**
3.3-815	**Schedule of Use Categories when there is an Underlying Residential, Commercial, or Industrial District**
3.3-820	**Review**
3.3-825	**Additional Provisions**

3.3-805 Purpose

The Urbanizable Fringe (UF-10) Overlay District is established to effectively control the potential for urban sprawl and scattered urbanization to achieve the goal of compact growth. This concept will remain the primary growth management technique for directing geographic patterns of urbanization in the City. The UF-10 Overlay District limits the division of land and prohibits urban development of unincorporated urbanizable land which will eventually be annexed to the City. All interim development shall be designed and constructed to City standards.

3.3-810 Applicability

A. The provisions of the UF-10 Overlay District apply to all land between Springfield's city limits and the Urban Growth Boundary.

B. EXCEPTIONS:

1. The provisions of the UF-10 Overlay District shall not apply to land designated Government and Education on the Metro Plan diagram.

2. The UF-10 Overlay District shall cease to apply upon annexation to the City.

3.3-815 Schedule of Use Categories when there is an Underlying Residential, Commercial, or Industrial District

The following uses may be permitted in the underlying residential, commercial, or industrial district subject to the provisions, additional restrictions and exceptions specified in this Code. **EXCEPT AS SPECIFIED IN SDC 3.3-810B., URBAN USES (e.g., multiple-unit housing or churches) NOT LISTED IN THE UF-10 OVERLAY DISTRICT ARE NOT PERMITTED.**

"P" = PERMITTED USE subject to the standards of this Code.

"S" = SPECIAL DEVELOPMENT STANDARDS subject to special locational and/or siting standards as specified in SDC 4.7.-100.

"D" = DISCRETIONARY USE subject to review and analysis under Type 3 procedure (SDC 5.9-100) at the Planning Commission or Hearings Official level.

"N" = NOT PERMITTED

*** = SITE PLAN REVIEW REQUIRED**

	Underlying Land use District		
Use Categories/Uses	***Residential***	***Commercial***	***Industrial***
Agricultural uses and structures	**P**	**P**	**P**
Detached single-unit dwellings, ~~and~~ manufactured homes, duplexes and accessory dwelling units (SDC 3.3.825)	**P**	**N**	**N**
Home Business (SDC 4.7-365)			
Neighborhood parks that do not require urban services (SDC 4.7-200)	**S***	**N**	**N**
Partitions (SDC 3.3-825~~E~~)	**P**	**N**	**N**
Property line adjustments	**P**	**N**	**N**
High impact facilities (SDC 4.7-160)	**S***	**S***	**S***
Low impact facilities	**P**	**P**	**P**
Temporary sales/display of produce, the majority of which is grown on the premises (SDC 4.8-125)	**P**	**P**	**P**
Tree felling (SDC5.19-100)	**P**	**P**	**P**
R.V. parks and campgrounds (SDC 4.7-220)	**S***	**N**	**N**
RV parks and campgrounds that do not require urban services (SDC 4.7-220)	**N**	**D***	**D***
Expansion of non-conforming uses existing on the effective date of Lane County's application (on either the /ICU or I/U District to the property (SDC 3.3-385(F))	**N**	**D***	**D***
Expansion or replacement of lawful uses permitted in the underlying commercial or industrial district (SDC 3.3-825(F))	**N**	**P***	**P***
Expansion or replacement of lawful discretionary uses in the underlying land use district (S 3.3-825(F))	**N**	**D***	**D***
New permitted and specific development standards in the underlying land use district within existing structures (SDC 3.3-825(F))	**N**	**P***	**P***
Manufactured home (night watch person) or manufactured unit (office) in an industrial district (SDC 4.7-185 and 4.7-170)	**N**	**N**	**S***
Certain wireless telecommunications systems facilities	**See SDC 4.3-145**	**See SDC 4.3-145**	**See SDC 4.3-145**
Linear park	**P**	**P**	**P**

(6412; 6384; 6238)

3.3-820 Review

A. The siting of single-unit dwelling detached, duplexes, and accessory dwelling units in the UF-10 Overlay District that require a Future Development Plan as specified in SDC 5.12.-120E shall be reviewed under Type 1 procedure.

B. Partitions are reviewed under Type 2 procedure.

C. All other requests are reviewed in accordance with the procedures applicable in the underlying land use district (See SDC 4.3.-145 for siting standards and review process for certain wireless telecommunications systems facilities).

D. The Hearings Officer shall hear all Type 3 land use requests. (6384)

3.3-825 Additional Provisions

A. The City shall not extend water or sanitary sewer service outside the city limits, unless a health hazard, as defined in ORS 222.840 et seq., is determined to exist. Annexation of the affected territory so served is required if the territory is within the urban growth boundary and is contiguous to the city limits.

The City may extend water or sanitary sewer outside the city limits or urban growth boundary to provide these services to properties within the city limits. As provided in ORS 222.840 et seq., the City and a majority of the electors of the affected territory may agree to an alternative to annexation to mitigate the health hazard, including extraterritorial extension of services without annexation.

B. The Lane County Sanitarian shall certify that the proposed individual waste water disposal system meets D.E.Q. standards prior to Development Approval.

C. Lane County is considered an affected party and shall be notified of all development applications.

D. Siting of Residential Uses. Detached single unit dwellings, duplexes, and accessory dwelling units are permitted in the R-1 base zone only, and must be sited to allow the future division and/or more intensive use of the property. The applicable on-site sewage disposal facility shall be conditional, and made a part of any permit necessary to achieve the standards of this Overlay District. The following standards apply:

1. The siting of single-unit dwellings, duplexes and accessory dwelling units on any lot/parcel 5 acres or more in size and zoned R-1 requires approval of a Future Development Plan as specified in SDC 5.12.120(E).

2. Additional development restrictions that limit the location of buildings and on-site sewage disposal facilities shall be applied where necessary to reserve land for future urban development.

3. Where there is an existing single unit dwelling on properties within the R-2 or R-3 land use district, one or two accessory dwelling units are permitted, irrespective of the parcel size, provided that the property can in the future meet the necessary densities for applicable district as shown on a Future Development Plan as specified in SDC 5.12.120(E).

E. Connection to the Sanitary Sewer System. Any property to be partitioned that is within the distances specified in OAR 340-071-0160(4)(A) for connection to the City's sanitary sewer system shall require annexation to the City prior to Partition Tentative Plan submittal, unless the Director determines that a topographic or man-made feature makes the connection physically impractical. In the event of such determination, the Partition application may be approved without annexation.

F. Uses requiring Discretionary review, uses requiring specific development standards, new permitted uses and expansion of permitted uses in commercial and industrial districts shall demonstrate that the use will not generate singly or in the aggregate additional need for key urban services.

G. R.V. parks and campgrounds shall be located on land classified Public Land and Open Space (PLO) and be subject to the specific development standards specified in SDC 4.7.-220.

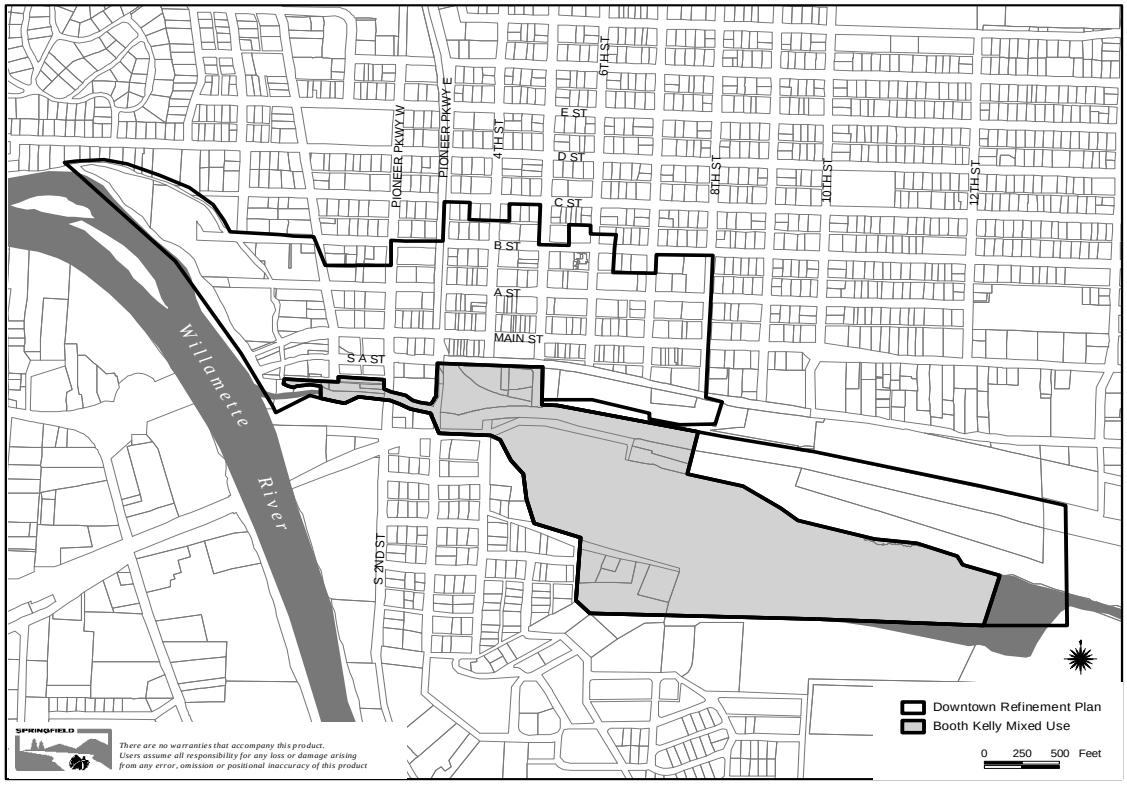
3.4-300 Booth-Kelly Mixed-Use Plan District

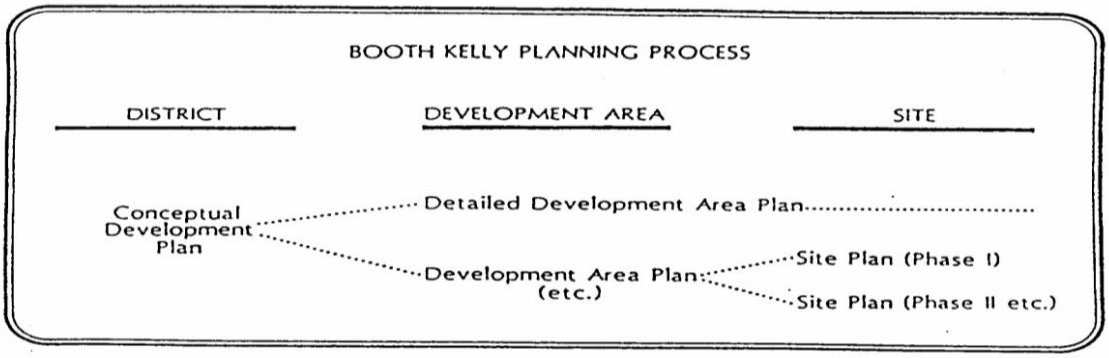
Subsections:

3.4-305 Establishment of the Booth-Kelly Mixed-Use Plan District
3.4-310 Development Area Plan and Design Standards
3.4-315 Conceptual Development Plan
3.4-320 Schedule of Use Categories
3.4-325 Base Zone Development Standards

3.4-305 Establishment of the Booth-Kelly Mixed-Use Plan District

The Booth-Kelly Mixed-Use (BKMU) Plan District is established to implement the Downtown Refinement Plan text addressing the Booth-Kelly Development Area. The standards of the BKMU Plan District are intended to be applied in conjunction with the policies of the Downtown Refinement Plan. The BKMU Plan District provides for a mixed-use employment center that complements Downtown Springfield. Within the BKMU Plan District, a variety of commercial, industrial, recreational and residential land uses are encouraged in a pedestrian-oriented setting that takes advantage of the BKMU Plan District's natural features. The Conceptual Development Plan and the Site Plan Review process will ensure that Metro Plan policies are considered in the development process, that land use conflicts are minimized, and that the BKMU Plan District's full development potential is realized.





3.4-310 Development Area Plan and Design Standards

A. The minimum development area for major redevelopment or new construction shall be 10 acres.

EXCEPTIONS:

1. The 10-acre minimum development area does not apply to lots/parcels fronting South "A" Street or the minor expansion of existing structures on existing lots.

2, The minimum development area may be reduced when the Director determines that the development proposal is in all other respects consistent with this Section, the Downtown Refinement Plan and the approved Conceptual Development Plan.

B. Development Area Plans shall be prepared by a design team comprised of a project architect, engineer and landscape architect, one of whom shall serve as a coordinator. The design team shall certify that the Development Area Plan is in conformance with Section 5.17-100.

C. The Development Area Plan shall comply with the following criteria:

1. The proposed development will create an attractive, safe, efficient, and stable environment within the Development Area.

2. Proposed buildings, streets and other uses will be designed and sited to ensure preservation of significant on-site vegetation, topographic features, and other unique or valuable natural features, and to prevent soil erosion or flood hazard and mitigate impacts on abutting properties.

D. If the Development Area Plan complies with all Site Plan Review standards of this Code subsequent permitted uses shall not require additional Site Plan Review.

3.4-315 Conceptual Development Plan

Major redevelopment and new construction shall be consistent with a Conceptual Development Plan approved by the Planning Commission, unless specified in SDC 3.4-310.

A. Development shall occur as specified in a Conceptual Development Plan for the entire BKMU Plan District. The Conceptual Development Plan or subsequent plans shall be prepared by a team of design professionals with demonstrated experience in designing large mixed-use developments. The Conceptual Development Plan shall consider the BKMU Plan District's natural features and amenities, access and circulation needs, the provision of public facilities and services, the development needs of future users and access to arterial and collector streets. Access to the Millrace and Millpond shall be maximized for all properties and land uses within the BKMU Plan District.

B. The Conceptual Development Plan shall be submitted to the Director, who shall prepare a staff report to the Planning Commission. The Planning Commission shall review the Conceptual Development Plan (a public hearing is not required). The Conceptual Development Plan shall be approved or approved with modifications including affirmative findings of compliance with the Metro Plan, the Downtown Refinement Plan and other applicable plans. The approved Conceptual Development Plan shall be kept on file in the Development Services Department.

C. Should a subsequent developer wish to depart from the Conceptual Development Plan, a modified Plan shall be developed cooperatively by the City and the subsequent developer, after consultation with representatives of adjacent heavy industrial property. Representatives of existing development in the BKMU Plan District may be consulted regarding proposed modifications at the discretion of the Director. The modified Conceptual Development Plan shall then be reviewed and approved as specified in Subsection B., above.

3.4-320 Schedule of Use Categories

A. The following uses are permitted subject to Site Plan Review approval, unless exempted elsewhere in this Section. It is expected that interim uses of buildings existing prior to the adoption of this Section will take place until redevelopment of the entire BKMU Plan District occurs under an approved Conceptual Development Plan.

B. The following buildings and uses are permitted in this Plan District as indicated subject to the provisions, additional restrictions and exceptions specified in this Code.

"P" = PERMITTED USE subject to the standards of this Code.

"S" = SPECIAL DEVELOPMENT STANDARDS subject to special locational and/or siting standards as specified in SDC 4.7-100.

"D" = DISCRETIONARY USE subject to review and analysis under Type 3 procedure (SDC 5.9-100) at the Planning Commission or Hearings Official level.

"N" = NOT PERMITTED

SITE PLAN REVIEW IS REQUIRED, unless exempted elsewhere in this Code.

Use Categories/Uses	***BKMU District***
Residential Uses	
Multiple Unit Housing (SDC 4.7.375-4.7.)	**S**
Business and Professional Offices and Personal Services	
Accountants, bookkeepers and auditors	**P**
Advertising/marketing agencies	**P**
Architects, landscape architects and designers	**P**
Art studios, fine and performing	**P**
Art restoration	**P**
Attorneys	**P**
Audio/video production studio	**P**
Authors/composers	**P**
Bank, credit unions and savings and loans	**P**
Barber and beauty shops	**P**
Business schools	**P**
Catering services	**P**
Clinics and research/processing laboratories	**P**
Collection agencies	**P**
Commodity contract brokers and dealers	**P**
Computer and information services	**P**
Child care facilities (See SDC 4.7-125)	**S**
Dentist	**P**
Detective and protective agencies	**P**
Diaper service	**P**
Doctors	**P**
Grafting, graphics and copy services	**P**
Employment agencies	**P**
Engineers and surveyors	**P**
Financial planning, investment services	**P**
Funeral services	**P**
Graphic art services	**P**
Gymnastics instruction	**P**
House cleaning services	**P**
Insurance carriers, agents, brokers and services	**P**
Interior decorator and designers	**P**
Laundry, dry cleaning, including self service, and ironing services	**P**

Use Categories/Uses	***BKMU District***
Loan companies, other than banks	**P**
Locksmiths	**P**
Lumber brokers	**P**
Mailing services/mail order sales	**P**
Management and planning consultants	**P**
Manufactured unit as a temporary construction or general office or sales office	**P**
Motion picture studio/distribution	**P**
Newspaper office and production	**P**
Non-profit organizations	**P**
Opticians	**P**
Performing arts instruction	**P**
Photocopying	**P**
Photography studios	**P**
Planners, land use	**P**
Printing/publishing	**P**
Private investigator	**P**
Psychologists and counselors	**P**
Real estate sales and management	**P**
Scientific and educational research	**P**
Security systems services	**P**
Self-defense studio	**P**
Shoe repair	**P**
Stenographers and secretarial services	**P**
Stockbrokers	**P**
Swimming pool cleaning	**P**
Tailors	**P**
Tanning salons	**P**
Telephone answering services	**P**
Title companies	**P**
Travel agencies	**P**
TV and radio broadcasting studios	**P**
Typing services	**P**
Window cleaning	**P**
Certain Wireless Telecommunications Systems Facilities	**See SDC 4.3-145**
Eating and Drinking Establishments	
Cocktail lounges	**P**
Delicatessens	**P**
Sit down restaurants	**P**
Taverns	**P**
Recreational Facilities (SDC 4.7-205)	
Amusement park	**P**
Arcades	**P**

Use Categories/Uses	***BKMU District***
Art studios, fine and performing	**P**
Athletic field	**P**
Auditoriums	**S**
Batting cages	**S**
Bingo parlors	**P**
Bowling alleys	**P**
Dance halls	**S**
Exercise studios	**P**
Exhibition hall	**P**
Golf driving range	**P**
Gyms and athletic clubs	**P**
Hot tub establishments	**P**
Hydrotubes	**S**
Miniature auto race track	**P**
Miniature golf	**P**
Movie theaters, indoor	**P**
Movie theaters, drive-in	**S**
Non-alcoholic nightclubs	**P**
Off-track betting facility	**P**
Parks, private and public	**P**
Play/tot lot	**P**
Playground	**P**
Pool halls	**P**
Recreation center	**P**
Riding stable	**P**
Shooting range	**S**
Skating rinks	**S**
Stadiums	**S**
Swimming pools	**P**
Tennis. Racquetball and handball courts	**P**
Theater, legitimate	**P**
Velodromes	**S**
Water skiing facilities	**P**
Retail Sales	
Antiques	**P**
Apparel	**P**
Art galleries and museums	**P**
Art supplies	**P**
Auction / flea markets	**P**
Automobiles	**N**
Bakeries	**P**
Bicycles	**P**

Use Categories/Uses	*BKMU District*
Boats	**P**
Books	**P**
Camera and photographic supplies	**P**
Campers	**N**
Candy, nuts and confectionery	**P**
China, glassware and metal ware stores	**P**
Cigars and cigarettes	**P**
Computers, calculators and other office machines	**P**
Convenience stores	**P**
Dairy products	**P**
Department stores	**P**
Drapery, curtains and upholstery	**P**
Dry goods, and general merchandise	**P**
Electrical supplies	**P**
Equipment rental and leasing	**P**
Fabrics and accessories	**P**
Factory Outlet stores	**P**
Farm equipment	**P**
Feed, grain and hay stores	**P**
Film drop-off and pick-up	**P**
Fish	**P**
Floor coverings	**P**
Florists	**P**
Fruits and vegetables	**P**
Furniture	**P**
Furriers	**P**
Groceries	**P**
Hardware	**P**
Hobby supplies	**P**
Household appliances	**P**
Jewelry	**P**
Liquidation Outlets	**P**
Luggage and leather	**P**
Magazines and newspapers	**P**
Mail order houses	**P**
Manufactured (mobile) / modular homes	**P**
Meats	**P**
Medical and dental supplies	**P**
Musical instruments and supplies	**P**
Novelties and gifts	**P**
Office equipment	**P**
Paint, glass and wallpaper	**P**

Use Categories/Uses	*BKMU District*
Pharmacies	**P**
Pottery	**P**
Radios, televisions and stereos	**P**
RVs, fifth wheelers and trailers	**P**
Sewing machines	**P**
Shoes	**P**
Small electrical appliances	**P**
Sporting goods	**P**
Stationary stores	**P**
Supermarkets	**P**
Toys	**P**
Transient merchants	**P**
Weapons dealers	**P**
Social and Public Institutions	
Charitable services	**P**
Community and senior centers	**P**
Educational branch facilities	**P**
Fraternal and civic organizations	**P**
Labor unions	**P**
Public offices	**P**
Transient Accommodations	
Emergency shelter / facilities	**P**
Hotels	**P**
Motels	**P**
RV parks	**P**
Youth hostels	**P**
Transportation Facilities (SDC 4.7-240)	
Docks and marinas	**D**
Heliports	**S**
Helistops	**S**
Linear park	**P**
Train stations	**S**
Transit stations	**D**
Warehouse Commercial Retail and Wholesale Sales	
Cold storage lockers	**D**
Electrical supplies	**P**
Floor covering sales	**P**
Large electrical appliance sales	**P**
Lumber yards and building materials	**D**
Merchandise vending machine operators	**P**
Mini warehouses, other inside storage	**P**
Outdoor storage areas/yards	**P**

Use Categories/Uses	***BKMU District***
Plumbing and heating supplies and contractors	**P**
Unfinished furniture	**P**
Warehouse/commercial uses engaged primarily in the wholesaling of materials to the construction industry (SDC 4.7-245)	**S**
Wholesale trade, warehousing, distribution and storage	**P**
Manufacture and/or Assembly of:	
Appliance	**P**
Apparel and other finished products made from canvas, cloth, fabrics, feathers, felt, leather, textiles, wool, yarn and similar materials	**P**
Chemical and chemical products	**P**
Communication equipment, including radio and television equipment	**P**
Compounding, or treatment of the following previously prepared materials: bone, cellophane, clay, cork, Fiberglas, glass, hair, horns, metal, paper, plastics, shells, stones, synthetic resins, textiles, tobacco, wool and yarns.	**P**
Concrete blocks. Cinder blocks and septic tanks	**P**
Costume jewelry, novelties, buttons and misc. notions	**P**
Cutlery, hand tools and hardware	**P**
Dairy products, including butter, cream, cheese, milk, yogurt	**P**
Electronic components and accessories	**P**
Electronic transmissions and distribution equipment	**P**
Engineering, laboratory, scientific and research instruments	**P**
Finished wood manufacturing and assembly, including cabinets, door frames and picture frames	**P**
Food processing and packaging to include candy and other confectionary products, vegetables, meat, poultry and seafood	**P**
Furniture, including restoration	**P**
Greeting cards, business forms and other business related printing	**P**
Industrial machinery	**P**
Lumber, wood and paper products	**P**
Manufactured/modular housing and allied components	**P**
Measuring, analyzing and controlling instruments	**P**
Medical, dental and surgical equipment and supplies	**P**
Medicinal chemicals and pharmaceutical products	**P**
Metal and metal alloy products	**P**
Metal fabrication machine shops	**P**
Musical instruments	**P**
Paints, varnishes, lacquers, enamels and allied products	**P**
Prosthetic and orthopedic devices	**P**
Office computing and accounting equipment	**P**
Optical instruments, including lenses	**P**
Perfumes and toiletries	**P**
Photographic equipment and supplies	**P**

Use Categories/Uses	***BKMU District***
Signs and advertising display	**P**
Toys, sporting and athletic goods	**P**
Transportation equipment including airplanes, auto, boats, buses, helicopters, motorcycles, railroad cars, RVs, trailers and trucks	**P**
Watches, clocks and related components	**P**
Other Primary Industrial Uses (SDC 4.7-245)	
Business, labor, scientific and professional organizations	**P**
Cleaning and dyeing plants	**P**
Ice and cold storage plants	**P**
Lubricating oils and greases	**P**
Media productions, including TV and radio broadcasting, motion picture production and newspaper/books/periodical publishing	**P**
Plating, and coating works	**P**
Regional distribution headquarters	**P**
Research development and testing laboratories and facilities	**P**
Recycling facilities	**P**
Warehouse/commercial uses engage primarily in the wholesaling of materials to the construction industry	**S**
Transportation Related, Non-manufacturing	
Automotive and heavy equipment repair and service including the recapping and re-treading of tires	**P**
Maintenance facilities for passenger bus vehicles or motor freight vehicles	**P**
Education	
College level education facilities	**P**
Trade schools	**P**
Public and Private Parks (SDC 4.7-200)	
Pocket/neighborhood parks	**S**
Community parks	**S**
Public Utility Facilities	
Communications towers, transmitters and relays	**D**
High impact facilities (SDC 4.7-160)	**S**
Low impact facilities	**P**
Fish hatcheries	**P**

(6412)

3.4-325 Base Zone Development Standards

A. The minimum lot/parcel size in the BKMU Plan District shall be 6,000 square feet for residential and commercial uses and 10,000 square feet for industrial uses. No land division is permitted prior to approval of a Conceptual Development Plan for the BKMU Plan District. The Director may waive the requirement that buildable City lots/parcels have frontage on a public street as specified in SDC 4.2-120A.

B. Unless modified by solar access standards, landscaped setbacks from the exterior boundaries of the BKMU Plan District and setbacks abutting existing and future public or private rights-of-way dedicated on the approved Conceptual Development Plan shall be 10 feet for buildings and 5 feet for parking and driveways. Zero lot line structures are permitted.

C. Where an easement is larger than the required setback standard, no building or above grade structure, except a fence, shall be built upon or over that easement.

D. There shall be no building height standards in the BKMU Plan District unless abutting a R-2 use. In this case, the following building height limitations applies:

When abutting an MDR use , the building height limitation shall be no greater than that permitted in the MDR use for a distance of 50 feet.

E. Incidental equipment may exceed the height standards if no additional floor space exceeding that necessary for the equipment is provided.

4.3-145 Wireless Telecommunications System (WTS) Facilities

(A) Purpose. This Section is intended to:

(1) Implement the requirements of the Federal Telecommunications Act of 1996;

(2) Provide a uniform and comprehensive set of standards and review procedures for the placement, operation, alteration and removal of WTS facilities;

(3) Allow new WTS facilities where necessary to provide service coverage and there is a demonstrated need that cannot be met through existing facilities;

(4) Maximize the use of existing WTS facilities in order to minimize the need to construct additional facilities;

(5) Encourage the siting of new WTS facilities in preferred locations;

(6) Lessen impacts of new WTS facilities on surrounding residential areas; and

(7) Minimize visual impacts of new WTS facilities through careful design, configuration, screening, and innovative camouflaging techniques.

(B) **Applicability/Conflicts.**

(1) Applicability. This Section applies within Springfield's city limits and its Urban Growth Boundary. No WTS facility may be constructed, altered (to include co-locations) or replaced, unless exempt, without complying with the requirements of this Section. Exempt facilities are listed in SDC 4.3.145(D) below.

(2) Conflicts. In cases where:

(a) The development standards of this Section conflict with other Sections of this Code, these standards will prevail. However, in the Glenwood Riverfront, the WTS standards regarding type and height of the antenna will apply. All other aspects of the application submittal and review process specified in this Section will apply.

(b) These development standards conflict with Federal and/or State regulations, the Federal and/or State regulations will prevail.

(C) **Pre-Existing WTS Facilities.**

(1) WTS facilities that lawfully existed prior to the adoption of the Ordinance codified in this Section are allowed to continue their use as they presently exist.

(2) Routine maintenance will be permitted on lawful pre-existing WTS facilities as specified in SDC 4.3.145(D)(1).

(3) Lawfully existing WTS facilities may be replaced as specified in SDC 4.3.145 (D)(2).

(D) **Exemptions**. The following are exempt structures or activities, however, all other applicable Federal, State and City permits will be required:

(1) Emergency or routine repairs or routine maintenance of previously approved WTS facilities.

(2) Replacement of existing previously approved WTS facilities.

(a) A WTS facility may be replaced if it:

(i) Is in the exact location of the facility being replaced;

(ii) Is of a construction type identical in height, size, lighting and painting;

(iii) Can accommodate the co-location of additional antennas or arrays;

(iv) Does not increase radio frequency emissions from any source; and

(v) Does not intrude or cause further intrusion into a setback area.

(b) Those WTS facilities that cannot meet the replacement standard in SDC 4.3.145(D)(2)(a) will be treated as new construction, requiring Type 1 or 3 review as specified in SDC 4.3.145(H).

(3) Industrial, scientific and medical equipment operating at frequencies designated for that purpose by the Federal Communications Commission.

(4) Essential public telecommunications services: military, Federal, State, and local government telecommunications facilities.

(5) Amateur and citizen band radio transmitters and antennas.

(6) Military or civilian radar operating within the regulated frequency ranges for the purpose of defense or aircraft safety.

(7) Antennas (including, but not limited to: direct-to-home satellite dishes; TV antennas; and wireless cable antennas) used by viewers to receive video programming signals from direct broadcast facilities, broadband radio service providers, and TV broadcast stations.

(8) Low-powered networked telecommunications facilities that are less than 3 cubic feet total volume for all equipment. Such facilities include, but are not limited to, microcell radio transceivers located on existing utility poles and light standards and strand-mounted wi-fi

devices within public right-of-way.

(9) Cell on Wheels (COW), which are permitted as temporary uses in nonresidential Metro Plan or 2030 Springfield Comprehensive Plan designations for a period not to exceed 14 days, or during a period of emergency as declared by the City, County, or State.

(E) **Definitions.** The words and phrases used in this Section have the following meanings:

Antenna. Any system of wires, poles, rods, reflecting discs or similar devices designed for telephonic, radio, facsimile, data, or television telecommunications through sending and/or receiving of electromagnetic waves when the system is either external to or attached to the exterior of a structure. Antennas include, but are not limited to, devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted up and rotated through a vertical mast or tower interconnecting the boom and antenna support. All of the latter elements are part of the antenna.

Antenna Height. The vertical distance measured from the ground surface at grade to the tip of the highest point of the antenna on the proposed structure.

Antenna Support. Any pole, telescoping mast, tower, tripod or any other structure that supports a device used in the transmitting and/or receiving of electromagnetic waves.

Approval Authority.

(1) Type 1~~I~~ Review. Staff has the authority to approve new co-locations, equipment replacement, and applications for low visibility and stealth WTS facilities.

(2) Type ~~III~~ 3 Review. The Planning Commission and the City Council are the Approval Authority for applications to construct high and medium visibility WTS facilities within the city limits.

(3) Type ~~III~~ 3 Review. The Hearings Official, by agreement with Lane County, is the Approval Authority for high and medium visibility WTS facilities located outside the city limits but within the Springfield Urban Growth Boundary.

Backhaul. The lines that connect a WTS provider's radio signals to one or more cellular telephone switching offices, local or long-distance providers, or the public switched telephone network.

Camouflaged. Any WTS facility that is designed to blend into the surrounding environment. Examples of camouflaged facilities include, but are not limited to: architecturally screened roof-mounted antennas; building-mounted antennas painted to match the existing structure; antennas integrated into architectural elements; towers made to look like trees; and antenna support structures designed to look like flag poles or light poles.

Carrier. A company authorized by the FCC to build and/or operate a WTS facility.

Co-Location. The use of a single WTS tower or other support structure for the placement of multiple antennas or related telecommunications equipment often involving different carriers.

Equipment Building, Shelter or Cabinet. A cabinet or building used to house associated equipment used by providers at a WTS facility. Associated equipment includes, but is not limited to, air conditioning and emergency generators.

Façade-Mounted Antenna. An antenna architecturally integrated into the façade of a building or structure.

Facility. A WTS facility.

Faux Tree. A WTS tower camouflaged to resemble a tree.

Guyed Tower. A WTS tower that is supported, in whole or in part, by guy wires and ground anchors.

High Visibility. The following WTS facilities are examples of high visibility facilities:

(1) Monopoles, lattice towers and guyed towers.

(2) Any WTS facilities that do not meet the definition of stealth, low visibility, or moderate visibility.

Lattice Tower. A guyed or self-supporting three or four sided, open, steel frame support structure used to support WTS equipment.

Low Visibility. The following are examples of low visibility WTS facilities. Except for small wireless facilities, the following WTS facilities must not exceed the height limit of the base zone and must not increase the height of an existing WTS facility:

(1) Whip antennas not exceeding 6 feet in length or height, including mounting, and measuring no more than 3 inches in diameter, located on existing structures including, but not limited to, water storage tanks, high-voltage transmission towers, utility towers and poles, sign standards, and roadway overpasses, with equipment cabinets that are screened from view.

(2) Facilities, including equipment cabinets that are screened from view through the use of architectural treatments, including, but not limited to, cupolas, steeples and parapets, and are consistent with existing development on adjacent properties.

(3) Additions to existing permitted low-visibility facilities, if the additions themselves meet the definition of low visibility and are designed to minimize visibility of the WTS facility.

(4) Changes to an existing building that are consistent with the building's architectural style and the equipment cabinets are not visible.

(5) Small wireless facilities located on small wireless facility structures in the public right-of-way that meet the standards in SDC 4.3.145(F)(28)(a). through (c).

Maintenance. Emergency or routine repairs or replacement of transmitters, antennas, or other components of previously approved WTS facilities that do not create a significant change in visual appearance or visual impact.

Microcells. These devices provide additional coverage and capacity where there are high numbers of users within urban and suburban macrocells. The antennas for microcells are mounted at street level, typically on the external walls of existing structures, lamp-posts, and other street furniture. Microcell antennas are usually smaller than macrocell antennas, and when mounted on existing structures, can often blend into building features. Microcells provide radio coverage over distances, typically between 100 meters and 1,000 meters, and operate at power levels substantially below those of macrocells.

Moderate Visibility. The following WTS facilities are examples of moderate visibility facilities:

(1) Panel-shaped antennas not exceeding 8 feet in length or height that are flush-mounted to an existing building façade or other existing structure on at least one edge, or extend a maximum of 24 inches from the building façade or other structure at any edge, do not exceed the height of the building or other structure, and are designed to blend with the color, texture, and design of the existing building or structure, with equipment cabinets that are screened from view.

(2) WTS facilities that are camouflaged, including, but not limited to, faux trees, flag poles, and light poles; provided, that the equipment building, shelter, or cabinet for the facility is screened or camouflaged.

Monopole. A WTS facility consisting of a single pole constructed for purposes of supporting 1 or more antennas without guy wires or ground anchors.

Panel or Directional Antenna. An antenna or array of antennas designed to concentrate a radio signal in a particular area.

Residential Zoning District. Any Springfield zoning district where dwelling units are intended to be the dominate land use.

RF. Radio frequency.

Roof-Mounted Antenna. Any antenna with its support structure placed directly on the roof of any building or structure.

Screened. Concealed from view with a sight obscuring fence, wall or vegetation.

Service Area. The area served by a single WTS facility.

Side-Mounted Antennas. Those antennas that are mounted on the side of a tower structure at any height, and including both the antennas and equipment with protective radome coatings. This term also includes microwave dish antennas, solid or not, located at 150 feet or lower on a tower structure, regardless of the dish diameter. The term does not include solid microwave dish antennas exceeding 6 feet in diameter that are located above 150 feet on a tower structure.

Small Top-Mounted Antennas. Any antenna mounted on the top of a tower structure where the antenna is 20 feet or less in height and 6 inches or less in outside diameter.

Small Wireless Facility. A WTS facility located on a small wireless facility structure in City limits in the public right-of-way that meets the dimensional standards in SDC 4.3.145(F)(28), typically taking the form of one or two small antenna(s) and associated pole-mounted equipment.

Speculation Tower. An antenna support structure designed for the purpose of providing location mounts for WTS facilities, without a binding written commitment or executed lease from a service provider to utilize or lease space on the tower at the time the application is submitted.

Stealth. WTS facilities including, but not limited to, microcells, antennas, equipment cabinets, and any other ancillary equipment that cannot be seen from any street or any adjacent property, improved or unimproved, and that do not result in any apparent architectural changes or additions to existing buildings. The addition of landscaping, walls, fences, or grading as screening techniques does not make an otherwise visible WTS facility a stealth facility.

Structure, Small Wireless Facility. Any utility pole, guy pole or support pole, utility pole extension, light standard or other similar pole in the public right-of-way. A small wireless facility structure may be an existing, modified, new, or replacement structure.

Telecommunications. The transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

Tower or WTS Tower. Any mast, pole, monopole, guyed tower, lattice tower, freestanding tower, or other structure designed and primarily used to support antennas; provided that, "tower" does not include small wireless facility structures.

Whip Antenna. An antenna that transmits or receives signals in 360 degrees. Whip antennas are typically cylindrical in shape, less than 3 inches in diameter and no more than 6 feet long, including the mounting.

Wireless Telecommunications System (WTS) Facility. Any facility that transmits and/or receives electromagnetic waves, including, but not limited to, antennas, dish antennas, microwave antennas, and other types of equipment for the transmission or receipt of these signals, including, but not limited to, telecommunications towers and similar supporting structures, equipment cabinets or buildings, parking areas, and other accessory development. This definition also includes any facility that transmits radio or television signals. This definition does not apply to amateur radio stations as defined by the Federal Communications Commission, Part 97 of the Commission's Rules.

General Standards. The Federal Telecommunications Act of 1996 establishes limitations on the siting standards that local governments can place on WTS facilities. Section 704 of the Act states that local siting standards must not (1) "unreasonably discriminate among providers of functionally equivalent services," nor (2) "prohibit or have the effect of prohibiting the provision of personal wireless services."

All applications for WTS facilities are subject to the standards in this Section to the extent that they do not violate Federal limitations on local siting standards. Where application of the standards found in this Section constitutes a violation, the least intrusive alternative for providing coverage areallowed as an exception to the standards.

(1) Design for Co-Location. All new towers must be designed to structurally accommodate the maximum number of additional users technically practicable.

(2) Demonstrated Need for New WTS Facilities. Except for small wireless facilities, applications must demonstrate that the proposed WTS facility is necessary to close a significant gap in service coverage or capacity for the carrier and is the least intrusive means to close the significant gap.

(3) Lack of Coverage and Lack of Capacity. Except for small wireless facilities, the application must demonstrate that the gap in service cannot be closed by upgrading other existing facilities. In doing so, evidence must clearly support a conclusion that the gap results from a lack of coverage and not a lack of capacity to achieve adequate service. If the proposed WTS facility is to improve capacity, evidence must further justify why other methods for improving service capacity are not reasonable, available or effective.

(4) Identify the Least Intrusive Alternative for Providing Coverage. Except for small wireless facilities, the application must demonstrate a good faith effort to identify and evaluate less intrusive alternatives, including, but not limited to, less sensitive sites, alternative design systems, alternative tower designs, the use of repeaters, or multiple facilities. SDC 4.3.145(F)(5) defines the type of WTS facilities that are allowed in each zoning district.

(5) Location of WTS Facilities by Type. SDC 4.3.145(E). defines various types of WTS facilities by their visual impact. These are: high visibility, moderate visibility, low visibility and stealth facilities. Table 4.3.2 lists the type of WTS facilities allowed in each of Springfield's zoning districts.

Table 4.3.2

Zoning Districts	Types Allowed
Special Heavy Industrial Heavy Industrial Light-Medium Industrial Quarry Mining Operations	High visibility Moderate visibility Low visibility Stealth
Community Commercial Campus Industrial Booth Kelly Mixed Use Major Retail Commercial Mixed Use Employment Mixed Use Commercial Medical Service Public Land and Open Space (1)	Moderate visibility Low visibility Stealth
Neighborhood Commercial General Office R-1 Residential R-2 Residential R-3 Residential Mixed Use Residential	Low visibility Stealth

(1) Moderate visibility WTS facilities in the Public Land and Open Space District are allowed only within the city limits.

(6) Maximum Number of High Visibility WTS Facilities. No more than 1 high visibility facility is allowed on any 1 lot/parcel.

However, the Approval Authority may approve exceeding the maximum number of high visibility facilities per lot/parcel if one of the following findings is made:

(a) Co-location of additional high visibility facilities is consistent with neighborhood character;

(b) The provider has shown that denial of an application for additional high visibility WTS facilities would have the effect of prohibiting service because the proposed facility would fill a significant gap in coverage and no alternative locations are available and technologically feasible; or

(c) The provider has shown that denial of an application for additional high visibility WTS facilities would unreasonably discriminate among providers of functionally equivalent services.

(7) Separation between Towers. No new WTS tower may be installed closer than 2,000 feet from any existing or proposed tower unless supporting findings can be made under SDC 4.3.145(F)(2), (3), and (4) by the Approval Authority.

(8) WTS Towers Adjacent to Residentially Zoned Property. In order to ensure public safety, all towers located on or adjacent to any residential zoning district must be set back from all

residential property lines by a distance at least equal to the height of the facility, including any antennas or other appurtenances. The setback is measured from that part of the WTS tower that is closest to the neighboring residentially zoned property.

(9) Historic Buildings and Structures. Except for small wireless facilities, no WTS facility is allowed on any building or structure, or in any district, that is listed on any Federal, State or local historic register unless a finding is made by the Approval Authority that the proposed facility will have no adverse effect on the appearance of the building, structure, or district. No change in architecture and no high or moderate visibility WTS facilities are permitted on any building or any site within a historic district. Proposed WTS facilities in the Historic Overlay District are also subject to the applicable provisions of SDC 3.3.900.

(10) Equipment Location. The following location standards apply to WTS facilities, except for small wireless facilities:

(a) No WTS facility may be located in a front, rear, or side yard building setback in any base zone and no portion of any antenna array may extend beyond the property lines;

(b) Where there is no building, the WTS facility must be located at least 30 feet from a property line abutting a street;

(c) For guyed WTS towers, all guy anchors must be located at least 50 feet from all property lines.

(11) Tower Height. Towers may exceed the height limits otherwise provided for in this Code. However, all towers greater than the height limit of the base zone requires approval through a Type 3 review process, subject to the approval criteria specified in SDC 4.3.145(I).

(12) Accessory Building Size. All accessory buildings and structures built to contain equipment accessory to a WTS facility cannot exceed 12 feet in height unless a greater height is necessary and required by a condition of approval to maximize architectural integration. Each accessory building or structure located on any residential or public land and open space zoned property is limited to 200 square feet, unless approved through the Type 3 process.

(13) Visual Impact. Except for small wireless facilities, which must meet the requirements of Subsection F.28, all WTS facilities must be designed to minimize the visual impact to the greatest extent practicable by means of placement, screening, landscaping, and camouflage. All facilities also must be designed to be compatible with existing architectural elements, building materials, and other site characteristics. The applicant must use the least visible antennas reasonably available to accomplish the coverage objectives. All high visibility and moderate visibility facilities must be sited in a manner to cause the least detriment to the viewshed of abutting properties, neighboring properties, and distant properties.

(14) Minimize Visibility. Colors and materials for WTS facilities must be nonreflective and chosen to minimize visibility. Facilities, including support equipment and buildings, must be painted

or textured using colors to match or blend with the primary background, unless required by any other applicable law.

(15) Camouflaged Facilities. All camouflaged WTS facilities must be designed to visually and operationally blend into the surrounding area in a manner consistent with existing development on adjacent properties. The facility also must be appropriate for the specific site. In other words, it must not "stand out" from its surrounding environment.

(16) Façade-Mounted Antenna. Façade-mounted antennas must be architecturally integrated into the building design and otherwise made as unobtrusive as possible. If possible, antennas must be located entirely within an existing or newly created architectural feature so as to be completely screened from view. Façade-mounted antennas must not extend more than 2 feet out from the building face.

(17) Roof-Mounted Antenna. Roof-mounted antennas must be constructed at the minimum height possible to serve the operator's service area and must be set back as far from the building edge as possible or otherwise screened to minimize visibility from the public right-of-way and adjacent properties.

(18) Compliance with Photo Simulations. As a condition of approval and prior to final staff inspection of the WTS facility, the applicant must submit evidence, e.g., photos, sufficient to prove that the facility is in substantial conformance with photo simulations provided with the initial application. If the WTS facility does not comply with the photo simulation, the applicant must complete require any necessary modification to achieve compliance within 90 days of being notified by the Director.

(19) Noise. Noise from any equipment supporting the WTS facility must comply with the regulations specified in OAR 340-035-0035.

(20) Signage. No signs, striping, graphics, or other attention-getting devices are permitted on any WTS facility except for warning and safety signage that must:

(a) Have a surface area of no more than 3 square feet;

(b) Be affixed to a fence or equipment cabinet; and

(c) Be limited to no more than 2 signs, unless more are required by any other applicable law.

(21) Traffic Obstruction. Maintenance vehicles servicing WTS facilities located in the public or private right-of-way may not park on the traveled way or in a manner that obstructs traffic.

(22) Parking. No net loss in required on-site parking spaces may occur as a result of the installation of any WTS facility.

(23) Sidewalks and Pathways. Cabinets and other equipment must not impair pedestrian use of sidewalks or other pedestrian paths or bikeways on public or private land.

(24) Lighting. WTS facilities must not include any beacon lights or strobe lights, unless required by the Federal Aviation Administration (FAA) or other applicable authority. If beacon lights or strobe lights are required, the Approval Authority will review any available alternatives and approve the design with the least visual impact. All other site lighting for security and maintenance purposes must be shielded and directed downward, and must comply with the outdoor lighting standards in SDC 4.5.100, unless required by any other applicable law.

(25) Landscaping. For WTS facilities with towers that exceed the height limitations of the base zone, at least 1 row of evergreen trees or shrubs, not less than 4 feet high at the time of planting, and spaced out not more than 15 feet apart, must be provided in the landscape setback. Shrubs must be of a variety that can be expected to grow to form a continuous hedge at least 5 feet in height within 2 years of planting. Trees and shrubs in the vicinity of guy wires must be of a kind that would not exceed 20 feet in height or would not affect the stability of the guys. In all other cases, the landscaping, screening and fence standards specified in SDC 4.4.100 apply.

(26) Prohibited WTS Facilities.

(a) Any high or moderate visibility WTS facility in the Historic Overlay District.

(b) Any WTS facility in the public right-of-way that severely limits access to abutting property, which limits public access or use of the sidewalk, or which constitutes a vision clearance violation.

(c) Any detached WTS facility taller than 150 feet above finished grade at the base of the tower.

(27) Speculation. No application will be accepted or approved for a speculation WTS tower, i.e., from an applicant that simply constructs towers and leases tower space to service carriers, but is not a service carrier, unless the applicant submits a binding written commitment or executed lease from a service carrier to utilize or lease space on the tower.

(28) Small Wireless Facilities in the Public Right-of-Way. Small wireless facilities in the public right-of-way must comply with the following standards:

(a) Small wireless facility structures must meet the following height limits, whichever is more:

(i) 50 feet or less in height, including antenna height; or

(ii) No more than 10% taller than the existing structure or other adjacent utility poles, light poles, or similar structures.

(b) Each antenna associated with the small wireless facility, excluding associated antenna equipment, must be no more than 3 cubic feet in volume.

(c) All wireless equipment associated with the structure other than the antenna, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, must be no more than 28 cubic feet in volume. Antenna equipment includes only such equipment that is associated with the antenna that is in the same fixed location as the antenna, and is installed at the same time as the antenna.

(d) All antennas on a small wireless facility structure, excluding antenna equipment, must not total more than 6 cubic feet in volume, whether an array or separate.

(e) Antennas may not project more than 5 feet above or 2 feet laterally from the pole, as measured from the inside edge of the antenna to the surface of the pole, or the minimum necessary to achieve required safety clearances. Antennas may not exceed the diameter of the pole on which they are attached, or 16 inches in diameter, whichever is greater.

(f) All equipment must be mounted to the pole at least 10 feet above grade. Alternately, equipment may be located in an underground vault or another location on the pole upon approval by the City Engineer.

(g) Other than the antenna, antenna equipment, electric meter, and power disconnect, all pole-mounted equipment must be concealed in a single flush-mounted cabinet that complies with the dimensional standards in this Section or otherwise entirely shielded from public view.
However, multiple equipment cabinets on a single pole are permitted only when necessary to comply with the pole owner's joint use requirements.

(h) All cabling and wires that run between the antenna and equipment must be concealed or shielded inside conduit.

(i) All antennas, equipment, conduit, cabling, cabinets and ancillary parts must be painted or textured in a non-reflective neutral color that matches, or is compatible with, the pole.

(j) Where there are no existing overhead utilities, utility service lines and backhaul fiber must be located underground, unless approved otherwise by the City Engineer.

(k) All new or replacement small wireless facility structures must comply with the following:

(i) A replacement small wireless facility structure must be placed as close to the same location as the existing structure as is possible, unless minor adjustments

to location are needed to comply with ADA requirements or for public safety, as determined by the City Engineer.

(ii) A new small wireless facility structure is permitted only when no other existing structure in the right-of-way is available or suitable to accommodate the small wireless facility, and no other structure in the right-of-way is available or suitable to be replaced or modified to accommodate the small wireless facility.

(iii) The location of a small wireless facility structure must allow sufficient clear space for safe passage on the sidewalk; must not be located within the vision clearance area; must not interfere with other utilities, traffic control devices, or intersections; and must be safe, as determined by the City Engineer.

(l) Small wireless facilities are not permitted on decorative light poles and no decorative light poles will be removed or replaced to accommodate small wireless facilities. However, upon a determination that no other option is reasonably available for meeting an identified capacity, coverage, or other service need, including locating the small wireless facility on private property outside the public right-of-way, the City will permit replacement of a decorative light pole with a small wireless facility that is camouflaged to match the existing decorative pole.

(m) The City may require design or concealment measures for small wireless facilities and associated structures in the Historic Overlay District. Any such design or concealment measures are not considered part of the small wireless facility for purpose of the size restrictions in this subsection.

(G) Application Submittal Requirements. All applications for a WTS facility must provide the following reports, documents or documentation:

(1) Submittal Requirements for Low Visibility and Stealth Facilities (Type 1 review). All applications for low visibility and stealth WTS facilities must submit the following reports and documentation:

(a) Narrative. The application must include a written narrative that describes in detail all of the equipment and components proposed to be part of the WTS facility, including, but not limited to, towers, antennas and arrays, equipment cabinets, back-up generators, air conditioning units, lighting, landscaping and fencing.

(b) Geographic Service Area. Except for small wireless facilities, the applicant must identify the geographic service area for the proposed WTS facility, including a map showing all of the applicant's and any other existing sites in the local service network associated with the gap the facility is meant to close. The applicant must describe how this service area fits into and is necessary for the service provider's service network.

The service area map for the proposed WTS facility must include the following:

(i) The area of significant gap in the existing coverage area;

(ii) The service area to be effected by the proposed WTS facility;

(iii) The locations of existing WTS tower facilities where co-location is possible within a 5-mile radius of the proposed WTS facility.

(c) Co-Location. An engineer's analysis/report of the recommended site location area is required for a proposed WTS tower. For small wireless facilities in the public right-of-way, this report is required only when a new structure is proposed. If an existing structure approved for co-location is within the area recommended by the engineer's report, reasons for not collocating must be provided demonstrating at least one of the following deficiencies, except for small wireless facilities which must meet the requirements in SDC 4.3-145(F)(28)(k), upon report of an engineer or other qualified individual:

(i) The structure is not of sufficient height to meet engineering requirements;

(ii) The structure is not of sufficient structural strength to accommodate the WTS facility, or there is a lack of space on all suitable existing towers to locate proposed antennas;

(iii) Electromagnetic interference for one or both WTS facilities will result from co-location; or

(iv) The radio frequency coverage objective cannot be adequately met.

(d) Plot Plan. A plot plan showing: the lease area, antenna structure, height above grade and setback from property lines, equipment shelters and setback from property lines, access, the connection point with the land line system, and all landscape areas intended to screen the WTS facility.

(e) RF Emissions. An engineer's statement that the RF emissions at grade, or at nearest habitable space when attached to an existing structure, complies with FCC rules for these emissions; the cumulative RF emissions if co-located. Provide the RF range in megahertz and the wattage output of the equipment.

(f) Description of Service. A description of the type of service offered including, but not limited to: voice, data, video and the consumer receiving equipment.

(g) Provider Information. Identification of the provider and backhaul provider, if different.

(h) Zoning and Comprehensive Plan Designation. Provide the zoning and applicable comprehensive plan (e.g., Metro Plan, 2030 Springfield Refinement Plan) designation of the proposed site and the surrounding properties within 500 feet.

(i) FCC, FAA or Other Required Licenses and Determinations. Provide a copy of all pertinent submittals to the FCC, FAA or other State or Federal agencies including

environmental assessments and impact statements, and data, assumptions, calculations, and measurements relating to RF emissions safety standards.

(j) Small Wireless Facilities in the Public Right-of-Way. Applications for small wireless facilities in City limits in the public right-of-way must also include:

(i) A structural report stamped by an Oregon licensed engineer that the small wireless facility structure can structurally accommodate the proposed small wireless facility. For attachment to existing structures, the engineer who authors and stamps the report must have conducted an in-person inspection of the pole and any issues with the condition of the pole must be noted in the report;

(ii) A photo simulation showing the maximum silhouette, color and finish of the proposed facility;

(iii) For poles that are not owned by the City of Springfield, written authorization by the pole owner regarding the specific plan to attach to the pole; and

(iv) All necessary permits and applications required under the Springfield Municipal Code, which may be processed concurrently.

(2) Submittal Requirements for Moderate and High Visibility Facilities (Type 3 Review). Applications for moderate and high visibility WTS facilities must include all the required materials for low visibility and stealth WTS facilities specified in SDC 4.3.145(G)(1). In addition to the applicable Type 2 or Type 3 application requirements, WTS applications must include the following:

(a) Height. Provide an engineer's diagram showing the height of the WTS facility and all of its visible components, including the number and types of antennas that can be accommodated. Carriers must provide evidence that establishes that the proposed WTS facilities are designed to the minimum height required from a technological standpoint to meet the carrier's coverage objectives. If the WTS facility tower height will exceed the height restrictions of the applicable base zone, the narrative must include a discussion of the physical constraints, e.g., topographical features, making the additional height necessary. The narrative must include consideration of the possibility for design alternatives, including the use of multiple sites or microcell technology that would avoid the need for the additional height for the proposed WTS facility.

(b) Construction. Describe the anticipated construction techniques and timeframe for construction or installation of the WTS facility to include all temporary staging and the type of vehicles and equipment to be used.

(c) Maintenance. Describe the anticipated maintenance and monitoring program for the antennas, back-up equipment, and landscaping.

(d) Noise/Acoustical Information. Provide the manufacturer's specifications for all noise-generating equipment including, but not limited to, air conditioning units and back-up

generators, and a depiction of the equipment location in relation to abutting properties.

(e) Landscaping and Screening. Discuss how the proposed landscaping and screening materials will screen the site at maturity.

(f) Co-Location. In addition to the co-location requirements specified in SDC 4.3.145(G)(1)(c), the applicant must submit a statement from an Oregon registered engineer certifying that the proposed WTS facility and tower, as designed and built, will accommodate co-locations, and that the facility complies with the non-ionizing electromagnetic radiation emission standards as specified by the FCC. The applicant must also submit:

(i) A letter stating the applicant's willingness to allow other carriers to co-locate on the proposed facilities wherever technically and economically feasible and aesthetically desirable;

(ii) A copy of the original Site Plan for the approved existing WTS facility updated to reflect current and proposed conditions on the site; and

(iii) A depiction of the existing WTS facility showing the proposed placement of the co-located antenna and associated equipment. The depiction must note the height, color and physical arrangement of the antenna and equipment.

(g) Lease. If the site is to be leased, a copy of the proposed or existing lease agreement authorizing development and operation of the proposed WTS facility.

(h) Legal Access. The applicant must provide copies of existing or proposed easements, access permits and/or grants of right-of-way necessary to provide lawful access to and from the site to a City street or a State highway.

(i) Lighting and Marking. Any proposed lighting and marking of the WTS facility, including any required by the FAA.

(j) Utilities. Utility and service lines for proposed WTS facilities must be placed underground.

(k) Alternative Site Analysis. The applicant must include an analysis of alternative sites and technological design options for the WTS facility within and outside of the City that are capable of meeting the same service objectives as the proposed site with an equivalent or lesser visual or aesthetic impact. If a new tower is proposed, the applicant must demonstrate the need for a new tower, and why alternative locations and design alternatives, or alternative technologies including, but not limited to, microcells and signal repeaters, cannot be used to meet the identified service objectives.

(l) Visual Impact Study and Photo Simulations. The applicant must provide a visual impact analysis showing the maximum silhouette, viewshed analysis, color and finish palette, and screening for all components of the proposed WTS facility. The analysis must include photo simulations and other information necessary to determine visual impact of the facility as seen from multiple directions. The applicant must include a map showing where the photos were taken.

(3) Independent Consultation Report.

(a) Review and approval of WTS facilities depends on highly specialized scientific and engineering expertise not ordinarily available to Springfield staff or to residents who may be adversely impacted by the proposed development of these facilities. Therefore, in order to allow the Approval Authority to make an informed decision on a proposed WTS facility, the Director may require the applicant to fund an independent consultation report for all new moderate and high visibility facilities. The consultation must be performed by a qualified professional with expertise pertinent to the scope of the service requested.

(b) The scope of the independent consultation must focus on the applicant's alternatives analysis. The consultant will evaluate conclusions of applicant's analysis to determine if there are alternative locations or technologies that were not considered or which could be employed to reduce the service gap but with less visual or aesthetic impact. There may be circumstances where this scope may vary but the overall objective is to verify that the applicant's proposal is safe and is the least impactful alternative for closing the service gap.

(c) The applicant must be informed of the Director's decision about the need for an independent consultation at the time of the Pre-Submittal Meeting that is required under SDC 5.1.120(C). It is anticipated that the independent consultation will be required when the applicant proposes to locate a moderate or high visibility WTS facility in a residential zoning district or within 500 feet of a residential zoning district. Other instances where a proposed WTS facility may have a visual or aesthetic impact on sensitive neighborhoods could also prompt the Director to require an independent consultation.

(H) Review Process. The review process is determined by the type of WTS facility or activity that is proposed. High or moderate visibility WTS facilities are reviewed through a Type 3 procedure. Low visibility or stealth facilities, and the co-location of new equipment of existing facilities are allowed under a Type 1 procedure with applicable building or electrical permits. Routine equipment repair and maintenance do not require planning review; however, applicable building and electrical permits are required.

(1) Development Issues Meeting. A Development Issues Meeting (DIM) as specified in SDC 5.1.120(A). is required only for high and moderate visibility WTS facility applications. Applicable development standards as specified in SDC 4.3.145(F). and submittal requirements as specified in SDC 4.3.145(G), will be discussed at the DIM.

(2) Type 1 Review. The following WTS facilities are allowed with the approval of the Director with applicable building and electrical permits:

(a) Stealth and low visibility WTS facilities, as defined in SDC 4.3.145(E), in any zoning district.

(b) Façade-mounted antennas or low powered networked telecommunications facilities, e.g., as those employing microcell antennas integrated into the architecture of an existing building in a manner that no change to the architecture is apparent and no part of the WTS facility is visible to public view.

(c) Antennas or arrays that are hidden from public view through the use of architectural treatments, e.g., within a cupola, steeple, or parapet which is consistent with the applicable building height limitation.

(d) New antennas or arrays including side-mounted antennas and small top-mounted antennas that are attached to an existing broadcast communication facility located in any zone. No more than 3 small top-mounted antennas must be placed on the top of any one facility without a Type 3 review.

(e) To minimize adverse visual impacts associated with the proliferation and clustering of towers, co-location of antennas or arrays on existing towers must take precedence over the construction of new towers, provided the co-location is accomplished in a manner consistent with the following:

(i) An existing tower may be modified or rebuilt to a taller height to accommodate the co-location of additional antennas or arrays, as long as the modified or rebuilt tower will not exceed the height limit of the applicable zoning district. Proposals to increase the height of a tower in a residential zoning district, or within 500 feet of a residential zoning district must be reviewed under a Type 3process. The height change may only occur one time per tower.

(ii) An existing tower that is modified or reconstructed to accommodate the co-location of additional antennas or arrays must be of the same tower type and reconstructed in the exact same location as the existing tower.

(f) Small wireless facilities proposed within the public right-of-way on an existing, modified, new, or replacement small wireless facility structure in any zoning district in City limits, that meet the standards in SDC 4.3.145(F)(28).

(g) Co-location of antennas or arrays on existing WTS facilities.

(h) The Director will use the applicable criteria specified in SDC 4.3.145(I) to evaluate the proposal.

(3) Type 3 Review Process. A Type 3 application, processed concurrently with the Site Plan Review application, is required for the following WTS facilities:

(a) High visibility and moderate visibility WTS facilities.

(b) All other locations and situations not specified in SDC 4.3.145(H)(2) and (3).

(c) The Approval Authority will use the applicable criteria specified in 4.3.145(I).

Council Notification and Possible Review.A briefing memorandum must be prepared and submitted to the City Council upon receipt of an application for a high or moderate visibility or any other WTS facility subject to review by the Planning Commission. By action of the City Council, an application for a facility proposed within the city limits may be elevated for direct City Council review. In those instances where an application is elevated for direct review, the City Council is the Approval Authority.

(I) Approval Criteria.

(1) Low Visibility and Stealth WTS Facility Applications. The Director must approve the low visibility and stealth WTS facility applications upon a determination that the applicable standards specified in SDC 4.3.145(F) and the submittal requirements specified in SDC 4.3.145(G) are met.

(2) Moderate and High Visibility WTS Facility Applications. The Approval Authority must approve moderate visibility and high visibility WTS facility applications upon a determination that the applicable standards in SDC 4.3.145(F) and the submittal requirements in SDC 4.3.145(G) are met. The Approval Authority must also determine if there are any impacts of the proposed WTS facility on adjacent properties and on the public that can be mitigated through application of other Springfield Development Code standards or conditions of approval as specified in SDC 4.3.145(J).

(J) Conditions of Approval. For Type 3 applications, the Approval Authority may impose any reasonable conditions deemed necessary to achieve compliance with the approval criteria.

(K) Maintenance. The property owner and the carrier in charge of the WTS facility and tower must maintain all equipment and structures, landscaping, driveways and mitigating measures as approved. Additionally:

(1) All WTS facilities must maintain compliance with current RF emission standards of the FCC, the National Electric Safety Code, and all State and local regulations.

(2) All equipment cabinets must display a legible operator's contact number for reporting maintenance problems.

(L) Inspections.

(1) The City has the authority to enter onto the property upon which a WTS facility is located to inspect the facility for the purpose of determining whether it complies with the Building Code and all other construction standards provided by the City and Federal and State law.

(2) The City reserves the right to conduct inspections at any time, upon reasonable notice to the WTS facility owner. In the event the inspection results in a determination that violation of applicable construction and maintenance standards established by the City has occurred, remedy of the violation may include cost recovery for all City costs incurred in confirming and processing the violation.

(M) Abandonment or Discontinuation of Use. The following requirements apply to the abandonment and/or discontinuation of use for all WTS facilities:

(1) All WTS facilities located on a utility pole must be promptly removed at the operator's expense at any time a utility is scheduled to be placed underground or otherwise moved.

(2) All operators who intend to abandon or discontinue the use of any WTS facility must notify the City of their intentions no less than 60 days prior to the final day of use.

(3) WTS facilities are considered abandoned 90 days following the final day of use or operation.

(4) All abandoned WTS facilities must be physically removed by the service provider and/or property owner no more than 90 days following the final day of use or of determination that the facility has been abandoned, whichever occurs first.

(5) The City reserves the right to remove any WTS facilities that are abandoned for more than 90 days at the expense of the facility owner.

(6) Any abandoned site must be restored to its natural or former condition. Grading and landscaping in good condition may remain.

(N) Review of WTS Facilities Standards. In the event that the Federal or State government adopts mandatory or advisory standards more stringent than those described in this Section, staff will prepare a report and recommendation for the City Council with recommendations on any necessary amendments to the City's adopted standards.

4.7-100 Specific Development Standards

Subsections:

4.7-105	**Accessory Structures**
4.7-110	**Animal Overnight Accommodations**
4.7-115	**Auto, Manufactured Dwelling, RV, Boat, Motorcycle and Truck Sales, Service and Rentals**
4.7-145	**Eating and Drinking Establishments**
4.7-150	**Garden Supply and Feed Stores**
4.7-160	**High Impact Public Facilities**
4.7-170	**Manufactured Dwelling as a Permanent Office**
4.7-175	**Manufacturing as a Secondary Use in Commercial Districts**
4.7-177	**Marijuana Uses**
4.7-180	**Mixed Use Districts**
4.7-185	**Night Watchman's Quarters**
4.7-190	**Professional Offices**
4.7-195	**Public/Private Elementary/Middle Schools**
4.7-200	**Public and Private Parks**
4.7-203	**Public Land and Open Space**
4.7-205	**Recreational Facilities**
4.7-210	**Residential Uses in Commercial Districts**
4.7-225	**RVs as a Residential Use in Manufactured Dwelling Parks in Glenwood**
4.7-230	**Secondary Retail Sales in the GO District**
4.7-235	**Small Scale Repair and Maintenance Services**
4.7-240	**Transportation Facilities—Transit Stations, Heliports and Helistops**
4.7-245	**Warehouse Commercial Retail and Wholesale**
4.7-250	**Wellness Centers in the PLO District**

• 4.7-105 Accessory Structures

This Subsection regulates structures that are incidental to allowed residential uses to prevent them from becoming the predominant element of the site.

A. Accessory Structure Groups. Accessory structures are divided into 3 groups based on their characteristics. Accessory structures may be attached or separate from primary structures.

1. Group A. This group includes buildings and covered structures for example, garages, bedrooms or living rooms, including bathrooms that are not an accessory dwelling unit as defined in SDC 5.5-100, art studios, gazebos, carports, greenhouses, storage buildings, boathouses, covered decks and recreational structures. Agricultural structures as defined in this Code are deemed Group A accessory structures if located on lots/parcels less than 2 acres in size.

2. Group B (Architectural Extensions). This group includes uncovered, generally horizontal structures for example, decks, stairways, in ground or above ground swimming pools, tennis courts, and hot tubs.

3. Group C (Incidental Equipment). This group includes generally vertical structures for example, flag-poles, trellises and other garden structures, play structures, radio antennas, satellite receiving dishes and lampposts. This group also includes rooftop solar collectors. Fences are addressed in SDC 4.4-115.

B. General Standards.

1. Accessory structures may be located anywhere on a site if they are not in a required building setback, except that accessory structures may be permitted in a required building setback as specified in SDC 4.7.105(C), (D) and (E), below.

2. Accessory structures shall be constructed in conjunction with or after construction of the primary structure; they shall not be built in advance of the primary structure.

C. Group A Standards.

1. Lot/Parcel Coverage. The combined square footage of all Group A accessory structures and the primary structure may not exceed the lot/parcel coverage standards specified in SDC 3.2-215.

2. Relationship to Primary Structure. A Group A structure may not have more square footage than the primary structure.

3. Height. Group A accessory structures may be as high as the primary structure, provided that the solar access provisions of this Code are met.

4. Location. Group A accessory structures shall meet the setbacks specified in SDC 3.2-215.

5. Agricultural structures as defined in this Code shall be exempt from Subsections B.2. and C. 1. through 3., above if located on lots/parcels 2 acres or larger or on land with a valid farm deferral tax classification from the Oregon State Department of Revenue.

D. Group B Standards.

1. Accessory structures, not including attached rails, benches and planter boxes, which are less than 2-½ feet in height (average finished grade) are allowed in required building setbacks.

2. Accessory structures, not including attached rails, benches and planter boxes, which are between 2-½ feet and 6 feet in height (average finished grade) are not allowed in required front yard building setbacks. They are allowed in required side and rear building setbacks, but not within 3 feet of a property line.

3. Accessory structures, which are over 6 feet in height, (average finished grade) are not allowed in any required building setbacks.

4. Swimming pools, tennis courts, and other accessory structures, which require fences shall not be located within the front yard setback.

E. Group C Standards. Group C accessory structures are only allowed in required building setbacks if they are no more than 2 feet in width or diameter, and no taller than 8 feet.

Flagpoles may be located outside of required setbacks or easements with a maximum height of 30 feet. (6238)

4.7-105

- 4.7-110 Animal Overnight Accommodations

Buildings used for the overnight accommodation of animals, and structures that enclose animals outside of buildings, shall be constructed to ensure that noise or odor do not disturb the normal operation or tranquility of neighboring residential, business, campus industrial or public land uses.

- 4.7-115 Auto, Manufactured Dwelling, RV, Boat, Motorcycle and Truck Sales, Service and Rentals

A. Prior to the sale or rental of any vehicle:

1. Auto and truck dealers shall occupy an office/sales building (new construction) or any existing structure of at least 1,000 square feet, with non-metallic siding and roofing, and located where possible on the front portion of the lot/parcel. Used car and truck sales or car rentals shall be permitted only as secondary uses in the Downtown Exception Area, i.e., where a new car dealership is the primary use. If a new car dealership terminates business in the Downtown Exception Area, and that new car dealership also included the sale of new cars, used cars may continue to be sold from those premises and the business shall be classified as a pre-existing nonconforming use. The business shall install a decorative iron or masonry fence, raised planter or combination thereof that will prevent vehicles from encroaching on sidewalks. Under no circumstances shall the used car sales business be allowed to expand onto additional property not occupied by used car sales within the previous 90 days.

2. All truck rental facilities shall have approved concrete wheel stops and a 4-foot high fence where permitted in this Code, preferably chain or cable, with bollards placed at 5-foot intervals and secured in the ground with concrete footings of

appropriate size and depth to prevent trucks from driving on sidewalks or over curbs. These barriers shall be located between the sidewalk and the paved parking or travel area.

B. Mobile/Manufactured Dwelling and RV Sales Are Prohibited in the Downtown Exception Area. A permanent office/sales building of at least 1,000 square feet, with non-metallic siding and roofing, which may be a Class A Manufactured Home, shall be located where possible on the front of the lot/parcel, prior to the sale or rental of any vehicle, home or accessory product.

C. All activities associated with motor vehicle repair and service, with the exception of maintenance activities including the pumping gas or changing tires, shall take place within a building constructed to ensure that noise or odors do not disturb the normal operation or tranquility of neighboring residential, commercial, campus industrial or public land uses. Storage of motor vehicles to be repaired shall be screened by a sight-obscuring fence. Service stations in the NC District shall be limited to 2 pumps. A 5-foot wide landscape strip shall be installed along the street frontage of all service stations.

D. Storage of boats and motorcycles to be repaired shall be screened by a sight-obscuring fence.

E. In the BKMU Plan District, automobile, boat, camper and RV sales shall be located entirely indoors and primarily sell new units.

4.7-4.7-142

- 4.7-145 Eating and Drinking Establishments

The cumulative total area of sit-down restaurants and delicatessens, secondary retail uses and exercise studios in the GO District shall be limited to no more than 10 percent of the gross floor area of the office building in which they are sited.

- 4.7-150 Garden Supply and Feed Stores

Garden supply and feed and seed stores shall be permitted only as secondary uses in the MRC District. The bulk storage or sales of fertilizer, feed or plant materials that require heavy equipment for loading is prohibited.

- 4.7-160 High Impact Public Facilities

A. A high impact public facility may be approved subject to Site Plan Review when the facility is designated on the Metro Plan's Public Facilities and Services Plan, or in the Campus Industrial District on an approved Conceptual Development Plan or Master Plan. All other high impact public facilities are subject to Discretionary use approval in accordance with a Type 3 review procedure.

B. The facility shall be screened as specified in SDC 4.4-100.

C. In residential districts**,** a minimum of 25 percent of the lot/parcel shall be landscaped.

- 4.7-170 Manufactured Dwelling as a Permanent Office

Permanent Office. A manufactured dwelling, provided it meets City and State construction and safety standards for the proposed use, may be used as a permanent office building in the Light-Medium Industrial and Heavy Industrial Districts provided the following conditions are met prior to occupancy:

A. A permanent foundation is provided for the manufactured dwelling.

B. Siding shall be compatible with adjacent structures; the roof shall have a minimum 16 percent pitch.

C. Foundation covers, skirting, landscaping and backfill shall be required.

D. The manufactured dwelling shall be a Type 1 or Type 2 unit.

E. Compliance with these regulations shall be a condition of continued use of the manufactured dwelling on the property.

- 4.7-175 Manufacturing as a Secondary Use in Commercial Districts

Manufacture or assembly of goods or products shall occur indoors, shall not generate more noise, odor or other physical attributes than the permitted uses, shall occupy less than 50 percent of the floor area of the building, and the goods or products shall be sold on premises.

- 4.7-177 Marijuana Uses

A. Marijuana Retail Outlets shall be:

1. Licensed or registered and operated in accordance with Oregon Revised Statutes and applicable Oregon Administrative Rules.

2. Licensed and regulated as specified in Chapter 7 of the Springfield Municipal Code.

3. Fully contained in a permanent building in the Community Commercial or Major Retail Commercial Zoning Districts.

4. Prohibited in any district except CC and MRC.

B. Where permitted by this Code, Marijuana Retail Outlets shall not be located:

1. At the same address as another licensed or registered marijuana business.

2. Within 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors ("within 1,000 feet" means a straight line measurement in a radius extending for 1,000 feet or less in every direction from any point on the boundary line of the real property comprising an existing public or private elementary, secondary or career school primarily attended by minors).

3. Within 500 feet of parks where minors congregate ("within 500 feet" means a straight line measurement in a radius extending for 500 feet or less in every direction from any point on the boundary line of the real property comprising a Marijuana Retail Outlet).

4. Within 50 feet of any residential zoning district ("within 50 feet" means a straight line measurement in a radius extending for 50 feet, including public right-of-way, in every direction from any point of the property containing a Marijuana Retail Outlet.

C. Additional Marijuana Retail Outlet Regulations. A Marijuana Retail Outlet shall:

1. Not have a drive-up window.

2. Not operate from any temporary facility in any zone.

3. Provide for secure storage of exterior refuse containers.

4. Not include outdoor storage of merchandise, raw materials, or any other material associated with retail sales.

5. Preclude any use of products on site unless expressly exempted by state statute.

6. Not be allowed as a home occupation in any zone.

D. Industrial Uses.

Indoor Production	Outdoor Production
Tier 1- Up to 5,000 square feet	Tier 1- up to 20,000 square feet
Tier II- 5,001-10,000 square feet	Tier II- 20,001-40,000 square feet

Production Facilities.

1. Indoor Production Facilities licensed by the State of Oregon as a Tier 1 operation shall be located within a permanent structure on a lot no smaller than 1 acre in size, shall not be located within 500 feet of any zoning district allowing residential use, and shall provide a controlled exhaust system with filters designed to significantly reduce or eliminate odors at the property line.

2. Indoor Production Facilities licensed by the State of Oregon as a Tier II operation shall be located within a permanent structure on a lot no smaller than 5 acres in size, shall not be located within 1,000 feet of any zoning district allowing residential use, and shall provide a controlled exhaust system with filters designed to significantly reduce or eliminate odors at the property line.

3. Outdoor Production Facilities licensed by the State of Oregon as a Tier I operation shall be located on a lot no smaller than 5 acres in size, shall not be located within 1,000 feet of any zoning district allowing residential use, and shall be screened or secured in accordance with state statutes and this Code for outdoor storage. Any structure on-site used for production purposes shall provide a controlled exhaust system with filters designed to significantly reduce or eliminate odors at the property line.

4. Outdoor Production Facilities licensed by the State of Oregon as a Tier II operation shall be located on a lot no smaller than 10 acres in size, shall not be located within 1,000 feet of any zoning district allowing residential use and shall be screened or secured in accordance with state statutes and this Code for outdoor storage. Any structure on-site used for production purposes shall provide a controlled exhaust system with filters designed to significantly reduce or eliminate odors at the property line.

Processing Facilities.

1. Processing Facilities performing testing, including marijuana testing laboratories, processing, or manufacture of edibles or concentrates shall be located within LMI or HI Districts and be completely enclosed within a permanent structure provided with a controlled exhaust system with filters designed to significantly reduce or eliminate odors at the property line.

2. Processing Facilities processing cannabinoid extracts shall be located within HI Districts, shall be located 500 feet from any district allowing residential use and be completely enclosed within a permanent structure provided with a controlled exhaust system with filters designed to significantly reduce or eliminate odors at the property line and shall be subject to Type II Site Plan Review.

3. Licensed or registered and operated in accordance with Oregon Revised Statutes and applicable Oregon Administrative Rules.

4. Licensed and regulated as specified in Chapter 7 of the Springfield Municipal Code.

5. Located on and take access from an arterial or collector street.

Wholesale Facilities.

1. Licensed or registered and operated in accordance with Oregon Revised Statutes and applicable Oregon Administrative Rules.

2. Licensed and regulated as specified in Chapter 7 of the Springfield Municipal Code.

3. Located on and take access from an arterial or collector street.

4. Within 50 feet of any residential zoning district ("within 50 feet" means a straight line measurement in a radius extending for 50 feet, including public right-of-way, in every direction from any point of the property containing a Marijuana Wholesale Facility

5. No retail sales shall be permitted from any wholesale marijuana distribution facility.

6. No outdoor storage of any marijuana items shall occur at a wholesale marijuana distribution facility.

E. The siting of a future school, daycare or park use that affects a licensed marijuana business existing at the time of the siting, shall not make the existing marijuana business in violation of the locational standards specified in this Code, nor shall it be grounds to refuse to renew a license.

F. In the event that a licensed or registered marijuana business is existing on May 17, 2016, that existing use is allowed to continue as approved. In the event a marijuana business is unoccupied, discontinued or unlicensed for 6 months or more after the above date, it shall be subject to the nonconforming use standards of SDC 5.8-100 of this Code.

G. Planning Review.

1. When the proposed marijuana business is a change of use in an existing building, Minimum Development Standards (MDS) as specified in SDC 5.15-100 will apply.

2. When the proposed marijuana business is to be located in a new building, Site Plan Review standards as specified in SDC 5.17-100 will apply.

3. MDS or Site Plan Review approval by the Director will require, in addition to any other conditions of approval, a copy of the state license or registration and a copy of the City of Springfield marijuana business license pursuant to Chapter 7 of the Springfield Municipal Code. These documents shall be required prior to occupancy.

4. All marijuana businesses allowed under this Code shall occur on properties inside city limits.

(6352)

4.7-177

- 4.7-180 Mixed Use Districts

A. Specific development standards for the MUC District shall be the same as those specified in SDC 3.2-310 as an "S" use and listed in applicable Subsections of SDC 4.7-100, and the following:

EXCEPTIONS:

1. Drive-through uses may conflict with safe and convenient movement of pedestrians and bicycles within MUC Districts. A drive-through use, for the purposes of this Section, is defined as a business activity involving buying or selling goods or provision of services wherever one of the parties conducts the activity from within a motor vehicle. Facilities usually associated with a drive-through usually involve queuing lines, service windows, service islands, and service bays for vehicular use. Drive-through uses are therefore not permitted in MUC Districts unless the use is incidental to a primary site use, and when designed in conformance with the following standards:

a. The drive-through use shall be limited to service windows which are part of a primary use structure, and no more than 2 queuing lanes.

b. Drive-up facilities shall be designed so that circulation and drive-up windows are not adjacent to sidewalks or between buildings and the street, to the maximum extent practicable.

2. Parking Lots and Parking Structures, Public and Private.

a. In MUC Districts, surface parking lots abutting public streets shall include perimeter landscaping and shade trees as specified in SDC 3.2-315 and 4.4-100.

b. Parking structures located within 20 feet of pedestrian facilities, including, but not limited to: public or private streets, pedestrian accessways, greenways, transit stations, shelters, or plazas, shall provide a pedestrian-scale environment on the façade facing the pedestrian facility. One or more of the following techniques may be used:

i. Provide retail or office uses on the ground floor of the parking structure facing the pedestrian facility;

ii. Provide architectural features that enhance the ground floor of a parking structure adjacent to the pedestrian facility, for example,

building articulation, awnings, canopies, building ornamentation and art; and/or

iii. Provide pedestrian amenities in the transition area between the parking structure and pedestrian facility, including landscaping, trellises, seating areas, kiosks, water features with a sitting area, plazas, outdoor eating areas, and drinking fountains.

c. In MUC Districts, parking lots shall be located beside or behind buildings, internal to the development on a site. Existing or new outparcel buildings between a large parking lot and the street shall be used to help define the streetscape, and lessen the visual impact of the parking lot from the street.

d. Small scale repair and maintenance services. In MUC Districts these services shall take place entirely indoors, and buildings shall be constructed and utilized to ensure that noise or odor do not disturb the normal operation and tranquility of neighboring residential and business area.

B. Specific development standards for uses within the MUE District shall be the same as those specified in SDC 3.2-410 as an “S” use and listed in applicable Subsections of this Section.

C. Specific development standards for uses within the MUR District shall be the same as those specified in SDC 3.2-210 as an “S” use and listed in applicable Subsections of this Section as they apply to MDR and HDR development.

EXCEPTIONS:

1. Professional offices specified in SDC 4.7-190 are exempt from those specific development standards, but shall meet the standards for development specified in SDC 3.2-630(C)(3).

2. The MUR District allows uses that are not allowed in the MDR and HDR Districts. Permitted uses are listed in SDC 3.2-610. Nonresidential uses that are not "professional office" related but have "S" designations in SDC 3.2-610, shall comply with the development standards listed in SDC 3.2-630(C)(3).

3. Residential and Child Care Uses shall comply with the specific development standards listed in SDC 4.7-125.

4.7-180

- 4.7-185 Night Watchman’s Quarters

A manufactured unit, provided it meets City and State standards for safety and construction, may be used as a permanent residence for employees of businesses or property owners in

Community Commercial, Light Medium Industrial, and Heavy Industrial Districts when their presence is required for security purposes by the employer 24 hours a day; provided the following standards are met.

A. A permanent foundation shall be provided for the manufactured unit, unless the manufactured unit will be used for less than 120 days.

B. The manufactured unit shall be removed from the premises within 30 days if the business requiring security personnel or the property owner ceases operation.

C. Foundation cover-skirting, landscaping, and backfill shall be required.

D. The manufactured unit is either a Type 1 or Type 2.

4.7-185

- 4.7-190 Professional Offices

A. Professional offices in residential districts are permitted when:

1. The lots/parcels are adjacent to CC, MUC or MRC Districts; and

2. The majority of the square footage of the structure on the lot/parcel is not more than 100 feet from CC, MUC or MRC Districts. Where public-right-of-way separates the residential district from the commercial district, the right-of-way width is not counted in the measurement.

B. A professional office exceeding 2,000 square feet of gross floor area shall abut an arterial or collector street.

C. No parking shall be permitted within the front yard setback. Required parking shall be screened from the public view.

D. For structures on the Springfield Historic Inventory, any external modification shall be fully compatible with the original design.

E. Professional offices permitted are limited to: accountants, architects, attorneys, computer programmers, designers, engineers, insurance agencies, investment counselors, licensed real estate agents, medical and dental practitioners, counselors, planners, and studios for artists, interior decorators and photographers, and similar general office uses engaged in support services to their businesses and/or their parent companies.

F. A minimum of 25 percent of the lot/parcel shall be landscaped. (6238)

4.7-190

- 4.7-195 Public/Private Elementary/Middle Schools

A. Schools are identified in the Metro Plan or Springfield Comprehensive Plan as key urban services, which shall be provided in an efficient and logical manner to keep pace with demand. Schools may be located in any zone that permits schools. A unique relationship exists between schools and the community, which requires special consideration when applying screening standards. Maintaining clear sight lines for the security and safety of children is desirable and may be achieved through the use of non-opaque fencing and/or landscaping. The screening standards in SDC 5.17.100 are applied only when required to screen playground structures, spectator seating facilities, parking, storage yards and trash receptacles or where significant conflicts are determined by the Director.

1. All new facilities and additions over 10,000 square feet or those additions exceeding 50% of the size of the existing building must be apthrough a Type 3 procedure concurrently with the concurrently with the Site Plan application. In addition to the Site Plan approval criteria, the Type 3 application must also address the standards specified in SDC 4.7.195(A)(2) through (11), below.

EXCEPTION: Public/Private Elementary/Middle Schools in the PLO District are reviewed through a Type 2 procedure.

2. A maximum of 65% of the site may be covered in impervious surface. The remainder of the site shall comply with the planting standards in SDC 4.4.100.

3. Schools shall have a landscaped front yard of 20 feet and landscaped side and rear yards of 30 feet. Athletic spectator seating structures adjoining residential uses shall be set back at least 75 feet, unless the Director determines that adequate buffering can be provided with a reduced setback. However, in no instance shall this setback (from spectator facilities) be less than 30 feet. Parking areas shall maintain a landscaped buffer of 15 feet when adjoining a residential use.

4. Light shall be directed away from adjoining less intensive uses.

5. Other uses permitted within school facilities include day care facilities, social service offices or other after school program activities approved by the School District and which otherwise do not require discretionary approval.

6. All plants used for “landscaped buffering” shall be a minimum of 5-gallon in size and shall reach a height of at least 36 inches within 1 year of planting.

7. Paved playground areas may be used as overflow parking for special events.

8. All parking lots and driveways shall be designated to separate bus and passenger vehicle traffic. All parking lots shall have sidewalks raised a minimum of 6 inches above grade where pedestrians have to cross parking lots to enter or leave the school grounds. All parking lots must be designed so that a person walking between the bicycle parking facilities and the main building entrance or

primary point of entry to the school is not required to cross a driveway, loading space, or other area intended for motor vehicle circulation. The Director may require wider sidewalks at major approaches to schools as deemed necessary for pedestrian safety and capacity.

9. Any jointly shared recreational facilities, playgrounds or athletic field shall require a joint use agreement that will provide for public use and continued maintenance.

10. Elementary schools shall have a maximum building height of 35 feet, middle schools shall have a maximum building height of 45 feet.

11. A Traffic Impact Study and Parking Study, prepared by a Transportation Engineer, shall be approved by the City Engineer.

B. In the PLO District, public/private elementary/middle schools shall be adjacent to residentially-zoned property.

- 4.7-200 Public and Private Parks

Public parks shall be designated in the Metro Plan including the Willamalane Park and Recreation District Comprehensive Plan or be approved in accordance with a Discretionary Use application as specified in SDC 5.9-100.

A. Standards for Public and Private Parks in the BKMU District.

1. Community Parks shall be designated on a Park Facilities Plan adopted by the City, or be approved in accordance with Type III review procedure (Discretionary Use).

2. A Traffic Impact Study shall be prepared by a Traffic Engineer and approved by the City Engineer.

B. Standards for Public and Private Parks in the PLO District.

1. Primary access shall be on arterial or collector streets unless specified or exempted elsewhere in this Section.

2. Stadiums, swimming pools and other major noise generators within parks shall be located at least 30 feet from residential property lines and screened by a noise attenuating barrier.

3. Community and regional parks shall be designated on a Park Facilities Plan adopted by the City, or be approved in accordance with Type III review procedure (Discretionary Use).

4. A traffic impact and parking study shall be prepared by a Traffic Engineer and approved by the City Engineer.

C. Standards for the Urbanizable Fringe Overlay District. Neighborhood Parks shall be shown on the Metro Plan or an adopted refinement plan, or shall be reviewed under Type III Discretionary Use procedures.

- 4.7-203 Public Land and Open Space

A. Primary access shall be on arterial or collector streets except as provided or exempted elsewhere in SDC 3.2-700.

B. Stadiums, swimming pools and other major noise generators shall be located at least 30 feet from residential property lines and shall be screened by a noise attenuating barrier.

C. Community and regional parks shall comply with the criteria specified in SDC 4.7-200B.

D. For all special uses, a traffic impact study shall be prepared as specified in SDC 4.2-105A.4.

E. R.V. parks and campgrounds within regional parks shall comply with the standards specified in SDC 4.7-220D.

F. Private/Public Elementary and Middle Schools shall meet the standards specified in SDC 4.7-195.

G. Wellness centers shall comply with the criteria specified in SDC 4.7-250.

H. Pedestrian amenities for public buildings in mixed uses Metro Plan land use designations as specified in SDC 3.2-625G.

4.7-203

- 4.7-205 Recreational Facilities

A. Arcades, Auditoriums, Bingo Parlors, Dance Halls (licensed by the State of Oregon as specified in ORS 167.118), Non-Alcohol Night Clubs, Hydrotubes, Velodromes and Skating Rinks shall not be permitted to abut a residential district.

B. Non-Alcohol Night Clubs shall locate at least 500 feet from an established tavern. Taverns shall locate at least 500 feet from an established non-alcohol night club.

C. Stadiums, swimming pools, batting cages and other major noise generators shall be located at least 30 feet from residential and commercial property lines and screened by a noise attenuating barrier.

- 4.7-210 Residential Uses in Commercial Districts

A. In areas designated mixed use in the Metro Plan or a Refinement Plan diagram, Plan District map, or Conceptual Development Plan, multiple unit housing developments shall meet the standards as specified in the applicable regulation. MDR and HDR District standards contained in this Code shall be followed where a Refinement Plan diagram, Plan District map, or Conceptual Development Plan does not specify development standards, or in areas where no applicable regulation has been prepared.

B. In areas with mixed use zoning, the residential development standards of the applicable mixed use zoning and/or overlay district apply.

C. One single-unit dwelling, detached or attached to a commercial building in the NC or CC Districts as a secondary use, shall comply with the residential development standards of SDC 3.2-215 concerning setbacks and height.

D. In the BKMU Plan District, residential uses shall be encouraged as second story uses above commercial and industrial uses and shall not occupy more than 35 percent of the land area within the BKMU Plan District. All MDR development standards specified in SDC 3.2-200 apply.

- 4.7-220 RV Park Standards

A. New or expanded RV parks shall:

1. Be at least 1 acre in size.

2. Have a 20-foot landscaped perimeter setback.

3. Abut an arterial or collector street and shall be designed to direct the flow of traffic away from local streets, as specified in SDC 4.2-120, Site Access and Driveways.

B. Special Standards for RV Parks Within the PLO Zoning District and UF-10 Overlay District.

1. For RV parks and campgrounds within regional parks inside the city limits the following criteria shall apply:

a. The site is served by sanitary sewer.

b. The RV park/campground is consistent with the standards, criteria and guidelines adopted by the Willamalane Park and Recreation District.

2. For RV parks and campgrounds within regional parks outside the city limits the following criteria apply:

a. The site shall be more than 5 acres but less than 100 acres.

b. The site shall be more than 1,000 feet from a public sanitary sewer line as measured in a direct line from the sewer line to the property line.

c. The RV park/campground is consistent with the standards, criteria and guidelines adopted by the Willamalane Park and Recreation District.

d. The RV park/campground is screened from adjacent uses.

e. Approval shall be in accordance with Type III Review, discretionary use.

f. The RV park or campground use may be terminated within 120 days by the City when a public sanitary sewer line is within 1,000 feet from the subject property line. All improvements related to the RV park or campground shall be removed and the site restored to its pre-development condition. The termination clause shall appear as a provision in a deed restriction for the property and will be a required condition of Site Plan Approval.

- 4.7-225 RVs as a Residential Use in Manufactured Dwelling Parks in Glenwood

RVs as a Residential Use. RVs as a residential use shall be permitted only in those manufactured dwelling parks in Glenwood that existed as of January 27, 1982.

- 4.7-230 Secondary Retail Sales in the GO District

The cumulative total area of secondary retail uses, exercise studios, and sit-down restaurants and delicatessens in the GO District shall be limited to no more than 10 percent of the gross floor area of the office building in which they are sited.

- 4.7-235 Small Scale Repair and Maintenance Services

In the NC District, these services shall take place entirely indoors, and buildings shall be utilized to ensure that noise or odor do not disturb the normal operation and tranquility of neighboring residential and business area.

- 4.7-240 Transportation Facilities—Transit Stations, Heliports and Helistops

Heliports and helistops shall not be located within 200 feet of any residential district. Noise attenuating barriers shall be constructed where necessary to mitigate land use conflicts.

New transit stations abutting residential districts may be required to provide noise attenuating barriers. (6412)

- 4.7-245 Warehouse Commercial Retail and Wholesale

A. Buildings shall be located in the front of lots/parcels, where possible, to minimize the visibility of outdoor storage yards or areas.

B. Any outdoor storage yard or area shall be surrounded by a sight-obscuring fence.

EXCEPTION: Sales of heavy equipment and trucks does not require fencing.

C. In the Downtown Exception Area, the storage and display of rental equipment shall be confined within a building.

D. Existing uses in this category shall adhere to the standards of Subsections B. and C., above by May 5, 1991.

E. For mini-storage facilities, an on-site manager's living quarters shall be permitted when the living quarters are constructed as part of and attached to a new or existing mini-storage facility.

F. Light-Medium Industrial and Warehousing. For Warehouse-Commercial use, at least 50 percent of the structure shall be used for storage of materials and 50 percent or less may be used for combined retail and office floor space.

G. Special provisions for the BKMU District:

1. Buildings shall be located to minimize the visibility of outdoor storage yards or areas.

2. Outdoor storage yards shall only be permitted as a secondary use.

3. Any outdoor storage yard or area shall be surrounded by a sight obscuring fence.

4. Light-Medium Industrial and Warehousing. For Warehouse-Commercial use, at least 50 percent of the structure is used for storage of materials and 50 percent or less may be used for combined retail and office floor space.

- 4.7-250 Wellness Centers in the PLO District

A. The building is owned by a public agency.

B. The center is secondary to a primary public community recreation center on the same development site. The square footage that is dedicated to non-public, wellness-related uses shall not exceed 50 percent of the combined total area (within the center and within the primary recreation facility) that is dedicated to public, recreation-related uses.

5.11-100 Interpretations

Subsections:

5.11-105 Purpose
5.11-110 Authority
5.11-115 Review
5.11-120 Interpretation of New Uses
5.11-125 Interpretation of Terms or Phrases
5.11-130 Interpretations Reviewed Under Type 3 and Type 4 Procedure
5.11-135 Effect of a Decision

5.11-105 Purpose

The purpose of an Interpretation is to:

A. Consider the applicability of new uses within each zoning district that are not specifically identified in this Code;

B. Clarify the meaning of terms or phrases found in this Code; or

C. Clarify planning policy contained in this Code, adopted refinement plans or the Metro Plan, or other policy documents.

5.11-110 Authority

The Director shall have the initial authority and responsibility to interpret the appropriateness of new uses and the meaning of all terms and phrases in this Code. The City Council shall have the authority to interpret planning policy contained in this Code, adopted refinement plans or the Metro Plan, or other policy documents.

5.11-115 Review

A request for an Interpretation of this Code concerning new uses and terms and phrases is reviewed under Type 2 procedure, unless the Director determines that the application should be reviewed as a Type 3 decision by the Planning Commission or Hearings Official due to the complexity of the application or the need for discretionary review. Planning policy issues that include, but are not limited to this Code, adopted refinement plans or the Metro Plan is reviewed under Type 4 procedure.

5.11-120 Interpretation of New Uses

A. Application Submittal. The request shall include information on the following characteristics of the new use:

1. A description of proposed structures and the operational characteristics of the new use.

2. Where commercial and industrial uses are involved, the following topics are considered:

a. Emission of smoke, dust, fumes, vapors, odors, and gases;

b. Use, storage and/or disposal of flammable or explosive materials;

c. Glare;

d. Use of hazardous materials that may impact groundwater quality;

e. Noise;

f. The potential for ground vibration; and

g. The amount and type of traffic to be generated, parking required and hours of operation.

3. Where residential uses are involved, the following topics are considered:

a. Density; and

b. The amount and type of traffic to be generated and parking required.

B. Criteria. A new use may be considered to be a permitted use when, after consultation with the City Attorney or other City staff, the Director determines that the new use:

1. Has the characteristics of one or more use categories currently listed in the applicable zoning district;

2. Is similar to other permitted uses in operational characteristics, including but not limited to, traffic generation, parking or density; and

3. Is consistent with all land use policies in this Code which are applicable to the particular zoning district.

5.11-125 Interpretation of Terms or Phrases

A. Application Submittal. The request shall include:

1. The particular term or phrase requiring Interpretation; and
2. The applicant's statement describing what the particular term or phrase means.

B. Criteria. The Director shall interpret a term or phrase, after consultation with the City Attorney and City staff. The meaning of any term or phrase:

1. Shall be consistent with the purpose and intent of this Code, including any Chapter or Section to which the term or phrase is related;

2. May be determined by legislative history, including staff reports and public hearing tapes and minutes; and

3. Shall be consistent with any dictionary of common usage, if criteria 1. and/or 2., above cannot be applied.

5.11-130 Interpretations Reviewed Under Type 3 and Type 4 Procedure

A. Interpretations that the Director may elevate from a Type 2 to a Type 3 review shall follow the approval criteria specified in either Section 5.11-120 or 5.11-125 depending upon the nature of the interpretation requested. In addition, the Planning Commission or Hearings Official shall consider the Metro Plan and any refinement plans or other policy documents of the City, where applicable.

B. The Planning Commission or Hearings Officer, upon a finding in support of a particular Interpretation, shall make a decision and may impose reasonable conditions to ensure compliance with the approval criteria.

C. Where there is an Interpretation of planning policy, the matter is forwarded to the City Council:

1. For consideration on the record;

2. To consider appropriate revisions to this Code to resolve the question; or

3. To revise or supplement a policy issue.

5.11-135 Effect of a Decision

An approved Interpretation is effective on the date of approval, unless appealed. An approved Interpretation may be superseded by a subsequent Interpretation or a Code amendment.

5.12-100 Land Divisions—Partitions and Subdivisions

Subsections:

5.12.105 Purpose and Applicability
5.12.110 Tentative Plan Review
5.12.115 Tentative Plan—General
5.12.120 Tentative Plan Submittal Requirements
5.12.125 Tentative Plan Criteria
5.12.130 Tentative Plan Conditions
5.12.135 Plat Review
5.12.140 Plat Submittal Requirements
5.12.145 Plat Criteria
5.12.150 Plat—Recording at Lane County and City Development Approval
5.12.155 Major or Minor Replat—General
5.12.160 Major or Minor Replat Review
5.12.165 Major or Minor Replat—Application Processing

5.12-105 Purpose and Applicability

A. Purpose. The purpose of the Partition and Subdivision process is to: Facilitate and enhance the value of development; Maintain the integrity of the City's watercourses by promoting bank stability, assisting in flood protection and flow control, protecting riparian functions, minimizing erosion, and preserving water quality and significant fish and wildlife areas; Minimize adverse effects on surrounding property owners and the general public through specific approval conditions; Ensure the provision of public facilities and services; Provide for connectivity between different uses; Utilize alternative transportation modes including walking, bicycling and mass transit facilities; Implement the Metro Plan, applicable refinement plans, specific area plans and specific development plans; Minimize adverse effects on surrounding property owners and the general public through specific approval conditions; and Otherwise protect the public health and safety.

B. The Partition process regulates land divisions that create 2 or 3 parcels within a calendar year. If the Director determines that a property proposed to be partitioned has been, or is in the process of being divided into 4 or more lots, full compliance with the Subdivision regulations specified in this Code may be required.

C. The Subdivision process regulates land divisions that create 4 or more lots within a calendar year.

D. Applicability.

1. The Partition process applies within the city limits and the City's urbanizable area. Generally, no more than 3 parcels may be created from 1 tract of land in the City's urbanizable area until annexation, as specified in SDC 5.12-125I.2.b.iii.

2. The Subdivision process applies only within the city limits.

3. No lot/parcel may be created without being divided as specified in this Code.

4. No development permit will be issued by the City prior to approval of the Partition or Subdivision Tentative Plan application.

EXCEPTION: As may be permitted in the Springfield Municipal Code, 1997 and/or by Resolution No. 03-40, the Director may issue a Land and Drainage Alteration Permit prior to approval of the Partition or Subdivision Tentative Plan.

5.12-110 Tentative Plan Review

Tentative Plans are reviewed under Type 2 procedure.

5.12-115 Tentative Plan—General

Any residential land division shall conform to the following standards:

A. The lot/parcel dimensions shall conform to the minimum standards of this Code. When lots/parcels are more than double the minimum area permitted by the zoning district, the Director shall require that these lots/parcels be arranged:

1. To allow redivision; and

2. To allow for the extension of streets to serve future lots/parcels.

3. Placement of structures on the larger lots/parcels shall be subject to approval by the Director upon a determination that the potential maximum density of the larger lot/parcel is not impaired. In order to make this determination, the Director may require a Future Development Plan as specified in SDC 5.12-120E.

B. Double frontage lots/parcels shall be avoided, unless necessary to prevent access to residential development from collector and arterial streets or to overcome specific topographic situations.

C. Panhandle lots/parcels shall comply with the standards specified in SDC 3.2-215 and 4.2-120A. In the case of multiple panhandles in Subdivisions, construction of necessary utilities to serve all approved panhandle lots/parcels shall occur prior to recording the Plat.

D. Public street standards as specified in SDC 4.2.105.

5.12-120 Tentative Plan Submittal Requirements

A Tentative Plan application shall contain the elements necessary to demonstrate that the provisions of this Code are being fulfilled.

EXCEPTION: In the case of Partition applications with the sole intent to donate land to a public agency, the Director, during the Application Completeness Check Meeting, may waive any submittal requirements that can be addressed as part of a future development application.

A. General Requirements.

1. The Tentative Plan, including any required Future Development Plan, shall be prepared by an Oregon Licensed Professional Land Surveyor on standard sheets of 18″ x 24″. The services of an Oregon Licensed Professional Engineer may also be required by the City in order to resolve utility issues (especially stormwater management, street design and transportation issues), and site constraint and/or water quality issues.

2. The scale of the Tentative Plan shall be appropriate to the area involved and the amount of detail and data, normally 1″ = 50′, 1″ = 100′, or 1″ = 200′.

3. A north arrow and the date the Tentative Plan was prepared.

4. The name and address of the owner, applicant, if different, and the Land Surveyor and/or Engineer who prepared the Partition Tentative Plan.

5. A drawing of the boundaries of the entire area owned by the partitioner or subdivider of which the proposed land division is a part.

6. City boundaries, the Urban Growth Boundary (UGB) and any special service district boundaries or railroad right-of-way, which cross or abut the proposed land division.

7. Applicable zoning districts and the Metro Plan designation of the proposed land division and of properties within 100 feet of the boundary of the subject property.

8. The dimensions (in feet) and size (either in square feet or acres) of each lot/parcel and the approximate dimensions of each building site, where applicable, and the top and toe of cut and fill slopes to scale.

9. The location, outline to scale and present use of all existing structures to remain on the property after platting and their required setbacks from the proposed new property lines.

10. The location and size of existing and proposed utilities and necessary easements and dedications on and adjacent to the site, including, but not limited to, sanitary

sewer mains, stormwater management systems, water mains, power, gas, telephone, and cable TV. Indicate the proposed connection points.

11. The locations, widths and purpose of all existing or proposed easements on and abutting the proposed land division; the location of any existing or proposed reserve strips.

12. The locations of all areas to be dedicated or reserved for public use, with the purpose, condition or limitations of the reservations clearly indicated.

B. A Site Assessment of the Entire Development Area. The Site Assessment shall be prepared by an Oregon Licensed Landscape Architect or Engineer and drawn to scale with existing contours at 1-foot intervals and percent of slope that precisely maps and delineates the areas described below. Proposed modifications to physical features shall be clearly indicated. The Director may waive portions of this requirement if there is a finding that the proposed development will not have an adverse impact on physical features or water quality, either on the site or adjacent to the site. Information required for adjacent properties may be generalized to show the connections to physical features. A Site Assessment shall contain the following information.

1. The name, location, dimensions, direction of flow and top of bank of all watercourses that are shown on the Water Quality Limited Watercourses (WQLW) Map on file in the Development and Public Works Department;

2. The 100-year floodplain and floodway boundaries on the site, as specified in the latest adopted FEMA Flood Insurance Maps or FEMA approved Letter of Map Amendment or Letter of Map Revision;

3. The Time of Travel Zones, as specified in SDC 3.3-200 and delineated on the Wellhead Protection Areas Map on file in the Development and Public Works Department;

4. Physical features including, but not limited to significant clusters of trees and shrubs, watercourses shown on the (WQLW) Map and their riparian areas, wetlands, and rock outcroppings;

5. Soil types and water table information as mapped and specified in the *Soils Survey of Lane County*; and

6. Natural resource protection areas as specified in SDC 4.3-117.

C. A Stormwater Management Plan drawn to scale with existing contours at 1-foot intervals and percent of slope that precisely maps and addresses the information described below. In areas where the percent of slope is 10% or more, contours may be shown at 5-foot intervals. This plan shall show the stormwater management system for the entire development area. Unless exempt by the Director, the City shall require that an Oregon

Licensed Civil Engineer prepare the plan. Where plants are proposed as part of the stormwater management system, an Oregon Licensed Landscape Architect may also be required. The plan shall include the following components:

1. Roof drainage patterns and discharge locations;

2. Pervious and impervious area drainage patterns;

3. The size and location of stormwater management systems components, including but not limited to: drain lines, catch basins, dry wells and/or detention ponds; stormwater quality measures; and natural drainageways to be retained;

4. Existing and proposed site elevations, grades and contours; and

5. A stormwater study and management system plan with supporting calculations and documentation as required in SDC 4.3-110 shall be submitted supporting the proposed system. The plan, calculations and documentation shall be consistent with the *Engineering Designs Standards and Procedures Manual* to allow staff to determine if the proposed stormwater management system will accomplish its purposes.

D. A response to transportation issues complying with the provisions of this Code.

1. The locations, condition, e.g., fully improved with curb, gutter and sidewalk, AC mat, or gravel, widths and names of all existing streets, alleys, or other rights-of-way within or adjacent to the proposed land division;

2. The locations, widths and names of all proposed streets and other rights-of-way to include the approximate radius of curves and grades. The relationship of all proposed streets to any projected streets as shown on the Metro Plan or Springfield Comprehensive Plan, including the Springfield Transportation System Plan (including the Conceptual Street Map) and, any approved Conceptual Development Plan;

3. The locations and widths of all existing and proposed sidewalks, multi-use paths, and accessways, including the location, size and type of plantings and street trees in any required planter strip;

4. The location of existing and proposed traffic control devices, fire hydrants, power poles, transformers, neighborhood mailbox units and similar public facilities, where applicable;

5. The location and dimensions of existing and proposed driveways demonstrating conformance with lot or parcel area and dimensions and frontage requirements in SDC 3.2.215, and driveway width and separation specifications established in SDC 4.2.120, where applicable;

6. The location of existing and proposed street trees, associated utilities along street frontage(s), and street lighting: including the type, height and area of illumination;

7. The location of existing and proposed transit facilities;

8. A copy of a Right-of-way Approach Permit application where the property has frontage on an Oregon Department of Transportation (ODOT) facility; and

9. A Traffic Impact Study prepared by a Oregon Licensed Traffic Engineer, where necessary, as specified in SDC 4.2-105A.4.

E. A Future Development Plan. Where phasing and/or lots/parcels that are more than twice the minimum lot/parcel size are proposed, the Tentative Plan shall include a Future Development Plan that:

1. Indicates the proposed redivision, including the boundaries, lot/parcel dimensions and sequencing of each proposed redivision in any residential district, and shall include a plot plan showing building footprints for compliance with the minimum residential densities specified in SDC 3.2-205;

2. Addresses street connectivity between the various phases of the proposed development based upon compliance with the Springfield Transportation System Plan (including the Conceptual Street Map), the Regional Transportation Plan (RTP), applicable Refinement Plans, Plan Districts, Master Plans, or this Code;

3. Accommodates other required public improvements, including, but not limited to, sanitary sewer, stormwater management, water and electricity;

4. Addresses physical features, including, but not limited to, significant clusters of trees and shrubs, watercourses shown on the Water Quality Limited Watercourse Map and their associated riparian areas, wetlands, rock outcroppings and historic features; and

5. Discusses the timing and financial provisions relating to phasing.

F. Additional information and/or applications required at the time of Tentative Plan application submittal shall include the following items, where applicable:

1. A brief narrative explaining the purpose of the proposed land division and the existing use of the property;

2. If the applicant is not the property owner, written permission from the property owner is required;

3. A Vicinity Map drawn to scale showing bus stops, streets, driveways, pedestrian connections, fire hydrants and other transportation/fire access issues within 200 feet of the proposed land division and all existing Partitions or Subdivisions immediately adjacent to the proposed land division;

4. How the Tentative Plan addresses the standards of any applicable overlay district;

5. How the Tentative Plan addresses Discretionary Use criteria, where applicable;

6. A Tree Felling Permit as specified in SDC 5.19-100;

7. A Geotechnical Report for slopes of 15% or greater and as specified in SDC 3.3-500, and/or if the required Site Assessment in SDC 5.12-120B. indicates the proposed development area has unstable soils and/or high water table as specified in the *Soils Survey of Lane County*;

8. An Annexation application as specified in SDC 5.7-100 where a development is proposed outside of the city limits but within City's urban growth boundary and can be serviced by sanitary sewer;

9. A wetland delineation approved by the Department of State Lands shall be submitted concurrently where there is a wetland on the property;

10. Evidence that any required Federal or State permit has been applied for or approved shall be submitted concurrently;

11. All public improvements proposed to be installed and to include the approximate time of installation and method of financing;

12. Proposed deed restrictions and a draft of a Homeowner's Association Agreement, where appropriate;

13. Where the Subdivision of a manufactured dwelling park or mobile home park is proposed, the Director may waive certain submittal requirements specified in Subsections A. through M. However, the Tentative Plan shall address the applicable standards listed under the park Subdivision approval criteria specified in SDC 5.12-125.

5.12-125 Tentative Plan Criteria

The Director shall approve or approve with conditions a Tentative Plan application upon determining that all applicable criteria have been satisfied. If conditions cannot be attached to satisfy the approval criteria, the Director shall deny the application. In the case of Partitions that involve the donation of land to a public agency, the Director may waive any approval criteria

upon determining the particular criterion can be addressed as part of a future development application.

A. The request conforms to the provisions of this Code pertaining to lot/parcel size and dimensions.

B. The zoning is consistent with the Metro Plan diagram and/or applicable Refinement Plan diagram, Plan District map, and Conceptual Development Plan.

C. Capacity requirements of public and private facilities, 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 Director or a utility provider shall determine capacity issues.

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

E. Physical features, including, but not limited to: steep slopes with unstable soil or geologic conditions; areas with susceptibility of flooding; significant clusters of trees and shrubs; watercourses shown on the WQLW Map and their associated riparian areas; other riparian areas and wetlands specified in SDC 4.3-117; rock outcroppings; open spaces; and areas of historic and/or archaeological significance, as may be specified in SDC 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.

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.

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

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

I. Where the Partition 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.

1. The minimum area for the partitioning of land in the UF-10 Overlay District shall be 10 acres.

2. EXCEPTIONS:

a. Any proposed new parcel between 5 and 10 acres shall require a Future Development Plan as specified in SDC 5.12-120E. for ultimate development with urban densities as required in this Code.

b. In addition to the standards of Subsection 2.a., above, any proposed new parcel that is less than 5 acres shall meet 1 of the following standards:

i. The property to be partitioned shall be owned or operated by a governmental agency or public utility; or

ii. A majority of parcels located within 100 feet of the property to be partitioned shall be smaller than 5 acres.

iii. No more than 3 parcels shall be created from 1 tract of land while the property remains within the UF-10 Overlay District.

EXCEPTION: Land within the UF-10 Overlay District may be partitioned more than once as long as no proposed parcel is less than 5 acres in size.

J. Where the Subdivision of a manufactured dwelling park or mobile home park is proposed, the following approval criteria apply:

1. The park was approved before July 2, 2001 and is in compliance with the standards in SDC 3.2-235 or other land use regulations in effect at the time the site was approved as a manufactured dwelling park or mobile home park; or the park is an approved non-conforming use. In the latter case, a park is in compliance if the City has not issued a notice of noncompliance on or before July 2, 2001.

2. The number of lots proposed shall be the same or less than the number of mobile home spaces previously approved or legally existing in the park.

3. The external boundary or setbacks of the park shall not be changed.

4. The use of lots, as shown on the Tentative Plan, shall be limited to the installation of manufactured dwellings; i.e., “stick-built” houses are prohibited.

5. Any other area in the Subdivision other than the proposed lots shall be used as common property, unless park streets have previously been dedicated to the City or there are public utilities in the park. All common property shall be addressed in a Homeowner’s Association Agreement.

a. Areas that are used for vehicle circulation (streets), driveways that serve more than 2 lots/parcels or common parking areas, shall be shown in a Tract or easement on the Tentative Plan.

b. All other services and utilities that serve more than 1 lot shall be in a Tract or easement. Where a service or utility serves only 1 lot, but crosses another, that service or utility shall also be in an easement shown on the Tentative Plan.

c. Existing buildings in the park used for recreational, meetings or other purposes for the park residents shall be in a Tract shown on the Tentative Plan.

6. Any public utilities shall be within a public utility easement.

7. If public utilities or services are required to serve the Subdivision, the park owner shall sign and execute a waiver of the right to remonstrate against the formation of a local improvement district to provide the public utilities or services.

5.12-130 Tentative Plan Conditions

To the extent necessary to satisfy the approval criteria of SDC 5.12-125, comply with all applicable provisions of this Code and to mitigate identified negative impacts to surrounding properties, the Director shall impose approval conditions. All conditions shall be satisfied prior to Plat approval. Approval conditions may include, but are not limited to:

A. Dedication of right-of-way and/or utility easements.

1. Right-of-way, when shown in the Springfield Transportation System Plan (including the Conceptual Street Map), the transportation elements of refinement plans, or as specified in Table 4.2-1.

2. Easements as specified in SDC 4.3-140, when necessary to provide services, including, but not limited to: sanitary sewers, stormwater management, water and electricity, to the site and neighboring properties. The dedication of easements shall also include any easements required to access and maintain watercourses or wetlands that are part of the City's Stormwater Management System.

B. Installation of a sight obscuring fence, and/or vegetative screen whenever a party of record or the Director identifies a land use conflict.

C. Installation of traffic signals and signs; restricting access to and from arterial or collector streets; requiring a frontage road; restricting and strategically locating driveways; and/or requiring the joint use of driveways to serve 2 or more lots/parcels through a Joint Use/Access Agreement when transportation safety issues are identified by the Transportation Planning Engineer and/or a Traffic Impact Study.

D. Modification of the layout of parcel lines caused by the location of streets, required stormwater management systems, including, but not limited to: swales and detention basins or when required by the Geotechnical report specified in SDC 5.12-120.

E. Installation of a noise attenuating barrier, acoustical building construction and/or site modifications as specified in SDC 4.4-110, or similar measures approved by an acoustical engineer registered in the State of Oregon, to minimize negative affects on noise sensitive property from noise found to exceed acceptable noise levels prescribed in the Oregon Administrative Rules or the Federal Highway Administration Noise Abatement Criteria.

F. Phasing of development to match the availability of public facilities and services, including but not limited to, water and electricity; sanitary sewer and stormwater management facilities; and streets and traffic safety controls when these facilities and services are near capacity, as determined by the Public Works Director or the utility provider.

G. Submittal of a Land and Drainage Alteration Permit.

H. The Director may waive the requirement that buildable City lots/parcels have frontage on a public street when the following apply:

1. The parcel or parcels have been approved as part of a land division application; and

2. Access has been guaranteed via a private street to a public street or driveway by an irrevocable joint use-access agreement.

I. Retention and protection of existing physical features and their functions, including but not limited to: significant clusters of trees and shrubs, watercourses shown on the WQLW Map and their riparian areas and wetlands, by:

1. Planting replacement trees where encroachment is allowed into riparian areas shown on the WQLW Map on file in the Development Services Department;

2. Re-vegetation, including, but not limited to: trees and native plants, of slopes, ridgelines, and stream corridors;

3. Restoration of native vegetation;

4. Removal of invasive plant species, based upon the Invasive Plants List on file in the Development Services Department;

5. Relocating the proposed development on another portion of the site;

6. Reducing the size of the proposed development; and/or

7. Mitigation of the loss of physical features caused by the proposed development with an equivalent replacement either on site or on an approved site elsewhere within the City's jurisdiction, as approved by the Director.

J. The applicant shall submit copies of required permits to demonstrate compliance with applicable: Federal programs, regulations and statues; State programs, regulations and statutes; and/or local programs, regulations and statutes prior to the approval of the Plat. When a Federal or State agency issues a permit that substantially alters an approved Tentative Plan, the Director shall require the applicant to resubmit the Tentative Plan for additional review.

K. Approval of a Stormwater Management Plan for the development demonstrating compliance with the applicable provisions of SDC 4.3-110 and the *Engineering Design Standards and Procedures Manual.*

L. Where there are multiple panhandles, compliance with approval criteria SDC 5.12-125 shall require construction of necessary utilities to serve all approved panhandle parcels prior to recording the Plat.

M. Where there is a land division with a concurrent annexation application, if there is an existing dwelling, that dwelling shall connect to sanitary sewer prior to recording the Plat.

N. Where there is a land division with a panhandle parcel, if a noticed party requests screening, a solid screen, as specified in SDC 4.4-110 shall be provided along the property line of the abutting property and the proposed panhandle driveway. If a fence is required, the standards of SDC 4.4-115 shall apply.

O. In the case of the Subdivision of a manufactured dwelling park or mobile home park, the following approval conditions shall be completed prior to the recording of the Subdivision Plat;

1. A Homeowners' Association Agreement shall be submitted that discusses the maintenance for all common areas shown in Tracts, unless otherwise specified in the Tentative Plan decision;

2. The recording of any required public or private easements;

3. The signing of a remonstrance waiver and establishment of a local improvement district, if public utilities are required to serve the subdivision; and

4. Any other condition of approval required during the Tentative Plan review process.

P. In the case of a Partition of property that is outside of the city limits but within the City's urban growth boundary and no concurrent annexation application is submitted, Consent

to Annex forms shall be signed and recorded by the property owner prior to recording the Partition Plat.

Q. When required as specified in SDC 5.12-120E., the Final Future Development Plan shall be recorded at Lane County at the applicant's expense. The applicant shall then deliver a reproducible copy of the recorded Future Development Plan to the Director. (6412; 6286; 6212)

5.12-135 Plat Review

Plats are reviewed under Type I procedure.

EXCEPTION: Until the intergovernmental Agreement with Lane County regulating planning outside of the city limits, but within Springfield's UGB is amended, Partition Plats for Partitions within Springfield's UGB shall be reviewed and approved by the Lane County Surveyor.

5.12-140 Plat Submittal Requirements

A. The Plat Pre-Submittal Meeting and Timelines.

1. For Partitions, the Plat Pre-Submittal Meeting shall be held within 1 year of the date of Tentative Plan approval.

2. For Subdivisions, the Plat Pre-Submittal Meeting shall be held within 2 years of the date of Tentative Plan approval.

3. In both cases, the mylars and application fee shall be submitted within 180 days of the Pre-Submittal Meeting. If the applicant has not submitted the Plat within these times, Tentative Plan approval shall become null and void and re-submittal of the Tentative Plan is required.

4. EXCEPTIONS:

a. The applicant may request an extension of the Partition Plat submittal time line for up to 1 year, and an extension of the Subdivision Plat time line for up to 2 years, in most situations. In either case, the applicant shall submit the request writing to the Director no later than 30 days prior to the expiration of the Tentative Plan approval and shall explain why the request is necessary and demonstrate how the Plat application will be submitted within the requested extension time line. The Director may grant or amend the request if a determination can be made that the applicant is making progress on the Plat application.

b. For a Subdivision subject to Master Plan approval, where Subdivision Tentative Plan approval is granted for the entire Subdivision and then portions are allowed to be platted in phases over time, the Director may allow consecutive 2-year periods for the completion of each phase up to

and not to exceed the duration of the Master Plan. This issue shall be addressed as a condition of Subdivision Tentative Plan approval under SDC 5.12-130. Where the agreed to Plat submittal time line can not be met, the applicant may submit a time line extension for Subdivision Plats as specified in Subsection a., above.

B. The Plat submittal shall:

1. Be surveyed and monumented as specified in ORS Chapters 92 and 209;

2. Include documentation addressing all conditions of Tentative Plan approval. Conditions may include showing the following information on the Plat: floodplain boundaries and spot elevations; riparian area boundaries; building envelopes; and any other information required by the Director; and

3. The applicant shall also submit the following information:

a. A copy of any deed restrictions.

b. A copy of any dedication requiring separate documents.

c. Boundary and lot/parcel closure computations and the total area of each lot/parcel and any open space dedication in square feet or acres.

d. A statement of water rights.

e. A copy of any document required as a condition of Tentative Plan approval.

f. A current title report.

5.12-145 Plat Criteria

The Director, in consultation with the City Surveyor and City Engineer, shall approve or deny the Plat. Approval shall be based on compliance with the following criteria:

A. The City Surveyor has approved the Plat for compliance with applicable platting requirements in accordance with State law, Lane County Ordinances and any other applicable regulations.

B. Streets, bicycle paths, accessways, and alleys for public use have been dedicated without any reservation or restriction other than reversionary rights upon vacation.

C. Public improvements, as required by this Code or as a condition of Tentative Plan approval, are completed, or:

1. A petition for public improvements and for the assessment of the real property for the improvements has been signed by the property owner seeking the land division and the petition has been accepted by the City Engineer; or

2. A performance bond or suitable substitute as agreed upon by the City Engineer and the applicant has been filed with the City in an amount sufficient to assure the completion of all required public improvements.

D. Public assessments, liens, and fees with respect to the land division have been paid, or:

1. A segregation of assessments and liens has been applied for and granted by the City, or

2. An adequate guarantee in a form acceptable to the City has been provided assuring the liens, assessments and fees will be paid prior to recording the Plat.

E. All conditions of Tentative Plan approval have been met and the Plat substantially conforms to the provisions of the approved Tentative Plan.

5.12-150 Plat—Recording at Lane County and City Development Approval

A. After the Plat has been signed by the City, the applicant's surveyor or other designated person shall deliver the Plat to the Lane County Surveyor for recording.

B. The applicant shall deliver a reproducible copy of the recorded Plat to the City Engineer. Once the City has proof that the Plat has been recorded, the parcels may be sold and the City may issue a Building Permit.

5.12-155 Major or Minor Replat—General

A. A Major Replat is the elimination and/or relocation of more than 2 exterior and/or interior common boundary lines or property lines within a recorded Subdivision; or an increase in the number of lots; or decrease of 2 or more lots within a recorded Subdivision.

B. A Minor Replat is the elimination and/or relocation of no more than 2 exterior and/or interior common boundary lines or property lines within a recorded Subdivision or Partition; or a decrease of 1 lot/parcel within a recorded Subdivision or Partition.

C. No Replat shall be used to vacate public right-of-way in a recorded Subdivision or Partition. In this case, a concurrent Vacation application is reviewed under Type 4 procedure as specified in SDC 5.20-100. (6267)

5.12-160 Major or Minor Replat Review

A. All Replat Plats are reviewed under Type 1 procedure.

B. All Replat Tentative Plans are reviewed under Type 2 procedure.

C. In addition to the Type II notice requirement specified in SDC 5.1-130, when a utility easement is proposed to be realigned, reduced or increased in width or omitted by any Replat, all affected utility companies shall also be notified. Any utility company that desires to maintain an easement subject to vacation under this Section shall notify the City in writing within 14 days of the mailing of the notice. (6279; 6267)

5.12-165 Major or Minor Replat—Application Processing

All Replat Tentative Plans and Plats shall comply with all current land division provisions as specified in SDCs 5.12-105 through 5.12-165.

EXCEPTIONS:

A. All of the following additional information shall be required on the Tentative Plan. Items 1. through 5. shall also be required on the Replat Plat:

1. The word “Major Replat” or “Minor Replat” shall be shown in the title block;

2. The name or reference number of the previous Plat and any additional recording information shall be retained in the title of the Replat;

3. Blocks, lots/parcels and portions thereof which are being replatted shall be identified, where applicable;

4. Original Plat information being deleted, abandoned, or changed by the Replat shall be shown in a distinct line type on the drawing with a note of explanation;

5. Any Replat of existing lots/parcels containing buildings shall show existing building outlines including their setbacks from the proposed property lines and lot/parcel coverage requirements, where applicable; and

6. If applicable, obtain conveyance approval from the mortgage holder.

B. The Director may exempt certain aspects of and/or reports required at Tentative Plan submittal, if a finding is made that the exemption will not have an adverse impact on public safety. However, the applicant shall submit a written request for an exemption to the Director prior to submittal of the Tentative Plan.

C. If the existing land division abuts the riparian area of a Water Quality Limited Watercourse (WQLW), as shown on the WQLW Map, the water quality protection specified in SDC 4.3-115 shall not apply to the Tentative Plan where that Plan includes one or more existing single-unit detached dwellings or middle housing in the R-1 District on lots/parcels 10,000 square feet in size or less. However, the water quality protection

specified in SDC 4.3-115 shall apply if the intent of the Replat Tentative Plan is to create additional lots/parcels and/or if the size of the lots/parcels containing existing single-unit detached dwellings or middle housing is increased to more than 10,000 square feet in size.

5.13-100 Master Plans

Subsections:

5.13-105 Purpose
5.13-110 Applicability
5.13-115 Preliminary Master Plan—Review
5.13-116 Preliminary Master Plan—Application Concurrency
5.13-117 Preliminary Master Plan—Neighborhood Meeting
5.13-120 Preliminary Master Plan—Submittal Requirements
5.13-125 Preliminary Master Plan—Criteria
5.13-130 Preliminary Master Plan—Conditions
5.13-131 Final Master Plan—Review
5.13-132 Final Master Plan—Submittal Requirements
5.13-133 Final Master Plan—Criteria, Recordation and Effective Date
5.13-134 Final Master Plan—Phasing Implementation
5.13-135 Final Master Plan—Modifications
5.13-140 Final Master Plan—Assurance to the Applicant and City Disclaimers

5.13-105 Purpose

A. A Master Plan allows phasing the development of a specific property over several years.

B. The purpose of a Master Plan is to:

1. Facilitate the review of multi-phased developments that are desired to be constructed over a 3 to 7 year period and ensure that individual phases will be coordinated with each other over the duration of the Final Master Plan;

2. Ensure that a full range of public facilities and services are available or will be provided for the proposed phased development and to plan the extension of necessary public infrastructure in a timely and efficient manner;

3. Determine specific land uses, a range of minimum to maximum square footage of non-residential uses and a range of minimum to maximum densities of residential uses, the arrangement of uses, and the location of public facilities and transportation systems;

4. Identify, during the public review process, potential impacts, including, but not limited to noise, shading, glare, utility capacity and traffic and consider alternatives for mitigating these impacts to affected properties and/or public facilities;

5. Provide the property owner an opportunity for the concurrent review of discretionary land use decisions; and

6. Provide the property owner with the assurance needed over the long term to plan for and execute the proposed development.

(6238)

5.13-110 Applicability

A. Approval of a Master Plan is a two-step process that includes a Preliminary Master Plan application and a Final Master Plan application. This process applies when the following criteria are met:

1. The property is under single ownership; or if the property has multiple owners, all owners of record consent in writing to the Master Plan review process; and

2. The property is 5 acres or greater and the applicant desires development to be phased over a period not to exceed 7 years, unless modified as specified in SDC 5.13.135.

EXCEPTION: The Director may allow an exception to the 5-acre minimum, if the applicant requests phasing for more than 3 years.

B. A Master Plan may include public, commercial, industrial or residential development, or any combination thereof. (6238)

5.13-115 Preliminary Master Plan—Review

A. The Preliminary Master Plan shall be reviewed under Type 2 procedure.

EXCEPTIONS: The Preliminary Master Plan shall be reviewed under Type 3 procedure if:

1. During the Pre-Application Report process, the Director determines that the proposed development is:

a. Complex; and/or

b. May have potential impacts on public facilities, including, but not limited to availability and capacity; and/or other properties including, but not limited to noise and traffic; and/or

2. The applicant chooses to submit concurrent Type 3 procedure applications as may be permitted in SDC 5.13-116B.

B. Prior to the submittal of a Preliminary Master Plan application:

1. A Pre Application Report application, as specified in SDC 5.1-120B., is required prior to the formal submittal of the Preliminary Master Plan application.

2. A Pre-Submittal Meeting application, as specified in SDC 5.1-120C., is required prior to the formal submittal of the Preliminary Master Plan application.

(6238)

5.13-116 Preliminary Master Plan—Application Concurrency

A. If the applicant requires or proposes to change the Metro Plan diagram and/or text, the applicant shall apply for and obtain approval of a Metro Plan diagram and/or text amendment prior to the submittal of the Preliminary Master Plan application. The Metro Plan diagram and/or text amendment may also require amendment of an applicable refinement plan diagram or Plan District Map.

B. The Preliminary Master Plan may be reviewed concurrently with other Type 3 applications including a Zoning Map amendment, Discretionary Use, Major Variance, or a Willamette Greenway Permit application.

C. Subdivision and/or Site Plan applications that initiate the various phases of proposed development shall not be submitted concurrently with the Preliminary Master Plan. These applications shall not be submitted until Final Master Plan approval is effective, as specified in SDC 5.13-133. (6238)

5.13-117 Preliminary Master Plan—Neighborhood Meeting

To provide the opportunity for early citizen involvement in the Master Plan review process, the applicant shall provide notice and invite citizen participation by initiating a Neighborhood Meeting. The meeting shall be scheduled after receipt of staff's response to the Pre-Application Report application required in SDC 5.13-115B.1., and prior to the formal submittal of a Preliminary Master Plan application. The meeting is not intended to produce complete consensus on all applications. It is intended to encourage applicants to be good neighbors. The applicant shall be responsible for scheduling and organizing the meeting, arranging the meeting place, notice and all related costs. City staff will attend the neighborhood meeting in an advisory capacity to answer questions. The notice shall provide a brief description of the proposal and shall be mailed to those property owners and residents within 300 feet of the proposed development. The meeting may be held in any public or private building capable of accommodating the proceeding. The building selected should be in the vicinity of the proposed development. The applicant shall submit a summary of the questions raised and responses made at this meeting with the Preliminary Master Plan application as required in Subsection 5.13-120N. (6238)

5.13-120 Preliminary Master Plan—Submittal Requirements

The Preliminary and Final Master Plan applications shall be prepared by a professional design team. The applicant shall select a project coordinator. All related maps, excluding vicinity and detail maps, shall be at the same scale. A Preliminary Master Plan shall contain all of the elements necessary to demonstrate compliance with the applicable provisions of this Code and shall include, but not be limited to:

A. General Submittal Requirements. The applicant shall submit a Preliminary Master Plan that includes all applicable elements described below and a narrative generally describing the purpose and operational characteristics of the proposed development. The narrative shall include:

1. The existing Metro Plan designation and zoning. Where the proposed Master Plan site is within an overlay district, Plan District or Refinement Plan, the applicable additional standards shall also be addressed;

2. The location and proposed number of residential units and/or square footage of commercial, industrial and/or public uses;

3. The density or intensity of proposed uses, including applicable Floor Area Ratios (FARs); and

4. The applicant shall attach:

a. A map depicting existing zoning and land uses within 300 feet of the proposed Master Plan boundary;

b. A Vicinity Map drawn to scale depicting existing bus stops, streets, driveways, pedestrian connections, fire hydrants and other transportation/fire access issues within 300 feet of the proposed Master Plan site; and

c. A legal description of the property within the proposed Master Plan boundary.

B. A Site Assessment of the entire proposed Master Plan site that precisely maps and delineates the existing conditions on the site. Proposed modifications to physical features shall be clearly indicated. Information required for adjacent properties may be generalized to show the connections to physical features. A Site Assessment shall contain the following information, as applicable:

1. A full size map depicting the proposed Master Plan boundary together with existing lot/parcel lines;

2. The 100-year floodplain and floodway boundaries on the proposed Master Plan site, as specified in the latest adopted FEMA Flood Insurance Rate Maps or FEMA approved Letter of Map Amendment or Letter of Map Revision;

3. The Time of Travel Zones, as specified in Section 3.3-200 and delineated on the Wellhead Protection Areas Map on file in the Development and Public Works Department;

4. Physical features including, but not limited to significant clusters of trees and shrubs, wetlands as specified in SDC 4.3-117, rock outcroppings and watercourses shown on the Water Quality Limited Watercourse (WLQW) Map and their riparian areas on file in the Development and Public Works Department. In the latter case, the name, location, dimensions, direction of flow and top of bank shall be depicted. If the proposed Master Plan site is located within 150 feet of the top of bank of any WQLW or within 100 feet of the top of bank of any WQLW direct tributary, a Riparian Area Protection Report is required;

5. Soil types and water table information as mapped and specified in the Soils Survey of Lane County. A Geotechnical report prepared by a licensed Geotechnical Engineer shall be submitted concurrently if the Soils Survey indicates the proposed Master Plan site has unstable soils and/or a high water table; and

6. Existing elevations and contours.

C. A Grading Plan which includes: existing and proposed elevations and where 2 or more feet of fill or grading is anticipated for portions of, or the entire proposed Master Plan site. On hillsides, the plan shall show pad sites and their relationship to the public right-of-way with existing contours at one-foot intervals and percent of slope. In areas where the percent of slope is 10 percent or more, contours may be shown at 5-foot intervals.

D. A Stormwater Management Plan diagram which includes the stormwater management system for the entire proposed Master Plan site and any impacts on adjacent properties. The plan shall contain the following components:

1. Roof drainage patterns and discharge locations;

2. Pervious and impervious area drainage patterns;

3. The size and location of stormwater management systems components, including, but not limited to: drain lines, catch basins, dry wells and/or detention ponds; stormwater quality measures; and natural drainageways to be retained and/or modified;

4. Existing and proposed elevations, site grades and contours; and

5. A stormwater management system plan with supporting calculations and documentation as specified in SDC 4.3-110 shall be submitted supporting the proposed system. The plan, calculations and documentation shall be consistent with the *Engineering Design Standards and Procedures Manual*.

E. A Wastewater Management Plan with maps and a narrative depicting the location and size of existing and proposed wastewater facilities with supporting calculations and documentation consistent with the *Engineering Design Standards and Procedures Manual*.

F. A Utilities Plan with maps and a narrative depicting the location and size of existing and proposed water, electrical, gas and telephone service; and the location of existing and required traffic control devices, fire hydrants, street lights, power poles, transformers, neighborhood mailbox units and similar public facilities.

G. A conceptual Landscape Plan with maps and a narrative illustrating proposed landscaping for the entire proposed Master Plan site, including, but not limited to: where existing vegetation is proposed for preservation, especially riparian and wetland areas and trees; installation of vegetative buffering; street trees; general landscaping; and a percentage range for the total amount of required open space, broken down by the type of open space, public and private, as applicable. A conceptual Landscape Plan is more appropriate at the Master Plan level. A detailed Landscape Plan will be required during the Site Plan Review application process required to implement the Final Master Plan.

H. An Architectural Plan with maps, including:

1. Building elevations, overall commercial, industrial or public floor area, the number of dwelling units, building height, number of stories and the building location or building mass of the primary structures (as defined in this Code);

2. Illustrative examples of applicable SDC design standards and building materials may be considered conceptual. In this case, this requirement, if changed in the future, will not require Final Master Plan modification as specified in SDC 5.13-135; and a

3. Narrative. A narrative providing sufficient information to describe the proposed Architectural Plan.

I. A Parking Plan and Parking Study.

1. A Parking Plan shall be submitted for all proposed development and shall contain the following information:

a. The location and number of proposed parking spaces;

b. On-site vehicular and pedestrian circulation;

c. Access to streets, alleys and properties to be served, including the location and dimensions of existing and proposed driveways and any existing driveways proposed to be closed;

d. The location of and number proposed bicycle spaces;

e. The amount of gross floor area applicable to the parking requirements for the proposed use; and

f. The location and dimensions of off-street loading areas, if any.

2. A Parking Study, for other than single-unit detached dwelling developments, with maps and a narrative depicting projected parking impacts, including, but not limited to: projected peak parking demand; an analysis of peak demand compared to, or use of, the proposed on-site and off-site supply; potential impacts to the on-street parking system and adjacent land uses; and proposed mitigation measures, if necessary.

J. An On-site Lighting Plan depicting the location and maximum height of all proposed exterior light fixtures, both free standing and attached.

K. A Public Right-of-Way/Easement/Public Place Map depicting the reservation, dedication, or use of the proposed Master Plan site for public purposes, including, but not limited to: rights-of-way showing the name and location of all existing and proposed public and private streets within or on the boundary of the proposed Master Plan site, the right-of-way and paving dimensions, and the ownership and maintenance status, if applicable, and the location, width and construction material of all existing and proposed sidewalks; pedestrian access ways and trails; proposed easements; existing easements; parks; open spaces, including plazas; transit facilities; and school sites.

L. A Traffic Impact Study, as specified in SDC 4.2-105A.4., the scope of which may be established by the Director. The Traffic Impact Study shall contain maps and a narrative depicting projected transportation impacts, including, but not limited to: the expected number of vehicle trips that may be generated by the proposed development (peak and daily); an analysis of the impact of vehicle trips on the adjacent street system; and proposed mitigation measures to limit any projected negative impacts. Mitigation measures may include improvements to the street system itself or specific programs and strategies to reduce traffic impacts such as encouraging the use of public transit, carpools, vanpools, and other alternatives to single occupant vehicles.

M. A Phasing Plan. The Phasing Plan shall illustrate the proposed location of buildings, streets, utilities and landscaping. Phasing shall progress in a sequence that provides street connectivity between the various phases and accommodates other required public improvements such as wastewater facilities, stormwater management, electricity and

water. The Phasing Plan shall consist of maps and a narrative with an overall schedule or description of on-/off-site phasing including, but not limited to: the type, location and timing of proposed uses, building locations; proposed public facilities including on-/off-site streets and traffic signals or other traffic control devices and utilities with the designation of construction and maintenance responsibility; estimated start/completion dates with a proposed type of financial guarantee, including, but not limited to a bond, letter of credit, joint deposit or other security in a form acceptable to the City, submitted by the property owner, a future buyer and/or a developer, to ensure planned infrastructure improvements will occur with each phase, if necessary, or when required by the City, affected local agency or the State (the formal submittal of a required guarantee typically occurs during the Final Master Plan review process and/or development implementation); a statement of the applicant's intentions with regard to the future selling or leasing (if known at the time of Preliminary Master Plan submittal) of all or portions of the proposed development (where a residential subdivision is proposed, the statement shall also include the applicant's intentions whether the applicant or others will construct the homes); and the relationship of pedestrian and bicycle connectivity and open space requirements to the proposed phasing.

N. Neighborhood Meeting Summary. The applicant shall submit a summary of issues raised at the neighborhood meeting as specified in SDC 5.13-117.

O. A copy of all proposed and any existing covenants, conditions, and restrictions that may control development, if applicable.

P. Annexation. A general schedule of proposed annexation consistent with the phasing plan, if applicable.

Q. The Director may require additional information necessary to evaluate the proposed development, including, but not limited to:

1. An ESEE analysis, as may be needed to comply with Statewide Planning Goal 5, Natural Resources, for site attributes that may not be on an adopted City inventory;

2. A wetland delineation approved by the Oregon Department of State Lands shall be submitted concurrently with the Preliminary Master Plan application, where there is a wetland on the proposed Master Plan site; and

3. Historical and/or archaeological studies.

R. Any concurrent land use applications as specified in SDC 5.13-116B. (6238)

5.13-125 Preliminary Master Plan—Criteria

A Preliminary Master Plan shall be approved, or approved with conditions, if the Approval Authority finds that the proposal conforms with all of the applicable approval criteria.

A. Plan/Zone Consistency. The existing or proposed zoning shall be consistent with the Metro Plan diagram and/or applicable text. In addition, the Preliminary Master Plan shall be in compliance with applicable City Refinement Plan, Conceptual Development Plan or Plan District standards, policies and/or diagram and maps.

B. Zoning District Standards. The Preliminary Master Plan shall be in compliance with applicable standards of the specific zoning district and/or overlay district.

C. Transportation System Capacity. With the addition of traffic from the proposed development, there is either sufficient capacity in the City's existing transportation system to accommodate the development proposed in all future phases or there will be adequate capacity by the time each phase of development is completed. Adopted State and/or local mobility standards, as applicable, shall be used to determine transportation system capacity. The Preliminary Master Plan shall also comply with any conditions of approval from a Metro Plan diagram and/or text amendment regarding transportation and all applicable transportation standards specified in SDC Chapter 4.

D. Parking. Parking areas have been designed to: facilitate traffic safety and avoid congestion; provide bicycle and pedestrian connectivity within the property and to nearby transit stops and public areas. The Preliminary Master Plan shall also comply with all applicable vehicular and bicycle parking standards specified in SDC Chapter 4.

E. Ingress-egress. Ingress-egress points have been designed to: facilitate traffic safety and avoid congestion; provide bicycle and pedestrian connectivity within the property and to adjacent residential areas, transit stops, neighborhood activity centers, and commercial, industrial and public areas; and minimize driveways on arterial and collector streets as specified in this Code or other applicable City and State regulations. The Preliminary Master Plan shall also comply with all applicable ingress/egress standards specified in SDC Chapter 4.

F. Availability of Public Utilities. Existing public utilities, including, but not limited to, water, electricity, wastewater facilities, and stormwater management facilities either have sufficient capacity to support the proposed development in all future phases adequately, or there will be adequate capacity available by the time each phase of development is completed. The Director or appropriate utility provider shall determine capacity issues. The Preliminary Master Plan shall also comply with applicable utility standards specified in SDC Chapters 4 and 5.

G. Protection of Physical Features. Physical features, including, but not limited to slopes 15 percent or greater with unstable soil or geologic conditions, areas with susceptibility to flooding, significant clusters of trees and shrubs, watercourses shown on the Water Quality Limited Watercourses (WQLW) Map and their associated riparian areas, wetlands, rock outcroppings and open spaces and areas of historic and/or archaeological significance as may be specified in SDC 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. The Preliminary Master Plan shall also comply with applicable physical feature protection standards specified in SDC Chapter 4.

H. Phasing Plan. The Phasing Plan shall: demonstrate that the construction of required public facilities shall occur in a logical sequence, either in conjunction with, or prior to each phase, or that there are appropriate financial guarantees as specified in SDC 5.13-120M. to ensure the phased public facilities construction will occur.

I. Adjacent Use Protection. The proposed Preliminary Master Plan contains design, elements including, but not limited to landscaping/screening, parking/traffic management, and multi-modal transportation that limit and/or mitigate identified conflicts between the site and adjacent uses. (6238)

5.13-130 Preliminary Master Plan—Conditions

The Approval Authority may attach conditions as may be reasonably necessary to the Preliminary Master Plan in order to ensure compliance with the approval criteria in SDC 5.13-125, and with all other applicable provisions of this Code. All conditions shall be satisfied prior to Final Master Plan approval. Certain conditions may require an adequate financial guarantee in a form acceptable to the City to ensure compliance. (6238)

5.13-131 Final Master Plan—Review

A. A Final Master Plan application shall be reviewed under Type 1 procedure. However, if the Preliminary Master Plan approval was reviewed under Type 3 procedure, the Director may require the Final Master Plan to be reviewed under Type II procedure.

B. A Pre-Submittal Meeting application, as specified in SDC 5.1-120C., is required prior to the formal submittal of the Final Master Plan application. (6238)

5.13-132 Final Master Plan—Submittal Requirements

A. Within one year of Preliminary Master Plan Approval, the applicant shall submit the Final Master Plan. The Final Master Plan shall illustrate the location of proposed buildings, streets, utilities, parking and landscape areas. The Final Master Plan shall incorporate all Approval Authority conditions of approval. The Final Master Plan application shall include:

1. A narrative that lists the conditions of approval, explains how each condition is met and references the applicable Preliminary Master Plan maps and diagrams or plan sheets that required revision as a condition of approval;

2. The specific maps, diagrams, plan sheets or other documents referenced above that have been revised and/or demonstrate conformance with the Preliminary Master Plan approval; and

3. Any other information that may be required by the Director.

EXCEPTION: The applicant may request an extension of the Final Master Plan submittal for up to one additional year. The applicant shall submit the request for the extension in writing to the Director no later than 30 days prior to the expiration of the Preliminary Master Plan effective date as specified in SDC 5.13-133C. The applicant shall explain why the request is necessary and demonstrate how the Final Master Plan application will be submitted within the requested extension time line. The Director may grant or amend the extension request upon determining that the applicant is making progress on the Final Master Plan application.

B. A Pre-Submittal Meeting application, as specified in SDC 5.1-120C., is required prior to the formal submittal of the Final Master Plan application. (6238)

5.13-133 Final Master Plan—Criteria, Recordation and Effective Date

A. Criteria. The Approval Authority shall grant Final Master Plan approval upon finding that:

1. The Final Master Plan substantially conforms to the provisions of the Preliminary Master Plan approval; and

2. All approval conditions have been met or can be guaranteed to be met.

B. Recordation. The applicant shall record a Memorandum of Final Master Plan approval in a format approved by the City Attorney, any other required documents at Lane County Deeds and Records and return a recorded copy of the Memorandum of Final Master Plan approval and all other applicable documents to the Development Services Department.

C. Effective Date.

1. Final Master Plan approval is effective on the date of recordation of the Memorandum of Final Master Plan Approval, the effective date, for not more than 7 years, unless modified as specified in SDC 5.13-135.

2. The Final Master Plan remains in effect until the permitted development has been constructed or it is modified, superseded or expires.

D. Once the Final Master Plan effective date is established, all persons and parties, and their successors, heirs or assigns, who have or will have any interest in the real property within the Final Master Plan boundary, shall be bound by the terms and conditions of approval of the Final Master Plan and the provisions of this Section. Notice of the Final Master Plan effective date will be mailed to the applicant. (6238)

5.13-134 Final Master Plan—Phasing Implementation

A. No Subdivision and/or Site Plan Review applications (phasing implementation) shall be submitted until the Memorandum of Final Master Plan has been recorded, delineating the effective date, and returned to the City.

B. The approved Final Master Plan shall be the basis for the evaluation of all phases of proposed development, including Subdivision and/or Site Plan Review applications.

C. The approved Final Master Plan and all applicable conditions of approval shall be addressed for each Subdivision and/or Site Plan Review application (phasing implementation) as part of application completeness during the Pre-Submittal Meeting application process, specified in SDC 5.1-120C. (6238)

5.13-135 Final Master Plan—Modifications

A proposed Final Master Plan modification, or a proposed modification to a Master Plan approved prior to the effective date of this regulation, shall be processed under the applicable procedures described below:

A. The following modifications to a Final Master Plan shall be processed under Type 1 procedure. These modifications include a request:

1. By the applicant to modify the Master Plan phasing schedule for a specific phase of development when the proposed change does not affect the construction of scheduled public improvements;

2. By the City based on the requirement to implement newly adopted State or Federal regulations; or

3. By the applicant for a one time extension of the approved time limit for up to 3 years. An extension request shall be filed in writing with the Director at least 60 days prior to the expiration of the initial 7-year period. If the applicant has made reasonable progress, as determined by the Director, in the implementation of the Final Master Plan and public services and public facilities will be available to serve the site, the time line extension will be granted.

4. By the applicant for modifications that are less than the 10 percent thresholds specified in those specific instances specified in Subsection B., below.

B. The following modifications to the Final Master Plan shall be processed under Type 2 procedure, unless the Director determines that the proposed modification should be reviewed as a Type 3 procedure, based on the proposed size of the Master Plan site; and/or the availability/capacity of public facilities; and/or impacts to adjacent properties including, but not limited to noise and traffic. These modifications include a request:

1. By the applicant if a proposed permitted non-residential use, for example, a Place of Worship or a school, affects the approved Final Master Plan residential density;

2. By the applicant for 10 percent or greater increases or decreases in the overall gross floor area of commercial, industrial or public buildings; the number of dwelling units; building height; and the location or building mass of the primary structure (as defined in this Code);

3. By the applicant for increases or decreases in the amount of approved or required parking by a factor of 10 percent or greater. The applicant shall provide a new parking analysis related to the proposal;

4. By the applicant for a Zoning Map amendment or Discretionary Use application;

5. By the applicant for proposals that would increase the number of PM peak-hour vehicular trips by 10 percent or greater, except in cases where a trip cap has been imposed on development of the property. Where such a trip cap is in effect, a modification of the land use decision that imposed the trip cap shall be required. In all cases, the applicant shall provide a Traffic Impact Analysis supporting the proposal;

6. By the applicant to alter the placement of interior streets by 10 percent or greater from their approved location, as long as the modification maintains the connectivity established by the approved Final Master Pan.

7. By the City or the applicant when essential public infrastructure cannot be provided;

8. By the applicant to modify the Master Plan phasing schedule for a specific phase of development when the proposed change affects the construction of scheduled public improvements;

9. By the applicant for extension of the Final Master Plan time limit beyond the maximum approved time limit of 7 years or the extension permitted in Subsection B.3., above. In no case shall the extension exceed 15 years from the date of Final Master Plan approval as specified in SDC 5.13-133C. An extension request shall be filed in writing with the Director at least 60 days prior to the expiration of the initial 7 year period or any subsequently approved extensions. The time line extension will be granted provided the applicant has made reasonable progress in the implementation of the Final Master Plan and public services and facilities remain available;

10. By the applicant for a change to the approved Final Master Plan boundary.

C. Proposed Final Master Plan modifications other than those described in Subsections A. and B., above, shall require the submittal of a new Preliminary Master Plan application.

D. The following modifications to the Final Master Plan do not require subsequent land use review and are allowed upon issuance of a building permit, if required:

1. Building interior improvements;

2. Exterior improvements associated with existing buildings that do not involve a change in floor area, subject to all applicable base zone development and design standards and relevant conditions of approval as approved in the Final Master Plan;

3. Installation of new mechanical or electrical equipment, or modification of existing equipment, subject to all applicable base zone development and design standards and relevant conditions of approval as approved in the Final Master Plan; and/or

4. Routine maintenance of existing buildings, facilities and landscaping.

E. A Pre-Submittal Meeting application, as specified in SDC 5.1-120C., is required prior to the formal submittal of the Final Master Plan modification application.

F. For all Final Master Plan modification applications described in Subsections A and B, above, the applicant shall demonstrate compliance with the following:

1. Any applicable Preliminary Master Plan criteria of approval specified in SDC 5.13-125; and

2. Any other applicable standard of this Code that may be required to justify the proposed modification.

G. The Master Plan procedures in Appendix 3 of this Code regarding Master Plan Modifications and/or new Master Plans shall apply to properties within the Glenwood Riverfront Plan District, SDC 3.4-200, until these regulations are updated. (6238)

5.13-140 Final Master Plan—Assurance to the Applicant and City Disclaimers

A. Assurances to the Applicant.

1. The applicant is entitled to rely on standards and criteria in effect on the date the Preliminary Master Plan application was submitted, in accordance with ORS 227.178(3)(a) for the 7-year approval time limit, with a single 3-year extension, or as otherwise previously approved.

EXCEPTION: Any time line extension proposed for more than a combined total of 10 years shall comply with on standards and criteria in effect at the time of the time line extension application submittal as specified in SDC 5.13-135B.9.

2. The applicant shall have the right to proceed with development as long as it is in substantial compliance with the Final Master Plan and other required approvals and permits, subject to any modifications as may be approved as specified in SDC 5.13-135.

B. City Disclaimers.

1. The City will not be required to approve development of any phase described in the Final Master Plan if the approval violates applicable Federal or State statutes or administrative rules.

2. The City will not be obligated to provide public improvements affecting implementation of the Final Master Plan if public funds are not available.

(6238)

5.14-100 Metro Plan Amendments

Subsections:

5.14-105 Purpose
5.14-110 Review
5.14-115 Metro Plan Amendment Classifications
5.14-120 Relationship to Refinement Plans, Special Area Studies or Functional Plan Amendments
5.14-125 Initiation
5.14-130 Approval Process
5.14-135 Criteria
5.14-140 Appeals
5.14-145 Limitation on Refiling

5.14-105 Purpose

The Eugene-Springfield Metropolitan Area General Plan (Metro Plan) is the long-range public policy document that establishes the broad framework upon which Springfield, Eugene and Lane County make coordinated land use decisions. While the Metro Plan is Springfield's acknowledged land use policy document, it may require update or amendment in response to changes in the law or circumstances of importance to the community. Additionally, the Metro Plan may be augmented and implemented by more detailed plans and regulatory measures. (6331)

5.14-110 Review

A. A Development Issues Meeting is encouraged for citizen initiated amendment applications.

B. Metro Plan amendments are reviewed under Type 4 procedures as specified in SDC 5.1-140.

C. A special review, and if appropriate, Metro Plan amendment, shall be initiated if changes in the Metro Plan basic assumptions occur. An example would be a change in public demand for certain housing types that in turn may affect the overall inventory of residential land. (6331; 6238)

5.14-115 Metro Plan Amendment Classifications

A proposed amendment to the Metro Plan shall be classified as Type 1, Type 2 or Type 3 depending upon the number of governing bodies (Springfield, Eugene and Lane County) required to approve the decision.

A. A Type 1 amendment requires approval by Springfield only:

1. Type 1 Diagram amendments include amendments to the Metro Plan Diagram for land inside Springfield's city limits.

2. Type 1 text amendments include:

a. Amendments that are non-site specific and apply only to land inside Springfield's city limits;

b. Site specific amendments that apply only to land inside Springfield's city limits;

c. Amendments to a regional transportation system plan or a regional and public facilities plan when only Springfield's participation is required by the amendment provisions of those plans; and

d. The creation of new Metro Plan designations and the amendment of existing Metro Plan designation descriptions that apply only within Springfield's city limits.

B. A Type 2 amendment requires approval by Springfield and Lane County only:

1. Type 2 Diagram amendments include:

a. Amendments to the Metro Plan Diagram for the area between Springfield's city limits and the Plan Boundary; and

b. An Urban Growth Boundary (UGB) or Metro Plan Boundary amendment east of I-5 that is not described as a Type 3 amendment.

2. Type 2 Text amendments include:

a. Amendments that are non-site specific and apply only to Lane County and Springfield;

b. Amendments that have a site specific application between Springfield's city limits and the Plan Boundary; and

c. Amendments to a jointly adopted regional transportation system plan or a regional public facilities plan when participation by Springfield and Lane County is required by the amendment provisions of those plans.

C. A Type 3 amendment requires approval by Springfield, Eugene and Lane County.

1. Type 3 Diagram amendments include:

a. Amendments of the Common UGB along I-5; and

b. A UGB or Metro Plan Boundary change that crosses I-5.

2. Type 3 Text amendments include:

a. Amendments that change a Fundamental Principle as specified in Metro Plan Chapter II A;

b. Non-site specific amendments that impact Springfield, Eugene and Lane County; and

c. Amendments to a jointly adopted regional transportation system plan or a regional public facilities plan, when the participation of Springfield, Eugene and Lane County is required by the amendment provisions of those plans.

(6331)

5.14-120 Relationship to Refinement Plans, Special Area Studies or Functional Plan Amendments

A. In addition to a Metro Plan update, refinement studies may be undertaken for individual geographical areas and special purpose or functional elements, as determined appropriate by Springfield, Eugene or Lane County.

B. All refinement and functional plans shall be consistent with the Metro Plan. Should inconsistencies occur, the Metro Plan is the prevailing policy document.

C. When a Metro Plan amendment also requires an amendment of a refinement plan or functional plan diagram map and/or text for consistency, the Metro Plan, refinement plan and/or functional plan amendments shall be processed concurrently.

D. When a Metro Plan amendment is enacted that requires an amendment to a refinement plan or functional plan map or diagram for consistency, the Metro Plan Diagram amendment automatically amends the diagram or map if no amendment to the refinement plan or functional plan text is involved.

E. An amendment of the Springfield Comprehensive Plan shall be processed as a Metro Plan amendment and comply with the approval criteria specified in SDC 5.14-135. (6331)

5.14-125 Initiation

Metro Plan amendments shall be initiated as follows:

A. A Type 1 amendment may be initiated by Springfield at any time. A property owner may initiate an amendment for property they own at any time. Owner initiated amendments are subject to the limitations for such amendments set out in this Code (see also Subsection E).

B. A Type 2 amendment may be initiated by Springfield or Lane County at any time. A property owner may initiate an amendment for property they own at any time. Owner initiated amendments are subject to the limitations for such amendments set out in this Code and the Lane Code (see also Subsection E).

EXCEPTION: Consideration of a property owner initiated Metro Plan amendment (Type 1 and 2) will be postponed by the Director if the proposed amendment is also part of an existing planned refinement plan or special area study adoption or amendment process, or one that is scheduled to commence within 3 months of the date of application submittal. The requested Metro Plan amendment will be considered in the legislative proceedings of the refinement plan or special area study. If the refinement plan or special area study process has not begun within the 3-month period, the Metro Plan amendment application process shall begin immediately following the 3-month period. The Director may exempt particular plan amendment applications from postponement under this Subsection and require more immediate review if there is a finding that either there is a public need for earlier consideration or that review of the proposed amendment as part of a general refinement plan or special area study adoption or amendment process will interfere with timely completion of that process.

C. A Type 3 amendment may be initiated at any time by Springfield, Eugene or Lane County.

D. Only Springfield, Eugene or Lane County may initiate a refinement plan, a functional plan, a special area plan, Periodic Review or a Metro Plan update.

E. Metro Plan updates shall be initiated no less frequently than during the state required Periodic Review of the Metro Plan, although Springfield, Eugene and Lane County may initiate an update of the Metro Plan at any time. (6331)

5.14-130 Approval Process

A. The initiating government body of any Type 1, Type 2 or Type 3 amendment shall notify all governing bodies of the intended amendment and the Type of amendment proposed within 20 days. If any governing body disagrees with the Type of proposed amendment, that governing body may refer the matter to the process specified in Subsections E. or F. as appropriate.

B. For any Type 1, Type 2 or Type 3 amendment, a public hearing date shall be set for the Springfield Planning Commission, and the Planning Commissions of Eugene and Lane County, as applicable, within 90 days.

C. For Type 1, Type 2 and Type 3 amendments, the Springfield Planning Commission and the Planning Commissions of Eugene and Lane County, shall conduct a single or joint public hearing, as appropriate, and forward that record and their recommendations to the Springfield City Council and to their respective elected officials. The Springfield City Council and the participating elected officials shall also conduct a public hearing, as appropriate, prior to making a final decision.

D. If all participating governing bodies reach a consensus to approve a proposed Type 2 or Type 3 amendment, substantively identical Ordinances effecting the applications shall be adopted. Where there is no consensus a proposed amendment, it may not be re-initiated, except by either Springfield, Eugene or Lane County, for 1 year (see also SDC 5.14-150).

E. A Type 2 amendment for which there is no consensus shall be referred to the Chair of the Lane County Board of Commissioners and the Mayor of Springfield for further examination of the issues in dispute and recommendation back to the governing bodies. If no recommendation is made back to the governing bodies within 6 months, the plan amendment is denied.

F. A Type 3 amendment for which there is no consensus, shall be referred to the Chair of the Lane County Board of Commissioners and the Mayors of Springfield and Eugene for further examination of the issues in dispute and recommendation back to the governing bodies. If no recommendation is made back to the governing bodies within 6 months, the plan amendment is denied.

G. If a plan amendment is denied because of a lack of consensus, the director of the jurisdiction where the application originated shall issue a denial. For quasi-judicial amendments, the denial shall include findings and conclusions on why the proposed amendment does not meet the approval criteria. Those findings and conclusions may incorporate findings and conclusions previously adopted by one or both of the government bodies. The decision of the planning director is final.

H. When identical action is required of 2 or 3 government bodies on an amendment, and the amendment results in a number of different plan changes, unless otherwise specified in the adoption Ordinance of any of the government bodies, action by all of the government bodies to adopt some but not all of the plan changes shall result in the adoption of the changes for which there is consensus and the forwarding of only those changes for which there is no consensus as specified under Subsections E. and F., above.

I. A different process, time line, or both, than the processes and time lines may be established by the governing bodies of Springfield, Eugene and Lane County for any government initiated Metro Plan amendment. (6331)

5.14-135 Criteria

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

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

B. Plan inconsistency:

1. In those cases where the Metro Plan applies, adoption of the amendment shall not make the Metro Plan internally inconsistent.

2. In cases where Springfield Comprehensive Plan applies, the amendment shall be consistent with the Springfield Comprehensive Plan. (6331)

5.14-140 Appeals

Adopted or denied Metro Plan amendments may be appealed to Oregon Land Use Board (LUBA) or the Department of Land Conservation and Development (DLCD) according to state law. (6331)

5.14-145 Limitation on Refiling

The City shall not consider a property owner-initiated Metro Plan amendment application if a substantially similar or identical plan amendment has been denied by the City within the year prior to the application date unless the facts forming the basis for the denial have changed so as to allow approval. The Director shall determine whether the proposed amendment is substantially similar or identical after providing the applicant with an opportunity to comment on the matter in writing. (6331)

5.16-100 Property Line Adjustments

Subsections:

5.16-105 Purpose and Applicability
5.16-110 Special Situations
5.16-115 Review
5.16-120 Submittal Requirements
5.16-125 Criteria
5.16-130 Preliminary Approval
5.16-135 Conditions
5.16-140 Final Survey Submittal, Compliance With Conditions and Recordation of Documents
5.16-145 Expiration of Approval

5.16-105 Purpose and Applicability

A. These regulations are intended for the review of Property Line Adjustments and are separate from Lane County Deeds and Records lot/parcel consolidation policies. A Property Line Adjustment is the relocation of a common boundary between 2 abutting properties. A Serial Property Line Adjustment is the relocation of more than 1 common property line involving 2 or more abutting properties. Serial Property Line Adjustments can be reviewed individually or combined in a single application as specified in SDC 5.16-115.

B. Property Line Adjustments may occur within a recorded Subdivision or Partition, as specified in this Section, as long as the adjustment is not a reconfiguration of or an increase or decrease of the number of lots in a Subdivision. In this case, the Replat review process specified in SDC 5.12-165 applies.

5.16-110 Special Situations

A. Where the elimination of a lot/parcel line is desired within the boundary of a recorded Subdivision or Partition, the following options are available:

1. A Replat shall be processed as specified in SDC 5.12-165; or

2. A Plat Vacation shall be processed as specified in SDC 5.20-100.

B. Where a property owner desires to construct a building over a common property line, and there are no easements abutting the property line, or a primary structure is proposed on 1 lot/parcel and a secondary structure is proposed on the other, the Director may require a deed restriction during the building permit and/or Site Plan Review process that allows the construction of these structures. The lots/ parcels under the deed restriction shall be sold as 1 unit of land, unless the structures are removed.

C. The allocation of vacated public right-of-way to abutting properties as specified in ORS 271.140 and processed as specified in SDC 5.20-100 or a sale or grant of public right-of-way by the City as specified in ORS 92.010(7)(e) shall not be considered to be a Property Line Adjustment and thus shall not be subject to the provisions of this Section.

D. A Property Line Adjustment will not remove, relocate or replace any public easements on the lots/parcels.

5.16-115 Review

A. Single Property Line Adjustments are reviewed under Type 1 procedure.

B. Serial Property Line Adjustments may be combined into a single application. If the latter occurs, serial Property Line Adjustments are reviewed under Type 2 procedure.

5.16-120 Submittal Requirements

A. A Preliminary Survey shall be prepared, stamped and signed by an Oregon registered Land Surveyor. The format of the Preliminary Survey and the data to be shown shall be as follows:

1. The Preliminary Survey shall be drawn in compliance with ORS 92.

2. The scale shall be appropriate to the area involved and the amount of detail and data, normally 1″ = 20′, 1″ = 50′ or 1″ = 100′.

3. A north arrow, date of preparation and the title which shall include the following language: “Proposed Property Line Adjustment Survey.”

4. The name and address of the property owners, and the applicant, if different.

5. A drawing of the boundaries of the lots/parcels/tracts of land involved, to include dimensions and square footage calculations.

6. The zoning and plan designation of the lots/parcels.

7. The existing property line and proposed property line, clearly differentiated by line type.

8. The location and outline to scale of all existing structures to include their required setbacks from the current property lines and those from the proposed property line.

9. The locations, widths and names of all existing streets, alleys, or other rights-of-way within or adjacent to the lots/parcels and the location and width of driveways.

10. The location of all public and private easements and utility lines within or crossing the lots/parcels. For properties outside the city limits but within the City's urban service area, septic and drain fields shall be shown.

11. Reference to the recorded Subdivision or Partition by name or reference number and blocks, lot/parcel numbers, where applicable.

B. The following additional information shall be submitted with the Preliminary Survey:

1. A brief narrative explaining reason for the proposed Property Line Adjustment and the existing use of the lots/parcels.

2. A copy of the current deeds for the lots/parcels.

3. If the applicant is not the property owner, written permission from all property owners is required.

4. For serial Property Line Adjustments reviewed under Type 2 procedure, the following shall also be submitted:

a. A written explanation of the sequencing of adjustments; and

b. A diagram identifying each adjustment, in sequence.

(6267; 6238)

5.16-125 Criteria

The Director shall approve, approve with conditions, or deny the Property Line Adjustment application. Approval or approval with conditions shall be based on compliance with the following criteria. The Property line Adjustment shall not:

A. Create a new lot/parcel;

B. Create a landlocked lot/parcel;

C. Reduce an existing lot/parcel below the minimum size standard or reduce setbacks below the minimum established by the applicable zoning districts in this Code;

D. Violate any previous conditions the Approval Authority may have imposed on the lots/parcels involved in the application;

E. Detrimentally alter the availability of existing public and/or private utilities to each lot/parcel in the application or to abutting lots/parcels; or

F. Increase the degree of non-conformity of each lot, parcel or structure that is non-conforming at the time of application.

5.16-130 Preliminary Approval

A. If the Director determines that the Preliminary Survey satisfies the criteria of approval in SDC 5.16-125, or that conditions are necessary to satisfy the provisions of this Code, then the applicant shall be notified in writing and may proceed with the preparation of the required Final Survey.

B. If the Director determines that the Preliminary Survey does not comply with the provisions of this Code, then the application shall be denied and the applicant so notified in writing.

5.16-135 Conditions

A. The following approval conditions shall be required:

1. The submittal of a Final Survey; and

2. Property Line Adjustment deeds, as specified in SDC 5.16-140.

B. The following additional conditions of approval may be required:

1. A public or private utility easement may be required to be vacated, relocated or created.

2. A joint use/access and/or parking agreement.

3. The signing of an Improvement Agreement for frontage improvements.

5.16-140 Final Map Submittal, Compliance With Conditions and Recordation of Documents

A. A Final Map shall be prepared, stamped and signed by an Oregon registered Land Surveyor as specified in ORS 92.010(7)(b), ORS 92.060(3) and ORS 209.250.

B. One copy of the Final Survey shall be delivered to the Development Service Department together with any conditioned documents.

C. Once the Director and City Surveyor have certified that all conditions listed under Preliminary Survey approval have been met, the Final Survey may be recorded at the Lane County Surveyor's Office.

D. The owners of the lots/parcels included in the application shall record with Lane County Deeds and Records Property Line Adjustment deeds, as specified in ORS 92.190(4). The Property Line Adjustment deeds shall contain the names of the parties, the description of the adjusted line, reference to original recorded documents and signatures of all parties with proper acknowledgment. The Property Line Adjustment deeds shall also identify the Planning file number and shall contain a statement declaring that the purpose of the deeds is for a Property Line Adjustment. Reference to the affected properties by map and tax lot number shall be in addition to reference by legal description. In the case of serial Property Line Adjustments processed under Type II procedure, each Property Line Adjustment deed for the lots/parcels in the series shall be recorded separately, in the sequence of City approval.

E. A copy of the recorded Final Map and deeds shall be delivered to the Development Services Department together with any other recorded documents that may have been required as a condition of approval.

5.16-145 Expiration of Approval

The Property Line Adjustment preliminary approval shall become null and void if:

A. The Final Survey and any approval conditions have not been submitted to the City in a complete form within 90 days of the date of Preliminary Survey approval; or

B. The Final Survey is not submitted to the Lane County Surveyor within 30 days of the City approval; or

C. The Property Line Adjustment deed or other conditioned documents have not been recorded with Lane County Deeds and Records with the Final Survey.

5.18-100 Solar Access Protection

Subsections:

5.18-105 Purpose and Applicability
5.18-110 Review
5.18-115 Submittal Requirements
5.18-120 Criteria
5.18-125 Recordation
5.18-130 Effect and Enforcement
5.18-135 Termination

5.18-105 Purpose and Applicability

(A) The Solar Access Protection application provides protection from the shade cast by new vegetation planted after the date of application, and from shade cast by new structures or expansions or additions to structures constructed after the date of application. The Solar Access Protection application defines height limitations for new vegetation and/or structures or portions of structures located within all land use districts. Only lots/parcels located in R-1 and R-2 Districts are eligible to receive Solar Access protection.

(B) No Solar Access Protection approval may restrict a lot/parcel:

(1) Or portion of a lot/parcel which is located more than 150 feet south of the solar energy system.

(2) That has a slope facing within greater than 45 degrees east or west of true north south and exceeding 15 percent.

(C) Solar Access Protection approval becomes void if the use of the solar energy system feature is discontinued for more than 12 consecutive months or if the system solar feature is not installed and operative within 12 months of the filing date of the Solar Access Protection application.

(D) Terms used in this section not otherwise defined in SDC 6.1.100 and 6.1.110 have the same definition provided in ORS 105.885.

5.18-110 Review

The Solar Access Protection application shall be reviewed under Type 2 procedure.

5.18-115 Submittal Requirements

An application for the Solar Access Protection application must include:

(A) The name and address of the applicant and property owner and the assessor map and tax lot map numbers of the property where the proposed application is to be applied.

(B) The hours and months for which solar access is sought.

(C) A scaled drawing of the solar energy system feature, its dimensions, its height above ground level and its orientation with respect to true south.

(D) A sunchart showing the plotted skyline, including vegetation and structures, for the proposed location as seen from the center of the lower edge of the site of the solar energy system feature. If the solar energy system feature is more than 20 feet in length, a sunchart shall also be provided for the southeast and southwest corners of the lower edge of the solar energy system feature.

(E) A Plot Plan showing lot/parcel lines and dimensions of the applicant's lot/parcel and neighboring lots/parcels which will be affected by the application. The Plot Plan shall include the location of the solar energy system feature and the location of structures and trees on the applicant's lot/parcel and affected neighboring lots/parcels.

(F) A solar envelope for each lot/parcel that would be restricted by the Solar Access Protection.

(G) The names and addresses of all owners and registered lessees of properties that would be restricted by the Solar Access Protection.

5.18-120 Criteria

The Director shall approve, approve with conditions or deny the request based on the following criteria:

(A) The Solar Access Protection will provide at least 4 hours per day of solar access to the solar energy system, between 9 a.m. and 3 p.m. during the period for which solar access protection is being sought. The hours and dates during which solar access is protected cannot exceed two hours before and after the solar zenith from September 22 to March 21, and three hours before and after the solar zenith from March 22 to September 21.

(B) The solar energy system must not be shaded by any existing vegetation, structures, or topographic features.

(C) The solar energy system feature is installed or the applicant has provided a written commitment to install the proposed solar energy system within 1 year of the effective date of the permit.

(D) The area to be restricted by the Solar Access Protection must be reasonably located. A Solar Access Protection is unreasonable if the applicant could trim their own vegetation to permit an alternative location that would be less burdensome upon a restricted property, or if there is an alternate location for the solar energy system that would impose a lesser burden on neighboring property or properties.

5.18-125 Recordation

Upon approval of the Solar Access Protection application, the Director shall:

(A) Record the Solar Access Protection approval including any exemptions to or limits on the solar access protected, plot plan, sunchart and solar envelopes as required by ORS 105.895; and

(B) Send a Notice of Decision to each property owner and occupant affected by the Solar Access Protection stating whether the Solar Access Protection has been granted and recorded, or whether it has been denied. If the Solar Access Protection has been granted, the notice must state that it imposes conditions upon construction of new structures and expansion or additions to existing structures, and that it may impose certain obligations on the property owner or occupant to trim vegetation in the future.

5.18-130 Effect and Enforcement

(A) The effective date of the Solar Access Protection approval shall be the date that the decision is final as provided in SDC 5.1.455(B). No person shall plant any non-exempt vegetation or construct, expand or add onto any structure, that shades a recorded solar energy system feature after receiving notice of a pending application, unless or until the application is denied or the permit terminated.

(B) In the event that non-exempt vegetation or a non-exempt structure on a neighboring property is shading a solar energy system feature for which a Solar Access Protection approval has been granted, the permit holder or the City, on complaint by the permit holder, shall give notice of the shading to the property owner or occupant of the property where the shading vegetation or structure is located. If the property owner or occupant fails to remove or modify the structure, or remove or trim the shading vegetation, within 30 calendar days after receiving the notice, an injunction may be issued upon complaint of the permit holder to the Lane County Circuit Court. The injunction may order the property owner or occupant to modify or remove the structure or remove or trim the vegetation, and the court may order the violating property owner or occupant to pay any damages to the complainant, to pay court costs and to pay the complainant reasonable attorneys' fees. Nothing in this section limits the permit holder or City from seeking other remedies provided by ordinance or by state law.

5.18-135 Termination

The Director may revoke the Solar Access Protection approval if the solar collector feature does not function for 12 consecutive months or if requested by the permit holder or successor in interest. The Director must send a Notice of Termination to the permittee or their successor, the owners of all properties restricted by the Solar Access Protection , and must record the Notice of Termination with Lane County Deeds and Records.

5.19-100 Tree Felling Permit

Subsections:

5.19-105 Purpose
5.19-110 Applicability
5.19-115 Review
5.19-120 Submittal Requirements
5.19-125 Criteria
5.19-130 Conditions

5.19-105 Purpose

This Section ensures that tree felling is as specified in Metro Plan policies which call for the retention of natural vegetation, natural water features and drainageways, scenic quality, wildlife habitat and archaeological sites to the maximum extent possible within the city limits and the City's urban services area. Timber harvesting is secondary to preservation of other natural resources and cultural values within the Urban Growth Boundary. The natural amenities of developable properties shall be retained to enhance their future urban use in the Metro Plan, until these properties are ready for urban development. Significant tree removal shall be permitted only when specific development plans have been approved by the City, consistent with plan policies and City development regulations. Interim removal of trees may be permitted if the removal does not significantly detract from the natural and cultural amenities that make a particular site attractive for future urban development.

5.19-110 Applicability

A. A Tree Felling Permit shall be required prior to the felling of more than five trees 5-inch dbh (diameter at breast height) or larger within a period of 12 consecutive months from a lot/parcel of private property under common ownership consisting of 10,000 square feet or more of total area.

B. **EXCEPTIONS:** No Tree Felling Permit will be required in the following instances:

1. The action of the Director and/or Public Works Director or any public utility necessary to remove or alleviate an immediate danger to life or property, to restore utility service or to reopen a public street to traffic.

2. Any felling necessary to install or maintain improvements, including, but not limited to: streets and sewers within publicly owned and accepted rights-of-way or utility easements pursuant to approved construction plans or encroachment permits.

3. Felling of trees that obstruct vision clearance at intersections as specified in SDC 4.2-130.

4. Where a Tree Felling Permit has been issued that includes a tree protection plan incorporating a procedure for tree removal, or designating specific trees to be removed within established building envelopes identified in an approved Subdivision or Partition, no additional Tree Felling Permit shall be required.

5.19-115 Review

A Tree Felling Permit shall be reviewed under Type 2 procedure and/or in conjunction with a related development plan.

5.19-120 Submittal Requirements

Application for a permit to fell a tree or trees shall include:

A. The name, address and telephone number of the applicant; species or common tree names; the reason for felling; a Plot Plan showing the location of trees to be removed and their sizes; the method of tree removal and the hauling route to be used; and

B. A description of any plan (Vegetation and Re-vegetation Report) to replace, landscape, or otherwise reduce the effect of the felling that addresses the applicable criteria in Section 5.19-125.

C. The Director or the Public Works Director may require the applicant to provide the services of a professional forester (approved by the City), licensed hydrologist or licensed landscape architect in order to address the standards in SDC 5.19-125 for undeveloped property greater than 10 acres in size of 15 percent slope or above an elevation of 670 feet.

5.19-125 Criteria

The Director, in consultation with the Fire Chief shall approve, approve with conditions or deny the request based on the following criteria:

A. Whether the conditions of the trees with respect to disease, hazardous or unsafe conditions, danger of falling, proximity to existing structures or proposed construction, or interference with utility services or pedestrian or vehicular traffic safety warrants the proposed felling.

B. Whether the proposed felling is consistent with State standards, Metro Plan policies and City Ordinances and provisions affecting the environmental quality of the area, including but not limited to, the protection of nearby trees and windbreaks; wildlife; erosion, soil retention and stability; volume of surface runoff and water quality of streams; scenic quality; and geological sites.

C. Whether it is necessary to remove trees in order to construct proposed improvements as specified in an approved development plan, grading permits and construction drawings.

D. In the event that no Development Plan has been approved by the City, felling of trees will be permitted on a limited basis consistent with the preservation of the site's future development potential as prescribed in the Metro Plan and City development regulations, and consistent with the following criteria.

1. Wooded areas associated with natural drainageways and water areas shall be retained to preserve riparian habitat and to minimize erosion;

2. Wooded areas that will likely provide attractive on-site views to occupants of future developments shall be retained;

3. Wooded areas along ridge lines and hilltops shall be retained for their scenic and wildlife value;

4. Wooded areas along property lines shall be retained to serve as buffers from adjacent properties;

5. Trees shall be retained in sufficiently large areas and dense stands so as to ensure against windthrow;

6. Large-scale clear-cuts of developable areas shall be avoided to retain the wooded character of future building sites, and so preserve housing and design options for future City residents.

E. Whether the applicant's proposed replanting of new trees or vegetation is an adequate substitute for the trees to be felled.

F. Whether slash left on the property poses significant fire hazard or liability to the City.

G. Whether the felling is consistent with the guidelines specified in the Field Guide to Oregon Forestry Practices Rules published by the State of Oregon, Department of Forestry, as they apply to the northwest Oregon region.

H. Whether transportation of equipment to and equipment and trees from the site can be accomplished without a major disturbance to nearby residents.

5.19-130 Conditions

The Director may place conditions on the applicant's Plot Plan in order to meet the standards in SDC 5.19-125.

A. If issuance of the Tree Felling Permit shall be conditioned upon the applicant's proposed plan to replace the trees, landscape, or otherwise reduce the effects of the felling, the time within which the plan is to be completed shall be specified on the permit.

B. The Director may require a surety bond to guarantee that any conditions imposed on tree felling are met and to insure against damage to City facilities.

C. Failure to comply with a condition of a Tree Felling Permit within the designated time is a violation of this Section.

5.2.100 Hearings Rules of Procedure

Subsections:

5.2.120 General Rules of Procedure
5.2.130 Duties of the Presiding Officer
5.2.135 Order of Procedure
5.2.150 Amendments and Suspensions of Rules

5.2-120 General Rules of Procedure

(A) Public hearings must follow the applicable rules of procedure in SDC 5.1.500 et seq for quasi-judicial public hearings and SDC 5.1.600 et seq for legislative public hearings.

(B) Except where provided otherwise under this Code or by state statute or rule, all procedural matters will be determined by Robert's Rules of Order Newly Revised, 12th Edition.

5.2.130 Duties of the Presiding Officer

The Chairperson of the Planning Commission is the presiding officer at all hearings before the Planning Commission. The Mayor is the presiding officer at all hearings before the City Council. In the absence of the Chairperson of the Planning Commission, the Vice-Chairperson shall act as the presiding officer at any public hearing. In the absence of the Mayor, the Council President shall be the presiding officer at all hearings before the City Council. The Hearings Officer is considered to be a presiding officer. A presiding officer has the authority to:

A. Regulate the course and decorum of the hearing;

B. Dispose of the procedural request or similar matters;

C. Rule on offers of proof and relevance of evidence and testimony;

D. Take other action authorized by the hearing body appropriate for conduct commensurate with the nature of the hearing;

E. Impose reasonable time limits on those testifying; and

F. Rule upon a challenge for bias, prejudgment, or personal interest under SDC 5.1.545.

5.2.135 Order of Procedure

The order of procedure is the order provided in SDC 5.1.550 for quasi-judicial public hearings, and SDC 5.1.610 for legislative hearings, unless the Hearings Authority provides otherwise by a majority vote.

5.2.145 Record of Proceedings, Evidence and Summary of Testimony

All Public Hearings must be recorded. A summary of all pertinent testimony offered at public hearings will be reduced to writing and made a part of the application file. All physical and documentary evidence presented will be marked to show the identity of the persons offering them and whether presented on behalf of proponent or opponent. These exhibits will be retained by the City until after any applicable appeal period has expired, at which time the exhibits will be released upon demand to the identified person.

5.2.150 Amendments and Suspensions of Rules

Any rule of procedure not required by law may be amended or suspended at any hearing by majority vote of those members present and voting.

5.20-100 Vacation of Rights-of-Way and Easements

Subsections:

5.20-105 Purpose
5.20-110 Applicability
5.20-115 Review
5.20-120 Submittal Requirements
5.20-125 Notice
5.20-130 Criteria
5.20-135 Conditions
5.20-140 Zoning of Vacated Right-of-Way

5.20-105 Purpose

As land develops, and as land uses change over time, certain public property and easements may no longer be necessary or may need to be relocated. The reconfiguration of Subdivisions and Partitions may also be desired. This Code, the Springfield Municipal Code, 1997 Sections 3.200 through 3.206 and ORS 271.080 et seq., provide procedures, requirements, and approval criteria for Vacations.

5.20-110 Applicability

A. The Vacation process applies to public rights-of-way, other public land, public utility and other public easements, and recorded Subdivision and Partition Plats under the jurisdiction of the City.

B. The City's Vacation process shall not apply to:

1. Lands over which Lane County or the State have jurisdiction, including, but not limited to: public rights-of-way or Subdivision and Partition Plats within the City's urbanizable area; or

2. Lane County streets and State highways within the City limits where jurisdiction has not been transferred to the City.

5.20-115 Review

A. The Vacation of all public easements is reviewed under Type 2 procedure.

EXCEPTION: Public utility easements within Partition and Subdivision Plats may also be realigned, reduced in width or omitted as part of the Replat process as specified in SDC 5.12-165.

B. The Vacation of any public rights-of-way, any other public land as specified in ORS 271.080 et seq., and the Vacation of Partition and Subdivision Plats in part or in their entirety, including public rights-of-way and public utility easements located within the Plat, is reviewed under Type 4 procedure.

5.20-120 Submittal Requirements

A. Vacation of public rights-of-way and public easements may be applied for by property owners, public agencies, or initiated by the City Council.

B. Vacation of Partition and Subdivision Plats may be applied for by property owners.

C. The application shall include:

1. A legal description of the public rights-of-way, easement or Plat to be vacated prepared by an Oregon Licensed Land Surveyor or other professional approved by the Director;

2. The reason for the Vacation;

3. The proposed use of the property after Vacation;

4. For citizen initiated Vacations of public rights-of-way or Partition and Subdivision Plats, the petition of affected property owners;

5. A map prepared by an Oregon Licensed Land Surveyor or other professional approved by the Director of the area proposed to be vacated. The map shall show:

a. The date, north arrow, and standard scale,

b. The Assessor's Map and Tax Lot numbers of the affected properties and adjacent properties,

c. A Vicinity Map on the Site Plan (Vicinity Map does not need to be to scale),

d. All adjacent streets including street name, alleys, and accessways, and right-of-way and paving widths,

e. All dimensions of existing public utility easements and any other areas restricting use of the parcels, for example: conservation areas, slope easements, access easements,

f. Existing dimensions and square footage of the lots/parcels involved,

g. Proposed dimensions and square footage of the lots/parcels involved (applies to Vacations of undeveloped Subdivision Plats and right-of-way Vacations),

h. For public easement and right-of-way Vacations, clearly show dimensions of entire easement or right-of-way on or adjacent to the subject lots/parcels. Also clearly show dimensions of that portion proposed for Vacation, including square footage, and

i. For right-of-way Vacations, demonstrate compliance with the boundary requirements of ORS 271.080 et seq.,

6. Where public easements are proposed to be vacated, a notarized letter of concurrence with the Vacation from all utility providers other than the City (telephone, cable TV, electric, water and gas), shall be submitted with the application.

(6238)

5.20-125 Notice

A. Notice for Vacations reviewed under Type 2 procedure is as specified in SDC 5.1-130.

B. Notice for Vacations reviewed under Type 4 procedure is as specified in SDC 5.2-115.

EXCEPTIONS:

1. Newspaper notice shall be published once each week for two consecutive weeks prior to the public hearing. The first day of publication and the posting shall be not less than 14 days before the hearing.

2. The applicant shall post two signs, approved by the Director on the subject property, or if right-of-way is proposed to be vacated, the notice shall be attached to a telephone or other similar utility pole within the Vacation area.

C. Notice for all Vacations will be mailed to all utility providers providing service within the city limits and the City's urbanizable area.

5.20-130 Criteria

A. For the Vacation of public utility easements, the Director shall approve, approve with conditions, or deny the application. The application will be approved if the Vacation is found to be consistent with the following criteria:

1. There are no present or future services, facilities, or utilities deemed to be necessary by a utility provider and the easement is not necessary; or

2. If the utility provider deems the easement to be necessary, public services, facilities, or utilities can be extended in an orderly and efficient manner in an alternate location.

B. Where the proposed Vacation of public rights-of-way, other city property, or Partition or Subdivision Plats is reviewed under Type 4 procedure, the City Council shall approve, approve with conditions, or deny the Vacation application. The application will be approved if the Vacation is found to be consistent with the following approval criteria.

1. The Vacation shall be in conformance with the Metro Plan, Springfield Transportation System Plan (including the Conceptual Street Map) and adopted Functional Plans, and applicable Refinement Plan diagram, Plan District map, or Conceptual Development Plan;

2. The Vacation shall not conflict with the provisions of Springfield Municipal Code, 1997; and this Code, including but not limited to, street connectivity standards and block lengths; and

3. There shall be no negative effects on access, traffic circulation, emergency service protection or any other benefit derived from the public right-of-way, publicly owned land or Partition or Subdivision Plat.

C. Notwithstanding the provisions of Subsection B., above where the land affected by the proposed Vacation of public right-of-way, other public land as specified in ORS 271.080, or public easement will remain in public ownership and will continue to be used for a public purpose, the request shall be reviewed under the Type 4 procedure. The City Council may approve the Vacation application if it is found to be consistent with the following criteria:

1. The Vacation was initiated by the City Council pursuant to ORS 271.130(1);

2. Notice has been given pursuant to ORS 271.110(1);

3. Approval of the vacation would be consistent with provision of safe, convenient and reasonably direct routes for cyclists, pedestrians and vehicles as provided in OAR 660-012-00045(3);

4. Whether a greater public benefit would be obtained from the vacation than from retaining the right of way in its present status; and

5. Whether provisions have been made to ensure that the vacated property will remain in public ownership. (6412)

5.20-135	**Conditions**

If the Director or the City Council approves a Vacation, the following conditions may be attached:

A. For a Vacation involving public right-of-way, where applicable, an easement for a public facility, publicly owned utility or other utility shall be retained.

B. A public facility, publicly owned utility or other utility shall be constructed, relocated or removed at the applicant's expense or through cost sharing with the City as may be available. A new public easement shall then be required.

C. A Vacated Partition or Subdivision Plat shall be replatted, where necessary.

D. A public right-of-way shall be relocated and rebuilt at the applicant's expense or through cost sharing with the City, as may be available.

E. Where the Vacation of a City right-of-way results in an assessment of special benefit to the remaining property, the property owner shall provide compensation to the City as specified in Section 3.204 of the Springfield Municipal Code, 1997.

F. The City Council may attach any other conditions as may be reasonably necessary in order to allow the Vacation to be granted.

5.20-140 Zoning of Vacated Right-of-Way

Vacated right-of-way is incorporated into the abutting property, typically to the centerline. However, in cases where only one abutting property dedicated right-of-way, all the vacated right-of-way would be incorporated into that property. In any case, the vacated right-of-way acquires the zoning of the abutting property, without the need of a separate Zoning Map amendment. (6238)

Section 5.21-100 Variances

Subsections:

5.21-105 Purpose
5.21-110 Applicability
5.21-115 Prohibited Variances
5.21-120 Review
5.21-125 Minor Variances—Criteria
5.21-130 Major Variances—Criteria
5.21-135 Conditions

5.21-105 Purpose

It is the intent of this Section that a Variance may be granted when the strict application of certain provisions of this Code create a unique circumstance, caused by unusual conditions related to a specific property, building or structure. An authorized Variance is not personal to the applicant, but runs with the land and/or use, as applicable. The granting of a Variance does not create a non-conforming use, lot/parcel.

5.21-110 Applicability

The Variance provisions of this Section apply to buildings, structures and lots/parcels. There may be provisions for Variances from other regulations specified elsewhere in this Code, including, but not limited to:

A. Floodplain Variances, which are processed using criteria specified in SDC 3.3-430.

B. Multiple Unit Housing Variances, which are processed using criteria specified in SDC 3.2-250.

5.21-115 Prohibited Variances

No Variance will be granted that:

A. Authorizes a use that is not permitted in the applicable land use district , overlay or Plan District;

B. Conflicts with adopted Fire and Life Safety Codes or Building Safety Codes; and/or

C. Varies from State or Federal mandated regulations, unless otherwise specified in this Code.

5.21-120 Review

A. A Minor Variance is reviewed under Type 2 procedure.

B. A Major Variance is reviewed under Type 3 procedure.

5.21-125 Minor Variances—Criteria

A. Minor Variances are limited to certain specific numeric standards in this Code. The Director may adjust the following numeric standards by up to 30 percent as a Minor Variance:

1. Building setbacks;

2. Lot/parcel dimensions that do not reduce the required lot/parcel size below the minimum required in the applicable land use district;

3. Building height;

4. Lot/parcel coverage outside of the HD Overlay District as described in SDC 3.3-510; and

5. Parking standards on certain infill lots/parcels.

B. If the Minor Variance involves a setback, the plot plan shall be prepared by an Oregon registered surveyor.

C. The Director may consider additional categories of Minor Variance, on a case by case basis, without the need for an Interpretation, as specified in SDC 5.11-100.

D. The Director must approve the Minor Variance if the applicant demonstrates compliance with all of the applicable approval criteria:

1. Locational or dimensional problems have been identified that can be resolved by a Minor Variance;

2. The request is the minimum necessary to alleviate the identified dimensional or locational problem;

3. Where applicable, the request shall result in the preservation of on-site trees 5-inch dba and above;

4. The request shall not impede adequate emergency access to the site;

5. The request shall not unreasonably adversely impact public or private easements; and

6. In addition to the applicable approval criteria specified in Subsections 1. through 5., above, the following approval criteria shall also apply to a request involving parking reductions on infill lots/parcels in the Commercial and Industrial Districts when there is a change of use, addition or expansion that requires Site Plan Review Modification. The Minor Variance for parking reductions shall not apply to MDS applications as specified in SDC 5.15-100:

a. The individual characteristics of the proposed use require more parking than is generally required for a use of this type,

b. The Minor Variance for a parking reduction shall run with the use or uses to which it pertains and not run with the land itself,

c. The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses because:

i. The owners of abutting properties cannot agree to execute a joint access/parking agreement, and/or

ii. The Public Works Director has determined the proposed shared parking area is a safety hazard because it is located too far from the proposed use,

d. The request shall not result in the parking or loading of vehicles on public streets in a manner that may interfere with the free flow of traffic on the streets,

e. The property otherwise complies with the provisions of this Code.

5.21-130 Major Variances—Criteria

Major Variances involve discretionary decision-making and apply to those Variances that are not Minor Variances as specified in SDC 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 land use 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 land use 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;

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

5.21-135 Conditions

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

Section 5.22-100 Zoning Map Amendments

Subsections:

5.22-105 Purpose
5.22-110 Review
5.22-115 Criteria
5.22-120 Conditions
5.22-125 Mobile Home Park Notice

5.22-105 Purpose

The purpose of this Section is to provide standards and procedures for legislative and quasi-judicial amendments to the Official Zoning Maps.

5.22-110 Review

Official Zoning Map amendments may be initiated by the Director, the Planning Commission, the Hearings Official, the City Council or a citizen. Zoning Map amendments shall be reviewed as follows:

A. Legislative Zoning Map amendments involve broad public policy decisions that apply to other than an individual property owner, generally affecting a large area and/or require a concurrent Metro Plan diagram amendment as specified in SDC 5.14-100. Legislative Zoning Map amendments are reviewed using Type 4 procedure.

1. Metro Plan diagram amendment determination. An amendment to the Metro Plan diagram shall be required if the proposed Zoning Map amendment is not consistent with the Metro Plan diagram. Both amendments may be processed concurrently.

2. Transportation Planning Rule Compliance. Where applicable, legislative Zoning Map amendments shall be reviewed to determine whether the application significantly affects a transportation facility, as specified in Oregon Administrative Rule (OAR) 660-012-0060. In this case a Traffic Impact Study shall be submitted as specified in SDC 4.2-105A.4.

B. Quasi-judicial Zoning Map amendments involve the application of existing policy to a specific factual setting, generally affecting a single or limited group of properties and may or may not include a Metro Plan diagram amendment. Quasi-judicial Zoning Map amendments are reviewed using Type 3 procedure, unless a Metro Plan diagram amendment is required. In this case, the Quasi-judicial Zoning Map amendment will be raised to a Type 4 review.

5.22-115 Criteria

A. Quasi-judicial Zoning Map Amendments. The Planning Commission or Hearings Officer may approve, approve with conditions or deny a quasi-judicial Zoning Map amendment based upon approval criteria C.1. through 3., below. The Planning Commission or Hearings Officer shall make the final local decision on all quasi-judicial Zoning map amendments that do not include a Metro Plan diagram amendment.

B. Legislative Zoning Map Amendments and Quasi-judicial Zoning Map Amendments Raised to a Type 4 Review. The Planning Commission or Hearings Officer may make a recommendation to the City Council to approve, approve with conditions or deny Zoning Map amendments and Metro Plan diagram amendments based upon approval criteria in Subsection C. 1. through 4., below. The City Council shall make the final local decision on all Zoning Map amendments involving a Metro Plan diagram amendment.

C. Zoning Map amendment criteria of approval:

1. Consistency with applicable Metro Plan policies and the Metro Plan diagram;

2. Consistency with applicable Refinement Plans, Plan District maps, Conceptual Development Plans and functional plans; and

3. The property is presently provided with adequate public facilities, services and transportation networks to support the use, or these facilities, services and transportation networks are planned to be provided concurrently with the development of the property.

4. Legislative Zoning Map amendments that involve a Metro Plan Diagram amendment shall:

a. Meet the approval criteria specified in SDC 5.14-100; and

b. Comply with Oregon Administrative Rule (OAR) 660-012-0060, where applicable.

5.22-120 Conditions

The Approval Authority may attach conditions as may be reasonably necessary in order to allow the Zoning Map amendment to be granted.

5.22-125 Mobile Home Park Notice

If a Zoning Map amendment involves property containing an existing mobile home park, the Director shall provide written notice to each unit in the mobile home park as specified in SDC 5.2-115 and as specified in ORS 90.630(5).

Section 5.3-100 Appeals

Subsections:

5.3-105 Purpose
5.3-110 Review
5.3-115 Appeals of the Director's or Hearings Official's Type 2 Decision
5.3-120 Appeals of the Planning Commission's Type 3 Decision
5.3-125 Appeals of the Hearings Official's and City Council's Final Action

5.3-105 Purpose

This Section provides procedures and approval criteria for the review of appeals of the Director's, Hearings Official's, Planning Commission's or City Council's decision on land use and development applications.

5.3-110 Review

Appeals of decisions under this Code are reviewed as follows:

A. Type 3 Procedure. The Director's decision, which is a Type 2 procedure, may be appealed to the Planning Commission or Hearings Official by a party as specified in SDC 5.3-115.

1. The Planning Commission shall hear appeals of the Director's decision within the city limits.

2. The Hearings Official shall hear:

a. Appeals of the Director's decision outside of the city limits but inside the City's urbanizable area;

b. Appeals of expedited land division actions as specified in ORS 197.375; and

c. Appeals of a Drinking Water Protection application as specified in SDC 3.3-245.

B. Type 4 Procedure. The Planning Commission's quasi-judicial decision, which is a Type 3III procedure, may be appealed to the City Council by a party as specified in SDC 5.3-120.

C. If more than one party files an appeal on a decision, the Director may consolidate them to be heard as one proceeding.

5.3-115 Appeals of the Director's or Hearings Official's Type II Decision

A. Standing to Appeal. Only the property owner, applicant, if different and those persons who submitted written comments within the specific comment period for limited land use decisions, or those persons entitled to notice for non-limited land use decisions shall have standing to appeal the Director's or Hearings Official's decision.

B. Filing an Appeal. An appeal application shall be filed with the Director within 15 calendar days of the Director's or Hearings Official's decision.

C. Notice. The Director shall provide notice of the public hearing to the property owner, applicant, if different, the appellant and all persons who submitted comments or requested notice of the decision as part of the process leading to the Director's or Hearings Official's decision. The notice of the appeal hearing shall be as specified in SDC 5.2-115.

D. Review. The review is de novo and the public hearing shall be conducted as specified in SDC 5.2-135.

E. Decision. The Planning Commission or Hearings Official shall consider the Director's staff report and all other evidence presented, including oral and written testimony in making their decision. The Planning Commission or Hearings Officer may affirm, modify or reverse the Director's decision and shall adopt findings in support of their decision. The Planning Commission or Hearing's Officer may attach conditions as may be reasonably necessary in order to allow the appeal to be granted. The Planning Commission's or Hearings Officer's decision is final.

EXCEPTIONS:

1. A Type 3 appeal decision may be reviewed as an appeal by the City Council on its own motion.

2. An appeal of an expedited land division shall be as specified in ORS 197.375.

(6238)

5.3-120 Appeals of the Planning Commission's Type III Decision

A. Standing to Appeal. Only those persons who participated either orally or in writing have standing to appeal the decision of the Planning Commission. Grounds for appeal are limited to those issues raised either orally or in writing before the close of the public record.

B. Filing an Appeal. An appeal application shall be filed with the Director within 15 calendar days of the Planning Commission's decision.

C. Notice. The Director shall provide notice of the public hearing to all parties who participated either orally or in writing before the close of the public record leading to the Planning Commission's decision. The notice of the appeal hearing shall include the information specified in SDC 5.2-115.

D. Review. The review shall be as determined by the City Council. The parties may be permitted to present their oral or written arguments as to all matters within that record. The public hearing shall be conducted as specified in SDC 5.2-135.

E. Decision. The City Council shall consider the Director's report and all other evidence presented, including oral and written testimony in making their decision. The City Council may affirm, modify or reverse the Director's decision and shall adopt findings in support of their decision. The City Council may attach conditions as may be reasonably necessary in order to allow the appeal to be granted. The City Council's decision is final.

5.3-125 Appeals of the Hearings Official's and City Council's Final Action

A decision of the Hearings Official or the City Council may be appealed to the Oregon Land Use Board of Appeals as specified in ORS Chapter 197.

5.4-100 Reserved

5.5-100

5.6-100 Refinement Plans, Plan Districts and the Development Code—Adoption or Amendment

Subsections:

5.6-105 Initiation
5.6-110 Review
5.6-115 Criteria

5.6-105 Initiation

A. A new refinement plan and/or Development Code may be initiated by the Director, the Planning Commission, or the City Council.

B. Amendment of adopted refinement plans, refinement plan diagrams and this Code's text may be initiated by the Director, the Planning Commission, the City Council or a citizen.

C. Citizen initiated amendments are allowed only twice each calendar year; on or before January 5th or July 5th. (6279)

5.6-110 Review

Adoption or amendment of refinement plan text, refinement plan diagrams and this Code's text are reviewed under Type 4 procedure. (6279)

5.6-115 Criteria

A. In reaching a decision on the adoption or amendment of refinement plans and this Code's text, the City Council shall adopt findings that demonstrate conformance to the following:

1. The Metro Plan;

2. Applicable State statutes; and

3. Applicable State-wide Planning Goals and Administrative Rules.

B. Applications specified in SDC 5.6-105 may require co-adoption by the Lane County Board of Commissioners. (6279)

5.7-100 Annexations

Subsections:

5.7-105 Purpose
5.7-110 Applicability
5.7-113 Definitions
5.7-115 Review
5.7-120 Development Issues Meeting
5.7-125 Annexation Initiation and Application Submittal
5.7-130 Notice
5.7-135 Recommendation to City Council
5.7-140 Criteria
5.7-145 City Council Decision
5.7-150 Zoning
5.7-155 Effective Date and Notice of Approved Annexation
5.7-160 Withdrawal from Special Service Districts
5.7-165 Appeals

5.7-105 Purpose

A. Clearly define the process for the review of proposals to annex territory to the City;

B. Provide a process for the subsequent withdrawal of territory from special service districts; and

C. Provide a process for City approval of annexations to certain special districts, including but not limited to: the Lane County Metropolitan Wastewater District; and the Willamalane Park and Recreation District. (6212)

5.7-110 Applicability

A. These regulations apply to annexation applications as specified in SDC 5.7-125; and

B. Other annexation proposals permitted by ORS 222 shall be processed as provided in ORS 222. (6212)

5.7-113 Definitions

The following definitions are specific to this Section:

Affected City. A City, City-County or Cities, named in a petition, for which a boundary change is proposed or a City, City-County or Cities, named in an ordinance or order, for which a boundary change is ordered.

Affected County. Each county that contains any territory for which a boundary change is proposed or ordered.

Affected District. Each special district named in a petition that contains or would contain territory for which a boundary change is proposed or ordered. Affected district also means a district or districts, named in a petition, for which a boundary change is proposed or ordered.

Affected Territory. Territory described in a petition. Affected territory also means an area within the urban growth boundary of a City that is otherwise eligible for annexation to a City where there exists an actual or alleged danger to public health as defined in ORS 222.

Annexation. The attachment or addition of territory to, or inclusion of territory in, an existing City or district.

Annexation Agreement. A written agreement between the City and owners of land requesting annexation that states the terms, conditions and obligations of the parties to mitigate fiscal and service impacts to the City associated with the annexation and future development of the property. The agreement may be used to ensure annexation consistent with the Metro Plan.

Annexation Contract. A contract between a City and a landowner relating to extraterritorial provision of service and consent to eventual annexation of property of the landowner. The contract shall be recorded and shall be binding on all successors with an interest in that property.

Boundary Change. An action by the City Council duly authorized by ORS 222 that results in the adjustment of the city limits or the boundary of a public service district.

Cadastral Map. A map prepared by the Lane County Assessor’s office showing bearings and distances and the boundaries of parcels, lots and tracts of land.

Consent to Annex. Forms provided by the affected City that must be included with certain annexation and extraterritorial extension applications which include the signature of the owner of part or all of the affected territory, and electors, if any, as applicable.

Contiguous. Territory that abuts the city limits at any point along the property’s exterior boundary or separated from the city limits by a public right-of-way or a stream, bay, lake, or other body of water.

Effective Date of Annexation. The effective date of the boundary changed as prescribed in ORS 222.040, 222.180 or 222.465.

Elector. An active registered voter at an address within the affected territory.

Extraterritorial Connection of Service. The connection of water or sanitary sewer service to developed property located outside the city limits and within the urban growth boundary.

Extraterritorial Extension of a Facility. The extension of a water or sanitary sewer line outside the city limits and within the urban growth boundary.

Extraterritorial Service/Facility Contract. A contract between the owner of property proposed to be served and the City specifying and identifying service provisions, obligations of the City and cost obligations of the owner of the affected territory. The decision to enter into such a contract shall be initiated at the sole discretion of the City Council.

Filing. The submittal of materials to initiate a boundary change process.

Initiation Method. Any of the following descriptions of participants and documentation necessary for commencement of City annexation process:

A. All of the owners of land in the territory proposed to be annexed, and not less than 50 percent of the electors, if any, residing in the territory proposed to be annexed, have consented in writing to the annexation and file a statement of their consent to annexation with the City;

B. More than half of the owners of land in the territory proposed for annexation who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation and file a statement of their consent to annexation with the City;

C. A majority of the electors registered in the territory proposed to be annexed and owners of more than half of the land in that territory consent in writing to the annexation and file a statement of their consent to annexation with the City;

D. The City Council may, without any vote or any consent by the owners, annex territory within the urban growth boundary if it is found that a danger to public health exists within that territory and that such condition can be removed or alleviated by sanitary, water or other facilities ordinarily provided by incorporated cities; or

E. The City Council may, by resolution, initiate annexation of public right-of-way or other public land contiguous to the city limits.

Legal Description. As defined in ORS 308.225(2).

Notice. An ordinance, resolution, order, or other similar matter providing notice authorized or required to be published, posted, or mailed.

Owner. The legal owner of record according to the latest available Lane County Tax assessment roll or, where there is an existing recorded land contract that is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land, each consenting owner is counted as a fraction to the same extent as the interest of the other owners and the same fraction is applied to the parcel’s land mass and assessed value for purposes of the

consent petition. If a corporation owns land in the affected territory, the corporation must be considered the individual owner of that land.

Petition. Any document such as signature sheets, resolutions, orders, or articles of incorporation, required for initiating an annexation, withdrawal or provision of extraterritorial services. In the case of a petition initiated by property owners, the person signing on behalf of a corporation or business must provide evidence showing that person is authorized to sign legal documents for the firm.

Proceeding. A proceeding to consider a boundary change.

Proposal. The set of documents required to initiate proceedings for a boundary change.

Special Service District. Any of the districts identified in ORS 198.

Urban Growth Boundary. A site-specific line, delineated on a map or by written description that separates urban and urbanizable land from rural lands that is part of a comprehensive plan.

Withdrawal. The detachment, disconnection, or exclusion of territory from an existing City or district. (6212)

5.7-115 Review

Annexation applications are reviewed under Type 4 procedure, without Planning Commission consideration.

EXCEPTION: A single lot/parcel adjacent to the city limits and city services and not dividable by Partition or Subdivision may be annexed by the City Council without a public hearing. (6212)

5.7-120 Development Issues Meeting

The applicant shall schedule a Development Issues Meeting prior to filing an annexation application where staff will inform the applicant of the annexation application submittal requirements and procedures specified in this Section, unless waived by the Director. (6212)

5.7-125 Annexation Initiation and Application Submittal

A. An annexation application may be initiated by City Council resolution, or by written consents from electors and/or property owners as provided below.

B. In addition to the provisions specified in SDC 5.4-105, an annexation application shall include the following:

1. A list of all owners, including partial holders of owner interest, within the affected territory, indicating for each owner:

a. The affected tax lots, including the township, section and range numbers;

b. The street or site addresses within the affected territory as shown in the Lane County Regional Land Information Database system (RLID);

c. A list of all eligible electors registered at an address within the affected territory; and

d. Signed petitions, as may be required.

2. Written consents on City approved petition forms that are:

a. Completed and signed, in accordance with ORS 222.125, by:

i. All of the owners within the affected territory, and

ii. Not less than 50 percent of the eligible electors, if any, registered within the affected territory; or

b. Completed and signed, in accordance with ORS 222.170, by:

i. More than half the owners of land in the territory, who also own more than half the land in the contiguous territory and of real property therein representing more than half the assessed value of all real property in the contiguous territory (ORS 222.170(1)); or

ii. A majority of the electors registered in the territory proposed to be annexed and a majority of the owners of more than half the land (ORS 222.170(2)).

iii. Publicly owned rights-of-way may be added to annexations initiated by these 2 methods without any consents;

3. A City Council resolution to initiate a boundary change, including but not limited to, publicly owned rights-of-way.

4. In lieu of a petition form described in Subsection 2 above, an owner's consent may be indicated on a previously executed Consent to Annex form that has not yet expired as specified in ORS 222.173 or previously executed Annexation Agreement consenting to the annexation of territory.

5. Verification of Property Owners form signed by the Lane County Department of Assessment and Taxation.

6. A Certificate of Electors form signed by the Lane County Elections Noter Registration Department.

7. An ORS 197.352 waiver form signed by each owner within affected the territory.

8. A waiver form signed by each owner within the affected territory as allowed by ORS 222.173.

9. A legal description of the affected territory proposed for annexation consistent with ORS 308.225 that will include contiguous or adjacent right-of-way to ensure contiguity as required by ORS 222.111.

10. A Lane County Assessor's Cadastral Map to scale highlighting the affected territory and its relationship to the city limits.

11. A list of the districts providing services to the affected territory.

12. A public/private utility plan describing how the proposed affected territory can be served by a full/minimum level of key urban facilities and services.

13. A signed Annexation Agreement, if required by the Director, to resolve fiscal impacts upon the City caused by the proposed annexation. The Annexation Agreement shall address, at a minimum, connection to and extension of public facilities and services. Connection to public facilities and services shall be at the discretion of the City, unless otherwise required by ORS. Where public facilities and services are available and can be extended, the applicant shall be required to do so.

14. A written narrative addressing the proposal's consistency with the approval criteria specified in SDC 5.7-140.

15. A fee as established by Council Resolution. (6212)

5.7-130 Notice

Notice requirements for annexations shall be as specified below:

A. Mailed Notice. Notice of the annexation application shall be mailed at least 14 days prior to the public hearing date to:

1. The applicant, property owner and electors in the affected territory;

2. Owners and occupants of properties located within 300 feet of the perimeter of the affected territory;

3. The neighborhood group or community organization officially recognized by the City that includes the affected territory;

4. Affected special districts and all other public utility providers; and

5. Lane County Land Management Division, Lane County Elections, and the Lane County Board of Commissioners.

B. Newspaper Notice. Notice of the public hearing at which an annexation application will be considered shall be published in a local newspaper with general circulation once each week for 2 successive weeks prior to the hearing date; and

C. Posted Notice. Notice of the public hearing at which an annexation application will be considered shall be posted in 4 public places in the City for 2 successive weeks prior to the hearing date.

D. Notice Contents. Notice of the public hearing at which an annexation application will be considered shall include:

1. The Lane County Tax Assessor's map and tax lot numbers, street addresses or other easily understood geographical references of the affected territory;

2. A statement that the Director's recommendation will be available 7 days prior to the public hearing; and

3. The date, time and place the City Council will hold a public hearing to consider the annexation application. (6212)

5.7-135 Recommendation to City Council

The Director shall forward a written recommendation on the annexation application to the City Council based on the approval criteria specified in SDC 5.7-140. (6212)

5.7-140 Criteria

An annexation application may be approved only if the City Council finds that the proposal conforms to the following criteria:

A. The affected territory proposed to be annexed is within the City's urban growth boundary; and is

1. Contiguous to the city limits; or

2. Separated from the City only by a public right-of-way or a stream, lake or other body of water.

B. The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans or Plan Districts;

C. The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services, as defined in the Metro Plan, can be provided in an orderly, efficient and timely manner; and

D. Where applicable, fiscal impacts to the City have been mitigated through an Annexation Agreement or other mechanism approved by the City Council. (6212)

5.7-145 City Council Decision

City Council approval of annexation applications shall be by Ordinance. (6212)

5.7-150 Zoning

Currently, all unincorporated land within the City's urban growth boundary is zoned in compliance with the land use districts listed in this Code and is designated in compliance with the Metro Plan. Unincorporated land within the urban growth boundary is distinguished from land within the city limits by the addition of the Urban Fringe (UF-10) Overlay District established in SDC 3.3-800. Upon approval of the annexation by the City Council:

A. The UF-10 Overlay District designation shall cease to apply automatically; and

B. The current zoning shall apply, unless a zoning map amendment has been submitted and approved by the City.

C. The Director will not deem an application complete for a zoning map amendment until the annexation has been approved by the City Council and becomes effective, as that term is described in SDC 5.7.113. (6212)

5.7-155 Effective Date and Notice of Approved Annexation

A. The effective date of an approved annexation shall be set in accordance with ORS 222.040, 222.180 or 222.465.

B. Notice of Approved Annexation.

1. Not later than 10 working days after the passage of an Ordinance approving an annexation, the Director shall:

a. Send by certified mail a notice to public utilities (as defined in ORS 757.005), electric cooperatives and telecommunications carriers (as defined in ORS 133.721) operating within the City; and

b. Mail a notice of the annexation to the Secretary of State, Department of Revenue, Lane County Clerk, Lane County Assessor, affected districts, and owners and electors in the affected territory. The notice shall include:

i. A copy of the Ordinance approving the annexation,

ii. A legal description and map of the annexed territory,

iii. The findings, and

iv. Each site address to be annexed as recorded on Lane County assessment and taxation rolls or found in RLID;

c. The notice to the Secretary of State will also include copies of the petitions signed by electors and/or owners of the affected territory as required in SDC 5.7-125.

2. If the effective date of an annexation is more than 1 year after the City Council passes the Ordinance approving it, the Director shall mail a notice of the annexation to the Lane County Clerk not sooner than 120 days and not later than 90 days prior to the effective date of the annexation. (6212)

5.7-160 Withdrawal from Special Service Districts

A. Withdrawal from special districts may occur concurrently with the approved annexation ordinance or after the effective date of the annexation of territory to the City. The Director shall recommend to the City Council for consideration of the withdrawal of the annexed territory from special districts as specified in ORS 222.

B. Withdrawal from special districts processed separate from the process annexing the territory to the City requires a Public Hearing with notice as required in SDC 5.7-130.

C. Criteria. In determining whether to withdraw the territory, the City Council shall determine whether the withdrawal is in the best interest of the City.

D. Effective Date. The effective date of the withdrawal shall be as specified in ORS 222.465.

E. Notice of Withdrawal. Notice will be provided in the same manner as specified in SDC 5.7-150. (6212)

5.7-165 Appeals

Appeals of the City Council decision shall be to the Land Use Board of Appeals, as specified in SDC 5.1-140G. (6212)

5.8-100 Non-Conforming Uses—Determination, Continuance, Expansion or Modification

Subsections:

5.8-105 Purpose
5.8-110 Review
5.8-115 Determination of Non-Conforming Use Status
5.8-120 Continuance
5.8-125 Expansion or Modification
5.8-130 Abandonment
5.8-135 Lots of Record
5.8-140 Exemptions
5.8-145 Vested Rights—Completion of a Non-Conforming Building or Structure
5.8-150 Ballot Measure 37 Demands

5.8-105 Purpose

A. This Section:

1. Provides for the regulation of legally created: non-conforming uses; buildings and/or structures; and lots of record; and

2. Specifies those circumstances and conditions under which a non-conforming situation may be permitted to continue and/or expand.

B. Approval of a Variance as specified in SDC 5.21-100 shall not be considered to make a use, building or structure, or lot of record non-conforming.

5.8-110 Review

A. A request for non-conforming use status is reviewed under Type 1 procedure.

B. A request for an expansion or modification of a non-conforming use and/or the expansion of a non-conforming building or structure is reviewed under Type 2 procedure, unless the Director determines that the application should be reviewed as a Type 3 decision by the Planning Commission or Hearings Officer due to the complexity of the application or the need for discretionary review.

5.8-115 Determination of Non-Conforming Use Status

A non-conforming use is an activity involving land, buildings, and/or structures for purposes which were legally established prior to the May 5, 1986, but which do not fully comply with the current development regulations, or subsequent amendments to this Code. These activities would not be permitted by this Code as a new use in the zone in which it is currently located.

The Director shall make a determination regarding the legal status of a non-conforming use using the following approval criteria. The burden of proof is upon the property owner.

A. The applicant shall submit any of the following items as proof that the use was permitted by this Code at the time it was adopted or amended:

1. Copies of building and/or land use permits issued at the time the use was established; and/or

2. Copies of zoning code provisions and/or zoning maps.

B. The applicant shall submit any of the following as proof that the use has been in operation over time and has not been abandoned as specified in SDC 5.8-130:

1. Utility bills;

2. Income/property tax records;

3. Business licenses;

4. Listings in telephone, business directories;

5. Advertisements in dated publications, e.g., trade magazines;

6. Building, land use or development permits; and/or

7. Any other information which the applicant believes is relevant.

5.8-120 Continuance

A non-conforming building, structure or use may continue so long as it remains otherwise lawful as specified below:

A. A non-conforming building or structure, which:

1. Requires routine maintenance and repairs may be repaired in compliance with the Building Safety Codes;

2. Is determined to be substandard by the Building Official may be restored to a safe condition in compliance with the Building Safety Codes; or

3. Suffers any damage may be restored to its original condition, provided development approval is obtained, where applicable, and a Building Permit is issued within the time line specified in SDC 5.8-130.

B. A non-conforming use within a building or structure discussed in Subsection A., above may continue until abandoned as specified in SDC 5.8-130.

C. Existing single-wide manufactured dwellings on individual lots/parcels in Glenwood and in the Adams Plat area may be replaced with a single-wide manufactured dwelling of approximately the same size within the time line specified in SDC 5.8-130.

D. Agriculture and agricultural uses and structures on land in Glenwood permitted under Section 9.384 of the Eugene Code prior to the adoption of the Glenwood Refinement Plan by the City on November 8, 1999, may continue until the land is annexed to the City at the request of the property owner.

5.8-125 Expansion or Modification

An expansion or modification of a non-conforming use and/or the expansion of a non-conforming building or structure resulting in an increased impact upon adjacent properties is considered an expansion of a non-conforming use. Approval may be granted only when the Director determines that there will be no significant impact of the expansion upon adjacent properties. The Director may require approval conditions to mitigate a significant impact. The applicant shall demonstrate all of the following applicable approval criteria have been met:

A. For residential zones, the expansion shall not lessen the residential character of the residential zone taking into account factors, including but not limited to:

1. Building scale, placement, and façade;

2. On-site parking placement;

3. Vehicle trips to the site and impact on surrounding on-street parking;

4. Buffering and the potential loss of privacy to abutting residential uses; and

5. On-site lighting.

B. For zones other than residential, there shall be no significant impact compared to the current use or building or structure on the surrounding area taking into account factors, including but not limited to:

1. The hours of operation;

2. An increase in building size or height;

3. On-site parking placement;

4. Vehicle trips to the site and impact on surrounding on-street parking;

5. Noise, vibration, dust, odor, fumes, glare, smoke and on-site lighting; and

6. The amount, location, and nature of any outside displays, storage, or activities.

C. The following situations shall not be considered to be an expansion or modification of a non-conforming use:

1. An existing building or structure conforming to use, but non-conforming as to height, setback and other dimensional standards, may be expanded or modified, provided the expansion or modification does not result in an increased violation of this Code.

2. The replacement of a single-wide manufactured dwelling as may be permitted in SDC 5.8-120C.

5.8-130 Abandonment

A. Any non-conforming use which is discontinued for 6 months or more, or any non-conforming building or structure which is not occupied or used for 6 months or more, shall be deemed abandoned and lose its status as a non-conforming use, building or structure on:

1. The date the building or structure is vacated; and/or

2. The date the use ceases.

B. Any subsequent use or development shall be in compliance with the provisions of this Code.

5.8-135 Lots of Record

A lot of record is any legally approved lot/parcel which, at the time it was created, fully complied with all applicable laws and Ordinances of the City, or Lane County for those lots/parcels within the City's urbanizable area, but which is now non-conforming because the lot/parcel does not fully comply with the current provisions of this Code or any amendment to this Code.

A. Any lot of record that is non-conforming due to area, width and/or depth is a buildable lot/parcel, provided that the development standards of this Code can be met. For example, if a setback standard cannot be met due to lot/parcel area, a Variance to the setback standards of the applicable zoning district as specified in SDC 5.21-100 is required prior to the issuance of a Building Permit.

B. Any lot of record that is non-conforming due to a public facility deficiency, including but not limited to, unimproved streets, lack of sidewalks, sanitary sewers or storm water

facilities may be further developed as specified in this Code. However, the public facility deficiency shall be addressed at the time of development.

C. The dedication of right-of-way during the development review process shall not be considered to create a non-conforming lot/parcel due to lot/parcel size or dimension.

5.8-140 Exemptions

A. Residential buildings and uses existing and legally permitted, or permitted under Discretionary Use approval in the LMI zoning district or LMI plan designation in Glenwood as of January 27, 1982 shall be exempt from SDC 5.8-115, 5.8-120 and 5.8-125. Commercial and industrial buildings and uses existing and legally permitted or permitted under Discretionary Use approval in the LMI zoning district or LMI plan designation in Glenwood as of December 7, 1998 shall be exempt from SDC 5.8-115, 5.8-120 and 5.8-125.

B. Any proposed expansion on property zoned or designated LMI that has a use listed under HI, as specified in SDC 3.2-410, and abuts any residential use shall require Site Plan Review approval. The exemption shall apply applies as follows: to expansions, regardless of the direction, of buildings or land or both; and expansions onto contiguous properties under the same ownership.

5.8-145 Vested Rights—Completion of a Non-Conforming Building or Structure

A. A building or structure that has received a valid Building Permit prior to the adoption of this Code or subsequent amendments to it may be completed in accordance with the terms of that Building Permit and used for the purpose for which it was permitted. The structure and its use shall then be considered non-conforming. The burden of proof is on the applicant to demonstrate that the structure has received a valid Building Permit.

B. If a Building Permit is revoked by the Building Official or for any reason becomes void, all rights granted by this Section are terminated and the project shall then be required to conform to all the provisions of this Code.

5.8-150 Ballot Measure 37 Demands

Notwithstanding the foregoing provisions and regulations of this Section, any waivers to the provisions of this Code granted by the City Council in response to a Demand for compensation, as may be permitted as specified in the Springfield Municipal Code, 1997, shall supersede the provisions and regulations of this Section and is transferable to a future purchaser of the property to the extent required by ORS 197.352.

5.9-100 Discretionary Uses

Subsections:

5.9-105 Purpose
5.9-115 Review
5.9-120 Criteria
5.9-125 Conditions

5.9-105 Purpose

There are certain uses which, due to the nature of their impact on nearby uses and public facilities, require discretionary review through a Type 3 procedure. These impacts include, but are not limited to, the size of the area required for the full development of a proposed use, the nature of the traffic problems incidental to operation of a use, and the effect the use may have on any nearby existing uses. To mitigate these and other possible impacts, conditions may be applied to address potential adverse effects associated with the proposed use. This Section provides standards and procedures under which a Discretionary Use may be permitted, expanded, or altered.

5.9-115 Review

A. New Discretionary Uses are reviewed under Type 3 procedure concurrently with or prior to a Site Plan or Minimum Development Standards application, as applicable. No Site Plan or Minimum Development Standards application may be approved or conditionally approved for a use requiring Discretionary Use Approval prior to approval of the Discretionary Use application.

B. Expansions, alterations, and modifications are reviewed under:

1. Type 1 or Type 2 Site Plan Modification or Minimum Development Standards procedures, as applicable, if the request does not alter any condition of approval or site development requirement of the original Discretionary Use approval; or

2. Type 3 Discretionary review, if the expansion, alteration, or modification does not comply with a condition of approval or site development requirement of the Discretionary Use approval, or when the Director determines that the expansion, alteration, or modification may adversely impact adjoining land uses.

5.9-120 Criteria

A Discretionary Use may be approved only if the Approval Authority finds that the proposal conforms with the Site Plan Review approval criteria specified in Section 5.17.125, where applicable, and the following approval criteria:

A. The proposed use conforms with applicable:

1. Provisions of the Metro Plan;

2. Refinement plans;

3. Plan District standards;

4. Conceptual Development Plans or

5. Specific Development Standards in this Code;

B. The site under consideration is suitable for the proposed use, considering:

1. The location, size, design and operating characteristics of the use (operating characteristics include but are not limited to parking, traffic, noise, vibration, emissions, light, glare, odor, dust, visibility, safety, and aesthetic considerations, where applicable);

2. Adequate and safe circulation exists for vehicular access to and from the proposed site, and on-site circulation and emergency response as well as pedestrian, bicycle and transit circulation;

3. The natural and physical features of the site, including but not limited to, riparian areas, regulated wetlands, natural stormwater management/drainage areas and wooded areas shall be adequately considered in the project design; and

4. Adequate public facilities and services are available, including but not limited to, utilities, streets, storm drainage facilities, sanitary sewer and other public infrastructure.

C. Any adverse effects of the proposed use on adjacent properties and on the public can be mitigated through the:

1. Application of other Code standards (including, but not limited to: buffering from less intensive uses and increased setbacks);

2. Site Plan Review approval conditions, where applicable;

3. Other approval conditions that may be required by the Approval Authority; and/or

4. A proposal by the applicant that meets or exceeds the cited Code standards and/or approval conditions.

5.9-125	**Conditions**

The Approval Authority may attach conditions as may be reasonably necessary in order to allow the Discretionary Use approval to be granted.

STAFF REPORT - FINDINGS

I. EXECUTIVE SUMMARY PROJECT DESCRIPTION AND BACKGROUND

1. Development Code Update

The Springfield Development Code (SDC) is the principal document that implements local, state, and federal land use, transportation, and environmental laws applicable in the City of Springfield. The current Development Code was adopted in 1987. Other than a general "housekeeping" updates that occurred from 1998 to 2007, the Code has been revised only to comply with state or federal laws, or as directed by the City Council in response to a specific limited issue or objective. The Springfield City Council recognizes that the Springfield Development Code is difficult to use, understand, and implement. Resolving the complexities and outdated nature of the code will help achieve the economic and housing goals for our community by expanding housing opportunities and supporting job creation. The Council has directed staff to complete a full Development Code Update which started in 2018 and is anticipated to conclude by the end of 2023.

The purpose of the Development Code Update Project is to change the Springfield Development Code to support efficient, timely, and clear development review. The updated Development Code will support Springfield's economic development priorities and will honor Springfield's hometown feel now and in the future. Phase 1 of the Development Code Update Project is focused on housing and includes the middle housing code updates required by legislation passed in 2019 (House Bill 2001). Phase 2 focuses on Employment Lands and includes development standards and procedural changes also addressed in these findings.

The objectives of the Development Code Update Project are to:

(1) Enable quick review of development applications.
(2) Provide easy to understand code language presented in a clear and user-friendly format.
(3) Provide a straight-forward processing path to development decisions.
(4) Support/further economic development in all sectors.
(5) Protect and enhance the beauty of our city to boost or stabilize property values, encourage investment, and improve the image of the community.
(6) Comply with mandatory regulatory requirements including implementation of House Bill (HB) 2001 (ORS 197.758 and OAR Chapter 660, Division 46).
(7) Implement the City's adopted policies.

2. Housing (Residential) Code Updates

The residential code updates, including the middle housing updates, which constitute the first phase of the Development Code Update Project, are an opportunity to provide more housing of all shapes and sizes for all residents of the city. Oregon state law requires that local governments, such as the City, have clear and objective standards for housing, to ensure that communities are not unnecessarily prohibiting needed housing through use of discretionary or subjective criteria. A new development code supports housing affordability in Springfield by making the process more predictable, lowering development costs, and creating a more diverse housing stock. Housing costs have risen, and the housing market has become extremely tight in Springfield in the wake of the pandemic. Updating the Springfield Development Code is

a major step toward providing a greater variety of new housing, allowing more residents to find a home that suits their preferences and needs. Housing availability impacts whether current residents' children can settle nearby or if people have options for downsizing while remaining in the same neighborhood; housing prices impact every household's budget and ability to attain the housing that best meets their needs within the community.

A key component of the Development Code Update Project is the middle housing code updates that expand the range of housing types permitted in all residential areas and implement new state statutes and regulations for middle housing in low-density residential areas (HB 2001 – Middle Housing, codified as ORS 197.758). Middle housing includes duplexes, triplexes, fourplexes, cottage clusters, and townhouses. These housing types are proposed to be allowed throughout the City's residential areas including in neighborhoods currently limited to detached single-unit dwellings. Within the low-density residential district (currently LDR becomes the R-1 district), where detached single-unit dwellings are allowed, these middle housing types are be permitted under the rules in OAR chapter 660, division 46 to fully implement ORS 197.758 (HB 2001). Middle housing in the medium-density residential and high-density residential districts (currently MDR and HDR, become the R-2 and R-3 districts), are subject to the rules in OAR chapter 660, division 46 only if those districts continue to permit detached single-unit dwellings. To maintain the City's ability to meet minimum density requirements in the proposed R-2 and R-3 districts as required by the Springfield Comprehensive Plan, the code updates remove detached single-unit dwellings from the list of permitted uses in those districts. Middle housing are permitted in the R-2 and R-3 districts subject to density and development standards that are substantially, but not entirely, similar to HB 2001 requirements.

Phase 1 of the City's Development Code Update Project includes the following components:

- Consolidating and renaming the residential land use districts: LDR, MDR, and HDR become R-1, R-2, and R-3; the Small Lot Residential (SLR) district, not currently applied anywhere in the urban growth boundary, is combined with LDR into the new R-1 district;
- Restricting detached single-unit dwelling uses in medium- and high-density districts (proposed R-2 and R-3 districts);
- Simplifying development standards for residential uses, including the full range of middle housing : duplexes, triplexes, fourplexes, townhouses, and cottage clusters;
- Expanding the locations where middle housing is permitted outright, including permitting duplexes, triplexes, fourplexes, townhouses and cottage clusters in the R-1 district where single-unit detached dwellings are permitted, to comply with ORS 197.758 (HB 2001);
- Setting dimensional standards for residential uses, generally increasing allowed height and decreasing required setbacks, and eliminating the overly complex "solar" setbacks;
- Coordinating existing minimum and maximum densities for each land use district with minimum and maximum lot sizes differentiated for each middle housing type as appropriate;
- Establishing clear and objective site and building design standards for housing, including triplexes, fourplexes, townhouses and cottage clusters;
- Updating definitions to include all housing types and terms, including defining all residential types based on number and type of dwelling units rather than referencing potentially discriminatory definitions of "family";
- Modernizing regulation of residential rental uses by replacing boarding and rooming house and bed and breakfast use regulations with new regulations for short-term rentals; and
- Updating the infrastructure and transportation standards that apply to housing, including proposed standards for driveways (SDC 4.2.120), landscaping (SDC 4.4.100), off-street parking

(4.6.100) and development review procedures and standards (SDC 5.1.100 and 5.15.100) (changes to these sections are combined with the employment code updates).

3. Employment Lands (Commercial and Industrial) Code Updates

The Employment Code Update focuses on meeting the following objectives: enabling quick review of development applications, being easy to understand with clear code language presented in a user-friendly format, providing a straight-forward processing path to development decisions, and supporting/furthering economic development in all sectors. The employment code updates includes changes to many sections of the existing development code, including Site Plan Review, Minimum Development Standards, infrastructure standards and development standards, and the general code procedures for processing planning applications. Many of these sections may also apply to housing.

As Phase 2 of the Development Code Update Project, the employment code updates include the following components:

- Replacing specific lists of uses for the commercial and industrial districts with broader use categories;
- Clarifying approval standards for Site Plan Review applications;
- Simplifying and expanding the Minimum Development Standards procedure by reducing the two types of MDS applications into one type, removing the restriction on using the MDS procedure for properties that are next to residential areas, and adopting nondiscretionary standards for all MDS applications;
- Replacing the existing development review and procedures code with a new code section SDC 5.1.100, which provides more clarity and specificity on the City's development review procedures, and adjusts procedures where necessary to comply with State laws;
- Updating the onsite lighting standards by adopting clear standards for full cut off light fixtures to reduce light pollution, and limiting lighting types; and
- Updating the landscaping and parking standards to be nondiscretionary clear and objective standards, while providing flexibility for applicants to seek exceptions to the standards through a Type 2 discretionary procedure.

PROCEDURAL REQUIREMENTS

Finding: A development code amendment is a Type IV application subject to the procedures set forth in SDC 5.1-140. The Planning Commission holds a legislative public hearing to review the application and make a recommendation to the City Council. Once the Planning Commission provides a recommendation, the City Council holds a legislative public hearing to consider the application further.

The code updates include changes that apply within the urbanizable areas that are between the City limits and the Springfield urban growth boundary. Accordingly, the code updates are subject to provisions of the City of Springfield and Lane County's urban transition agreement, "Agreement Regarding the Transfer of Building and Land Use Responsibilities within the Urbanizable Portion of the Urban Growth Boundary," adopted October 9, 1986, as amended on December 1, 1986 and July 27, 1999 ("Urban Transition Agreement"). Article IV, Section A.2 requires the City and County to jointly develop land use regulations to be applied to the urbanizable portion of the Springfield UGB. The Springfield City Council and the Lane County Board of Commissioners must adopt identical versions of the regulations to be applied in the urbanizable area. Section A.3 transfers the Lane County Planning Commission's legislative land use

authority to the Springfield Planning Commission for legislative land use decisions; however, the Springfield Planning Commission and Lane County Planning Commission have, at times, elected to hold a joint public hearing for the purpose of developing their recommendations to City Council and Board of Commissioners, respectively. The public hearing scheduled on January 4, 2022 is a joint hearing between the Springfield Planning Commission and Lane County Planning Commission. Later, the City Council and Board of County Commissioners will hold a joint public hearing and will adopt identical versions of the regulations applicable to the urbanizable area.

Finding: The Development Code Update Project was initiated by the City of Springfield Development and Public Works Director (Director). The amendments are not site-specific, they apply to a large area and a large number of properties, and they are not bound to result in a decision to adopt or not adopt the code updates, and therefore are a legislative action.

Finding: SDC 5.2-115 requires legislative land use decisions be advertised in a newspaper of general circulation, providing information about the legislative action and the time, place, and location of the hearing. Notice of the public hearing concerning this matter was published on December 17, 2021 in the Eugene Register Guard, advertising the first evidentiary hearing before the City of Springfield Planning Commission on January 4, 2022. Notice of the Springfield City Council hearing will be published according to the requirements in SDC Section 5.2-115 for legislative actions.

Finding: In addition to providing notice in the newspaper, SDC 5.1-140 requires mailed notice to the property owners and occupants within 300 feet of the property being reviewed and to the appropriate neighborhood association, where applicable, as well as posting one sign on the subject property. The amendments are not a site-specific proposal and therefore these requirements are not applicable.

Finding: The Director is required to send notice to the Department of Land Conservation and Development (DLCD) as specified in OAR 660-18-0020. A joint City-County "DLCD Notice of Proposed Amendment" was submitted in accordance with DLCD submission guidelines to the DLCD on December 1, 2021 alerting the agency to the City's proposal to amend the Springfield Development Code. The notice was submitted 34 days in advance of the first evidentiary hearing. While this is one day shorter than the required 35-day notice in advance of the January 4, 2022 public hearing, the notice complies with the option to "cure" late submittals provided in ORS 197.620(3), because the final evidentiary hearing before the City Council and Board of County Commissioners will be held in April 2022.

Finding: ORS 227.186 requires the local government to mail a notice to every landowner whose property is proposed to be "rezoned" as a result of adoption or amendment of a proposed ordinance (also known as "Ballot Measure 56" notice). Property is "rezoned" under ORS 227.186 when a city adopts or amends an ordinance in a manner that limits or prohibits land uses previously allowed in the affected land use district. ORS 215.503 applies similar requirements to County ordinances that rezone property. The Residential Code Amendments limit detached single-unit dwellings previously allowed in the medium- and high-density residential districts (currently MDR and HDR, become R-2 and R-3), and within MDR and HDR designated areas in the urbanizable areas and therefore may "rezone" property under ORS 227.186 and ORS 215.503. The City mailed a notice complying with ORS 227.186 to every land owner of properties in the MDR and HDR land use district within the City limits on December 14, 2021. Lane County provided separate notice under ORS 215.503 to MDR and HDR designated properties outside City limits and within the Springfield Urban Growth Boundary on December 14, 2021.

DEVELOPMENT CODE AMENDMENTS – APPROVAL CRITERIA

The applicable approval criteria for the development code amendments are provided in SDC 5.6-115:

In reaching a decision to adopt or amend the Springfield Development Code, the Council must adopt findings that demonstrate conformance to the following:

(1) The Metro Plan [including the Springfield Comprehensive Plan];
(2) Applicable State statutes; and
(3) Applicable State-wide Planning Goals and Administrative Rules.

CRITERION #1: SDC 5.6-115 A.1 CONFORMANCE WITH THE METRO PLAN (AND SPRINGFIELD COMPREHENSIVE PLAN)

Finding:
The adopted Metro Plan and Springfield Comprehensive Plan are the acknowledged long-range plans that create the broad framework for land use planning within the City of Springfield. The policies and implementation actions of the Springfield Comprehensive Plan–Residential Land Use and Housing Element are intended to refine and update (as opposed to replace) the goals, objectives and policies of the Metro Plan's Residential Land Use and Housing Element. The Springfield Comprehensive Plan – Economic Element and Urbanization Element replace the applicable sections of the Metro Plan pertaining to employment lands and urbanizable lands.

A separate amendment to the Springfield Comprehensive Plan clarifies potential conflicts between the plan policies and state statutes. In the case of HB 2001, state statutes override local comprehensive plan provisions, including the Metro Plan and Springfield Comprehensive Plan. New language in the Springfield Comprehensive Plan – Residential Land and Housing Element specifies that provisions for middle housing required by HB 2001 override local policies, such as the maximum densities in low-density residential areas. (See Policy H1., Implementation Action 1.1.) Thus, the code updates are consistent with the Metro Plan, as amended.

The City will more thoroughly update the Comprehensive Plan after the development code updates are complete, revising the Plan policies to be consistent with the range of middle housing types and densities permitted through the residential code updates.

The Metro Plan and Springfield Comprehensive Plan contains topics defined as "elements." Each element contains a goal that expresses the desires of the residents of Springfield as the City progresses into the future. The Metro Plan Metropolitan Residential Land Use and Housing Element and the Springfield 2030 Plan Residential Land Use & Housing Element address Statewide Planning Goal 10: Housing, "To provide for the housing needs of the citizens of the state." The Springfield 2030 Plan Employment Element addresses Statewide Planning Goal 9: Economic Development, "To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens." These goals are generally carried out through distinctive policies. The following goals and policies are applicable:

Metro Plan A. Metropolitan Residential Land Use and Housing Element
Policy A.1: Provide viable residential communities so all residents can choose sound, affordable housing that meets individual needs.

Finding: The middle housing code updates implement the HB 2001 goal to provide Oregonians with more housing choices, especially those that are affordable. HB 2001 aims to reduce regulatory barriers that contribute to increased housing costs and restrict the availability of middle housing types in certain residential land use districts. The amendments help provide more housing options that are sound, affordable, and meet individual needs by expanding the variety of housing types permitted in more neighborhoods, with a focus on smaller units that can be more affordable.

The middle housing code updates allow more housing types, such as duplexes, triplexes, quadplexes, cottage clusters, and townhouses in residential areas including the R-1 land use district which has been primarily for detached single-unit dwellings. Expanding upon the types of housing permitted in the City's low-density residential land use district (currently LDR district, becomes the R-1 district), which comprises much of the housing stock in the City, increases the quantity of viable residential communities and sound, affordable housing that meets individual needs. Expanding middle housing types in medium- and high-density land use districts (current MDR and HDR districts, become R-2 and R-3 districts) further expands the range of housing types available in those land use districts as well.

The residential code updates generally increase flexibility to provide housing to meet individual needs in a more affordable manner, by simplifying standards and approval procedure for housing in all land use districts. The residential code updates expand the types of housing that can be approved through a ministerial procedure, which generally reduces permitting costs. For example, middle housing and multiple unit housing are be approvable through a Type 1 ministerial procedure in the R-2 and R-3 districts, where these housing types previously required Type 2 or Type 3 discretionary review procedure. To ensure there remains flexibility to provide housing that meets individual needs, the residential code updates include alternative discretionary review through Type 2 or Type 3 process, to allow housing that may not meet the prescriptive ministerial standards that apply in a Type 1 procedure.

Policy A.3: Provide an adequate supply of buildable residential land within the UGB for the 20-year planning period at the time of Periodic Review.

Finding: The City's 2011 Residential Land and Housing Needs Analysis (RLHNA) serves as its "housing needs analysis" and "buildable lands inventory" under Goal 10, OAR Chapter 660 Division 008 (Division 008), and ORS 197.296(3) – and provides the factual and analytical basis for the City's determination that the Springfield UGB has sufficient buildable land to meet identified housing needs during the 20-year period. Increasing the types of housing permitted within the R-1 district supports the city's ability to provide an adequate supply of buildable residential land within the UGB for the 20-year planning period. Changes to the R-2 and R-3 districts preserve the capacity of the buildable lands within the RLHNA. The housing needs analysis was based upon net density assumptions about the MDR and HDR plan designations (implemented by the R-2 and R-3 districts). The residential code updates increase the likely density of development in the LDR plan designation while maintaining the expected densities of the MDR and HDR plan designations.

Policy A.4: Use annexation, provision of adequate public facilities and services, rezoning, redevelopment, and infill to meet the 20-year projected housing demand.

Finding: The residential code updates promote redevelopment and infill by simplifying standards and approval procedure for housing in all land use districts, by expanding the types of housing that can be approved through a ministerial procedure. In addition, the code updates exempt infill properties in the R-1

district from meeting minimum density requirements (infill is defined to include up to four dwelling units on an existing property that cannot be divided into five or more lots), which promotes this policy by reducing potential barriers to infill on qualifying properties. The middle housing code updates increase the housing types permitted in residential land use districts on lots and parcels that were originally intended only for detached single-unit dwellings, which makes redevelopment and infill more likely to occur with expanded options for redevelopment. Thus, the development code amendments support infill and redevelopment to help meet the 20-year projected housing demand.

Policy A.10 Promote higher residential density inside the UGB that utilizes existing infrastructure, improves the efficiency of public services and facilities, and conserves rural resource lands outside the UGB.

Finding: The middle housing code updates expand the number and type of middle housing uses in land use districts previously used principally for detached single-unit dwellings and make development of middle housing more feasible through revised dimensional, density, and design standards. In doing so, a significant amount of land previously restricted to lower density, detached single-unit dwellings within the UGB is available for middle housing development at higher residential densities that can utilize existing infrastructure. An increased number of dwelling units within these existing residential areas effectively conserves rural resource lands outside of the UGB and improves the efficiency of public services and facilities by concentrating development opportunities where residential development already exists.

The remaining residential code updates do not alter the maximum or minimum densities in any residential districts, but do promote development at the higher end of the current density ranges, by simplifying and streamlining the review procedure by (1) reducing the minimum lot size for single unit dwellings in the R-1 district without requiring a Type 2 review procedure or rezoning to the "Small Lot Residential" land use district, and (2) by allowing multiple unit housing and middle housing in the R-2 and R-3 land use district to develop under a Type 1 review procedure. From a process standpoint, this makes development of these denser uses easier to accomplish and therefore more likely to occur within those land use districts.

Policy A.13: Increase overall residential density in the metropolitan area by creating more opportunities for effectively designed in-fill, redevelopment, and mixed use while considering impacts of increased residential density on historic, existing and future neighborhoods.

Finding: The middle housing code updates permit duplexes, triplexes, quadplexes and townhouses in areas that were previously limited to lower density development favoring detached single-unit dwellings. In addition, the residential code updates allow these housing types in the R-2 and R-3 district under a Type 1 procedure, rather than a Type 2 procedure. The dimensional, density, and design standards for these housing types in the R-1, R-2, and R-3 districts create more opportunities for effectively designed infill and redevelopment, with the likely effect of increasing residential density in some areas of the City and thus increasing overall density in the metropolitan area. The middle housing code standards are scaled for compatibility within neighborhoods primarily consisting of detached single-unit dwellings, considering dimensional standards such as height and lot coverage as well as clear and objective design standards. The multiple unit housing standards are scaled for development within the R-2 and R-3 districts and mixed use districts but include architectural standards that are compatible with other adjacent residential uses, such as standards requiring variation in the building form to include architectural features and standards requiring orientation of buildings toward the public rights of way. Historic design standards apply to all projects within the identified boundaries of the Historic Overlay District to address potential impacts of residential density resulting from middle housing or multiple unit housing development.

Policy A. 14 Review local zoning and development regulations periodically to remove barriers to higher density housing and to make provision for a full range of housing options.

Finding: The residential code updates are a substantial revision to the City's code, intended to remove barriers to all types of residential development while expanding the variety of housing options in low, medium, and high-density districts (R-1, R-2, and R-3 districts). The middle housing code updates specifically were developed from review of the existing code against HB 2001 requirements, to remove barriers to middle housing types that are typically developed at higher density than detached single-unit dwellings. The middle housing code updates increase housing options by allowing the identified middle housing types in all residential districts, notably expanding options in the low-density residential district (current LDR, becomes R-1).

A.17: Provide opportunities for a full range of choice in housing type, density, size, cost, and location.

Finding: The middle housing code updates increase the housing types permitted outright in the residential districts, resulting in a fuller range of choice in housing type and location. Permitting middle housing on lots of comparable size as detached single-unit dwellings allows for a greater potential range of housing densities. Increasing the number of units permitted on a single lot while maintaining dimensional standards for height and lot coverage allows more opportunities for smaller individual units and thus more variety of housing sizes. Duplexes, triplexes, fourplexes, and cottage clusters can provide a greater range of housing cost because they are typically less expensive to build, purchase, or rent on a per-unit basis than detached single-unit dwelling development, in part because they can be developed at comparatively higher densities that reduce associated land costs per unit.

The residential code updates remove detached single-unit dwellings from the list of permitted uses in the R-2 and R-3 districts but allow middle housing types subject to the minimum and maximum densities in those districts. Policy A.17 does not require that the full range of choices be provided within *each* district. Because detached single unit dwellings continue to be allowed in the R-1 district that makes up the majority of the residential land within Springfield's urban growth boundary, there remain ample opportunities for the full range of housing choices. Therefore, the residential code updates comply with this policy.

Policy A.18: Encourage a mix of structure types and densities within residential designations by reviewing and, if necessary, amending local zoning and development regulations.

Finding: The residential code updates and the middle housing code updates amend the local zoning and development regulations to encourage a mix of structure types and densities within residential designations, by allowing middle housing types in all residential districts and enhancing development feasibility through revised dimensional, density, and design standards. The residential and middle housing code updates expand, in every residential district, the types of housing that can be developed through a Type 1 ministerial review procedure.

Policy A.20: Encourage home ownership of all housing types, particularly for low-income households.

Finding: The middle housing code updates provide an opportunity for the development of more housing types at comparatively higher densities, smaller unit sizes, and less expensive prices, which can be more accessible for low-income households to purchase or rent. Middle housing is being permitted in the low-

density district (currently LDR, becomes R-1 district), and in the medium- and high-density residential districts (currently MDR and HDR, become R-2 and R-3 districts) under standards that are specific to those districts (e.g. minimum and maximum net density standards apply only in the R-2 and R-3 districts). In addition to permitting middle housing types in all residential districts, the middle housing code updates implement Oregon Senate Bill 458 (2021), which allows an expedited land division for middle housing such that each unit is on its own lot. Middle housing expedited land division allows for ownership opportunities for individual units within a duplex, triplex, fourplex, or cottage cluster, which are expected to be less expensive than detached single-unit dwellings and thus expand homeownership opportunities to a greater range of households including those with lower incomes. This land division procedure is be available in all residential districts for middle housing that complies with the City's code standards.

Policy A.26: Pursue strategies that encourage rehabilitation of existing housing and neighborhoods.

Finding: The middle housing code updates explicitly include provisions for converting detached single-unit dwellings to duplexes, triplexes and fourplexes, or to include the house as part of a cottage cluster, without requiring the existing detached single-unit dwelling meet the design standards for new construction of middle housing. Because conversions do not need to meet the design standards for new construction, the code updates lower the cost of converting detached single-unit dwellings to middle housing, which encourages rehabilitation of existing housing as detached single-unit dwellings are converted to middle housing. In addition, the code removes barriers to residential infill, such as minimum density requirements. Encouraging new housing through infill on individual lots encourages rehabilitation of neighborhoods more generally.

Policy A.33: Consider local zoning and development regulations impact on the cost of housing.

Finding: The middle housing code updates expand the permitted housing types in the low-density residential district (currently LDR, becomes R-1 district), permit them at greater densities relative to detached single-unit dwellings, and permit them with a Type I procedure which reduces land use review time and expense. In addition, middle housing units are generally a lower cost housing option than detached single-unit dwellings because the unit cost of a dwelling that is part of a middle housing development is generally less than the unit cost of a detached single-unit dwelling due to economies of scale in housing construction and lower land costs per unit (i.e. one unit in a quadplex on a 10,000 square foot lot is less expensive to develop and construct than a detached single-unit dwelling on that same lot). Furthermore, the residential code updates reduce the cost of developing housing in other districts by allowing development under a Type 1 review, which generally reduces permitting fees as compared to Type 2 review. The residential code updates also allow discretionary design review under Type 2 procedures in some circumstances that previously required a Type 3 quasi-judicial review.

Policy A.34: Protect all persons from housing discrimination.

Finding: The residential code updates include updated definitions for all dwelling types, omitting any reference to 'family' and eliminating existing occupancy limits based on familial status. Instead, definitions of dwelling types define the number of dwelling units and defining features, which avoids potential discrimination against diverse households.

Springfield Comprehensive Plan: Residential Land Use & Housing Element

Policy H.1 Based on the findings in the RLHNA and to accommodate projected growth between 2010 and 2030, Springfield has designated sufficient buildable residential land (a) for at least 5,920 new dwelling units at an estimated density of at least 7.9 units per net buildable acre; and (b) to accommodate a new dwelling mix of approximately 52 percent detached single family dwellings (including manufactured dwellings on individual lots), seven percent attached single-family dwellings, one percent manufactured dwellings in parks, and 40 percent multifamily dwellings.

Finding: The residential code updates maintain the existing mix of residential plan designations and do not reduce the supply of buildable residential land. The code updates continue to meet an estimated density of at least 7.9 units per net buildable acre by maintaining the adopted density ranges in Implementation Action 1.1 for most residential development as follows:

	Comprehensive Plan	New Code (detached single-unit dwellings)	New Code (middle housing types)
Residential Low Density (currently LDR and SLR, becomes R-1 district)	6-14 units per net acre	6-14 units per net acre	Duplex, triplex and fourplex: 6+ units per net acre (no maximum density) Townhouses: 6-25 units per net acre Cottage clusters: 4+ units per net acre (no maximum density)
Residential Medium Density (currently MDR, becomes R-2 district)	14-28 units per net acre	14-28 units per net acre (all housing types)	
Residential High Density (currently HDR, becomes R-3 district)	28-42 units per net acre	28-42 units per net acre (all housing types)	

Source: Springfield Comprehensive Plan - Residential Land Use and Housing Element, Implementation Action 1.1; SDC 3.2.215-A

The middle housing code updates, as noted above, allow for residential development that exceeds the adopted density ranges in the low-density residential land use district (currently LDR, becomes R-1 district). As mentioned in the beginning of this section – for purposes of HB 2001, the middle housing requirements in ORS 197.758 override local comprehensive plan provisions, including this policy of the Springfield Comprehensive Plan. The comprehensive plan update (case #811-21-000315-TYP4), separate from these code updates, includes a new policy affirming the supremacy of state statutes to override local comprehensive plan policies, thereby bringing the code updates into conformance with the revised comprehensive plan. In accordance with OAR 660-008-0045, the City is scheduled to adopt comprehensive plan amendments by December 31, 2025 as part of the Housing Capacity Analysis required by ORS 197.296. These future amendments to the comprehensive plan will more fully incorporate the range of housing types and densities, including middle housing types, into the plan provisions and policies.

Detached single-unit dwellings are be limited to the low density residential district (currently LDR, becomes R-1 district). (See Table 3.2.210.) In addition, middle housing (duplexes, triplexes, fourplexes, townhouses, and cottage clusters) is permitted outright in the R-1 district. These middle housing types are also allowed in the R-2 and R-3 districts subject to density and development standards. There will continue to be opportunities to develop the identified dwelling mix in this policy; however, it is unclear how middle

housing development will impact the overall dwelling mix and it is not clear how those types fit within the existing dwelling categories in the adopted Housing Needs Analysis (RLHNA). As noted, ORS 197.758 overrides this local comprehensive plan policy. In the future, the City will update the Housing Needs Analysis (HNA) to comply with housing planning provisions in HB 2003 (2019), which will more thoroughly explore and project a dwelling mix inclusive of middle housing types.

Policy H.3 Support community-wide, district-wide and neighborhood-specific livability and redevelopment objectives and regional land use planning and transportation planning policies by locating higher density residential development and increasing the density of development near employment or commercial services, within transportation-efficient Mixed-Use Nodal Development centers and along corridors served by frequent transit service.

Finding: No specific rezoning to higher density residential districts is included with this update. The middle housing code updates permit a mix of structure types at higher densities than comparable detached single-unit dwellings in the low density residential district (currently LDR, becomes R-1 district), and permit a mix of middle housing types in the medium- and high-density districts consistent with the adopted density ranges for those districts (currently MDR and HDR, becomes R-2 and R-3 districts).

Policy H.4 Continue to identify and remove regulatory barriers to siting and constructing higher density housing types in the existing medium- and high-density residential districts.

Finding: The residential code updates remove regulatory barriers to developing higher density housing types in the medium-density and high-density districts (currently MDR and HDR, becomes R-2 and R-3 districts) by permitting more middle housing types outright in these land use districts. The updates remove regulatory barriers to middle housing development, which can be developed at higher densities than comparable detached single-unit dwellings, by applying only clear and objective dimensional, design, and procedural standards to these housing types. Additionally, prohibiting detached single-unit dwellings in these land use districts encourages development of higher density alternatives including middle housing types.

In 2019, the City received a grant from the Department of Land Conservation and Development (DLCD) to fund an audit of the Springfield Development Code to identify whether standards supported a clear and objective path for development consistent with ORS 197.307, and to identify barriers to development caused by inefficient, unclear, or inflexible standards and the impact of those standards on development costs. The Springfield Housing Code Audit – Final Report (May 2019) identified a number of regulatory barriers to siting and constructing higher density housing in the existing medium- and high-density residential districts (currently MDR and HDR, become R-2 and R-3 districts). The identified barriers are listed below, followed by an explanation of how the residential code update addresses these barriers:

- The base land use district development standards (45% maximum lot coverage, 35-foot maximum height, 4,500 to 9,000 minimum lot sizes) are overly restrictive without clear process for allowing an exception to the base standards. The residential code updates address this barrier by reducing the standards to make them less restrictive. The new code regulates maximum impervious surface coverage based upon lot size – allowing 65% coverage for lots that are 4,500 sq ft or larger and 60% for lots less than 4,500 sq ft (except for cottage housing, which has no limit, and except within the Hillside Overlay District, which is subject to 35% maximum lot coverage to mitigate landslide risks). Restrictions on lot sizes are to be based on the type of unit and the net density; lots may be as small as 1,000 sq ft for a single townhouse, or 5,000 sq ft for a cottage cluster

(which contains multiple units). There is no maximum height limit in the R-3 district (prior HDR district) and a 50 ft height limit in the R-2 district (prior MDR district). To provide flexibility, the general variance process continues to be available for all housing developments. Addition, for multiple unit housing, the code updates include two discretionary options (a Type 2 review option or a Type 3 review option) for a developer to seek an exception or alternative to one or more design standards.

- The mandatory base solar setback requirements (SDC 3.2-225 currently) are considerably complex and may lead to excessive setbacks (more than 20 feet). These standards are repealed and replaced by an expanded optional process for solar access protection under SDC 5.18.100.
- Cluster subdivision/cottage housing in the medium-density and high-density residential districts (R-2 and R-3 districts) require a 25-foot perimeter setback from low density residential property, which is far greater than the setback required for detached single-unit dwellings. Similarly, the present multi-unit design standards require significant setbacks from low density residential districts that far exceed what is required between buildings within the LDR district presently (R-1 district). The residential code updates address this barrier by reducing the general setbacks for the R-2 and R-3 district from the R-1 district down to 10 feet instead of 25 feet.
- The present Multi-Unit Design Standards impose the same design standards on small developments with greater than 3 units, as for larger projects with twenty or more units. The residential code updates address this barrier by regulating "middle housing" types in the medium-density and high-density districts (presently MDR and HDR, become R-2 and R-3 district) using the same building design standards that apply in the low-density residential district (becomes R-1 district). The updated multiple unit housing standards apply only to developments of five or more units on the same lot. Additionally, within the multiple unit housing standards, some standards are scaled differently for large scale (20 units or more) than for smaller developments. Specifically, developments with less than 20 units must provide less open space (5%) than large scale developments with 20 units or more (10%), and they do not have to provide internal pedestrian circulation.
- Subjecting all multiple unit housing and middle housing types in the medium-density and high-density districts to Type 2 review procedures is an unnecessary barrier to development, when Type 1 review is allowed under state law for decisions based only upon clear and objective standards. The residential code update provides an option in the medium-density and high-density residential districts (presently MDR and HDR, become R-2 and R-3 districts) for Type 1 review for middle housing types and for multiple unit housing.
- The requirement for 1.5 parking spaces per unit within multiple unit housing developments may be a barrier to development by requiring a large portion of the site to be devoted to parking. The residential code updates reduce the required parking to one space per dwelling unit. In addition, the code updates retain existing options to further reduce required parking through a variety of parking space reduction credits in SDC 4.6.110(G)-(J), or by using the code's existing "right size parking alternative" in SDC 4.6.110(M).

Policy H.6 Continue to seek ways to reduce development impediments to more efficient utilization of the residential land supply inside the UGB, especially in the City's sloped areas (southeast Springfield and Willamette Heights).

Finding: The middle housing code updates clarify that middle housing may be constructed within the Hillside Overlay District subject to the density and minimum lot size requirements of that overlay district. The existing Hillside Development Overlay district regulations allow density transfer within the district from high hazard areas (greater than 25% slope) to lower slope areas, to more efficiently utilize the land

supply while protecting residents from greater exposure to landslide hazards. The code updates allow middle housing to use this existing density transfer process within the Hillside Development Overlay district. Therefore, the code changes are consistent with this policy because they retain the existing options to efficiently develop residential land within sloped areas.

Policy H.7 Continue to develop and update regulatory options and incentives to encourage and facilitate development of more attached and clustered single-family housing types in the low density and medium density districts.

Finding: The residential code updates and middle housing code updates provide updated regulatory options to encourage more attached and clustered single-family housing types in the low-density and medium-density districts (currently LDR and MDR, become R-1 and R-2 districts), including townhouses, cottage clusters, duplexes, triplexes and fourplexes, which can be attached or detached units. For example, the existing low-density district (LDR) categorizes attached single-family dwellings as a "Discretionary Use," which renders proposals for this type of housing subject to review and analysis under a Type 3 procedure. This type of procedure must be approved by the Planning Commission following a quasi-judicial public hearing. Similarly, the existing medium-density district (MDR) permits attached single-family dwellings subject to a Site Plan Review process. The code updates amend this so that townhouses are outright permitted in these land use districts, subject only to clear and objective dimensional, density, and design standards.

The residential code updates replace the existing low density residential (LDR) and small lot residential (SLR) land use districts with a single low-density district, the R-1 district. The new R-1 district permits detached single-unit dwellings on 3,000 sq ft minimum lots in addition to a variety of middle housing uses at comparable or greater densities, in fulfillment of Implementation Action 7.1.

Additionally, prohibiting detached single-unit dwellings in the medium-density residential (R-2) district encourages development of alternatives including middle housing types. Together, these changes encourage and facilitate development of more attached and clustered single-family housing types in the low-density and medium-density districts.

Policy H.8 Continue to support and assist affordable home ownership through programs that subsidize the development of affordable homes and provide down payment assistance to income-qualified homeowners.

Finding: The residential code updates do not directly support homeownership programs for income qualified homeowners. However, the residential code and middle housing code updates are projected to increase the variety of smaller and less expensive home ownership options relative to detached single-unit dwellings, though the expansion of permitted housing types in all residential districts and expedited middle housing land divisions to implement SB 458. These middle housing alternatives dovetail with this policy by increasing the supply of homes available for purchase through these types of home-buying assistance programs.

Policy H.9 Provide a broad range of quality accessible and affordable housing options for very low, low and moderate income residents. Affordable housing is defined as housing for which persons or families pay 30 percent or less of their gross income for housing, including necessary and essential utilities [Oregon Revised Statute 456.055].

Finding: The residential code updates expand the variety of housing that can be developed in all residential districts under a Type 1 review and simplify the standards applicable to all housing types. The middle housing code updates expand the options for higher density, smaller and less expensive housing types in the low density land use district relative to comparable detached single-unit dwellings (currently LDR, becomes R-1 district). While the code updates do not directly expand the range of housing options affordable to very low, low, and moderate income residents, they may provide future opportunities for development that can be made affordable for these households through the listed implementation actions such as land banking, subsidized affordable housing, and development on publicly owned land.

Policy H.10 Through the updating and development of each neighborhood refinement plan, district plan or specific area plan, amend land use plans to increase development opportunities for quality affordable housing in locations served by existing and planned frequent transit service that provides access to employment centers, shopping, health care, civic, recreational and cultural services.

Finding: This policy is not applicable; there are no updates to neighborhood refinement plans, district plans or specific area plans included in these code updates. However, the residential code updates are consistent with implementation action 10.6, which directs the City to "control the effects of regulatory processes on housing price, strive to minimize the time taken to process land use and building permits," in part. The residential code updates reduce the time to process development permits for housing by allowing middle housing and multiple unit housing to be developed under Type 1 procedures, instead of the Type 2 or Type 3 procedures currently required for these housing types.

Policy H.11 Continue to seek ways to update development standards to introduce a variety of housing options for all income levels in both existing neighborhoods and new residential areas that match the changing demographics and lifestyles of Springfield residents.

Finding: The middle housing code updates align with the objectives of Policy H.11 by expanding middle housing types to all residential land use districts and enhancing development feasibility through revised dimensional, density, and design standards. Middle housing types can be developed both as infill within existing neighborhoods and in new residential areas. The middle housing code updates address Implementation Action 11.2, which directs the City to "protect and enhance existing single family neighborhoods and affordable housing stock in the incorporated areas of Springfield where urban services currently are in place." Allowing existing detached single-unit homes to covert to duplexes, triplexes, fourplexes, or cottage clusters as an alternative to demolition and redevelopment supports increasing variety within existing neighborhoods, which protects and enhances existing low density ("single-family") neighborhoods and affordable housing stock. Furthermore, infill and redevelopment from middle housing is projected not exceed 3%, as provided by the legislature in HB 2001. This serves to protect existing neighborhoods in alignment with Implementation Action 11.2.

As identified in the RHLNA, Springfield's demographics are projected to include an increasingly larger share of smaller households and older households in the future (RHLNA, page 47). The middle housing types are typically smaller scale compared to detached single-unit dwellings, and thus better meet the needs of many of these small households.

Policy H.13 Promote housing development and affordability in coordination with transit plans and in proximity to transit stations.

Finding: While the middle housing code updates support housing development and affordability generally throughout the city, this policy is not applicable because the residential code updates are not specific to transit plans or transit stations. ORS 197.758 requires that middle housing be permitted in all residential areas where detached single-unit dwellings are permitted (the R-1 district), irrespective of proximity to transit stations. The medium- and high-density residential land use districts (currently MDR and HDR, become R-2 and R-3 districts) are generally located in proximity to transit; the middle housing types allowed in these land use districts are be consistent with the previously adopted density ranges for those districts and expand options for housing development and affordability in coordination with transit planned for these areas.

Policy H.15 Update residential development standards to enhance the quality and affordability of neighborhood infill development (e.g. partitions, duplex developments, transitional neighborhoods, rehab housing, accessory dwelling units) and multi- family development.

Finding: The middle housing code updates include updated residential development standards for middle housing that enhances the quality and affordability of these infill options. The middle housing code updates permit a range of duplex, triplex, fourplex, townhouse, and cottage cluster development that can be developed as infill, typically less expensive than comparable detached single-unit dwellings. Additionally, the updates include provisions for conversion of existing detached single-unit dwellings into middle housing, including duplex conversions in SDC 4.7.310(B), triplex and fourplex conversion in SDC 4.7.320(E), use of an existing dwelling within a cottage cluster in SDC 4.7.325(Q), and conversion of existing structures into an accessory dwelling unit in SDC 4.7.340(G).

Policy H.16 As directed by the City Council in 2009, conduct analysis to implement "Heritage LDR" development standards to address Springfield's different historical development patterns/neighborhood scale and form, rather than a "one-size-fits- all" approach when updating city development standards.

Finding: The middle housing code updates implement ORS 197.758, which requires the City to permit middle housing in all residential areas where detached single-unit dwellings are permitted, and thus the same standards apply to middle housing throughout the R-1 land use district (the district allowing single-unit dwellings). Furthermore, ORS 197.307 requires the City to provide "clear and objective" approval standards for all needed housing development. The residential code updates and middle housing code updates attempt to avoid "one-size-fits-all" standards while still providing clear and objective approval standards, by providing a "menu" of design options for middle housing and multiple unit housing development. In this way, a housing developer may select the design features that they feel are most appropriate, while still meeting the City's standards for quality housing development.

In addition, where specific area Refinement Plans or Overlay districts have adopted neighborhood or area-specific standards (such as the Historic Overlay District, the Willamette Greenway Overlay District, the Hillside Development Overlay District, and the Glenwood Mixed Use Riverfront Plan District), the code update retains those standards as consistent with state law.

Policy H.17 Continue to protect the Washburne Historic District to maintain and enhance the viability, historic integrity and attractiveness as a livable, walkable neighborhood immediately adjacent to downtown.

Finding: There are no changes to the design review standards in the Historic Overlay District in Section 3.3.900, which continue to apply protections to development in the Washburne Historic District, including any middle housing development that includes an alteration of a site or structure within the district. As required by OAR 660-046-0010(3)(a)(B) to implement ORS 197.758, middle housing types must be permitted within historic districts but can be subject to the same protective measures that apply to detached single-unit dwellings within the district.

Springfield Comprehensive Plan: Economic Element

Policy E.1 Designate an adequate supply of land that is planned and zoned to provide sites of varying locations, configurations, size and characteristics as identified and described in the Economic Opportunity Analysis to accommodate industrial and other employment over the planning period. These sites may include vacant undeveloped land; partially developed sites with potential for additional development through infill development; and sites with redevelopment potential

Finding: This policy addresses the City's obligations under Goal 9 to "provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies." The employment code updates streamline the development and redevelopment of industrial and commercial uses but do not change any designations of employment lands within the Springfield Urban Growth Boundary, nor do they require any changes to the site analysis conducted in the Economic Opportunities Analysis; for example, the code updates do not change minimum development areas for commercial or industrial uses or adopt new restrictions on redevelopment of vacant or partially developed sites. The employment code updates are therefore consistent with this policy.

Policy E.6 Facilitate short-term and long-term redevelopment activity and increased efficiency of land use through the urban renewal program, updates to refinement plans and the development review process.

Finding: The employment code updates facilitate redevelopment activity through changes to the development review process, specifically by expanding and simplifying the Minimum Development Standards (MDS) Type 1 review procedure. The code updates create a single MDS review procedure for new construction up to 50,000 sq ft or additions or expansions up to 50,000 sq ft or 50% of the existing building, whichever is less. It expands the MDS procedure to allow review for any qualifying development regardless of whether it is adjacent to residential areas; the existing code does not allow MDS review for developments that are greater than 10,000 sq ft that are next to residential areas. Instead, these properties must use the Type 2 Site Plan procedure, which is more expensive and time consuming for the developer and for City planning staff. By allowing for more types of development and redevelopment in commercial and industrial districts to develop under a Type 1 MDS procedure, the employment code updates facilitate more redevelopment activity, consistent with Policy E.6.

Policy E.7 Where possible, concentrate development on sites with existing infrastructure or on sites where infrastructure can be provided relatively easily and at a comparatively low cost.

Finding: The employment code updates comply with this policy by encouraging redevelopment of smaller sites served by existing infrastructure, by reducing the cost and time to obtain development approval through expansion of the MDS review procedure to include development that is adjacent to residential districts for construction up to 50,000 sq ft or 50% of the existing building for an addition or expansion,

whichever is less. Under the current code, development of properties adjacent to residential areas that is greater than 10,000 sq ft requires Site Plan review, which is a more expensive and longer process than MDS review, and therefore is less incentivizing to redevelopment of existing properties as compared to greenfield properties. Expanding the opportunities for MDS review on existing sites is therefore consistent with this policy.

Policy E.11 Integrate opportunistic economic development objectives into Springfield's land use and supply analyses and policies.

Finding: The employment code updates comply with E.11 by changing land use policies in the Springfield Development Code to provide more opportunities for development of the Target Industries identified in the Economic Opportunities Analysis (EOA). Implementation Action 11.1 is directed at planning, zoning, and reserving a sufficient supply of employment lands that can opportunistically allow development of the Target Industries. The employment code updates meet this implementation action by expanding and modernizing the "Schedule of Uses" allowed in the commercial and industrial land use districts to provide more flexibility for development within the Target Industries. The Target Industries identified in Table S-1 of the EOA are medical services, manufacturing, specialty food processing, high-tech firms, professional and technical services, call centers, back-office functions, corporate headquarters, tourism, green business, educational and other services for residences, and health services for seniors.

The "Schedule of Uses" for the commercial and industrial land use districts have not been comprehensively updated since the Springfield Development Code was first adopted in 1987. Only limited changes have been adopted in the last 30 years, such as the addition of Campus Industrial uses and the addition of marijuana businesses following the state legalization. Many of the Target Industries are newer uses not well represented in the current highly detailed and outdated lists of uses (such as specialty food processing like breweries and wineries and high-tech uses). The employment code updates replace the existing outdated Schedule of Use tables with broader "use categories" that include a non-exhaustive list of representative uses within each category. This change provides greater flexibility in the code, and therefore greater opportunity for development of new uses in the Target Industries, many of which do not fit within the outdated Schedule of Use tables. In this way, the employment code updates comply with this Policy.

Policy E.25 Update plans and zoning to create more opportunities for mixing compatible commercial uses within employment zones in ways that preserve the industrial land supply, minimize vehicular trips and traffic congestion, and promote convenience and walkability for employees.

Finding: The employment code updates comply with this policy by addressing Implementation Strategy 25.1, which recommends that Springfield "create more opportunities for limited and complementary secondary commercial uses within buildings in employment zones." The employment code updates accomplish this implementation action by clarifying and expanding the secondary and accessory uses allowed within employment land use districts. Currently, the Schedule of Use categories identify a list of uses called "secondary uses" that are permitted in conjunction with a primary use provided that they do not exceed more than 50% of the development area. The code updates reclassify some "secondary uses" as "accessory uses" (such as printing offices, employee cafeterias and recreation areas) that are outright permitted with qualifying primary uses. Meanwhile, the code updates expand the types of secondary uses that can be permitted within employment areas to include uses like personal services in industrial districts (such as hair stylists, beauty, fitness, spa, shoe repair, dry cleaning, and tailors), which meets the policy's goals of mixing compatible uses to minimize vehicle trips and traffic congestion and promoting

convenience and walkability for employees. The code updates accomplish these goals while preserving the industrial land supply, by requiring discretionary use approval for secondary uses (not accessory uses) within the industrial land use districts, community commercial, and major retail commercial districts. Thus, the code updates comply with this policy.

Policy E.28 Increase the potential for employment in the regional industry clusters, including: Health Care, Communication Equipment, Information Technology (Software), Metals (Wholesalers), Local Food and Beverage Production and Distribution, Specialty Agriculture, Wood & Forest Products, and Transportation Equipment.

Finding: The regional industry clusters identified in this policy include many of the Target Industries discussed under Policy E.11 above. For the same reasons discussed in the Policy E.11 findings, the employment code updates provide greater opportunities for development, and therefore employment, in these industries by modernizing the descriptions of uses allowed in the commercial and industrial districts to better reflect the industries listed in this policy. Thus, this policy is met.

Policy E.32 Support community partnerships and initiatives that seek to grow the creative economy including but not limited to: cultural industry clusters and arts districts; cultural tourism; jobs in film, television, publishing, news media, music, video games, social media, design, advertising, performing and visual arts; and update land use planning and codes to ensure that Springfield has land appropriately zoned to encourage these opportunities

Finding: The employment code updates comply with this policy by including many of the uses listed in this policy as representative uses in the new "use categories" for the commercial and industrial districts. For instance, "printing, publishing and lithography" are included as a representative use within the "Industrial Service" category. "Media production facilities" is a representative use within the category of Light Manufacturing uses. Both these use categories are permitted outright in the Light Medium Industrial, Heavy Industrial, and Special Heavy Industrial districts; Industrial Services are permitted outright in the Campus Industrial district. This ensures that there is adequate land that is in appropriate land use districts to encourage these opportunities, in compliance with Policy E.32.

E.38 Strengthen the coordination between infrastructure, planning and investments, land use, and economic development goals to prepare land and physical infrastructure, in a timely fashion, that is necessary to support business development and stimulate quality job creation.

Finding: The employment code updates comply with this policy to strengthen coordination, by improving and clarifying the City of Springfield's development review processes for all types of review.

Policy E.39 Provide adequate infrastructure efficiently and distribute cost fairly.

Finding: The employment code updates meet this policy in two ways. First, the code updates include revisions to Chapter 4's standards for transportation infrastructure (SDC 4.2.100 et seq) and utility infrastructure such as stormwater and sewer infrastructure (SDC 4.3.100 et seq), to implement clear and objective infrastructure standards that can be applied to Type 1 MDS applications, as well as Type 1 applications for housing development. Revising these standards so that they can apply to Type 1 review processes helps ensure that all types of development can be required to provide adequate infrastructure. In addition, the inclusion of nondiscretionary standards for infrastructure helps distribute the cost of infrastructure fairly, because the clear and objective infrastructure standards must be tied to the specific

impacts of a proposed development, rather than to general community needs. Infrastructure to serve the general community needs is provided by the City through other programs, not affected by the code update project, such as Systems Development Charges.

Second, the code updates retain the City's procedures for application review by the "Development Review Committee" (DRC) that is comprised of representatives from City Departments and Divisions and other applicable agencies like Springfield Utility Board and other utilities, the Lane Transit District, Lane Regional Air Pollution Authority, or the Oregon Department of Transportation. Review by the DRC helps ensure that the code standards for infrastructure are properly applied to development proposals, which helps ensure that applications are not approved unless they provide the infrastructure required under the code.

Policy E.45 Consider amendments to regulations that will increase predictability and flexibility for industrial site redevelopment and expansion.

Finding: The implementation actions for this policy are directed at establishing new plan designations for industrial or employment development. While the employment code updates do not implement any new plan designations, they do provide increased flexibility for industrial and employment uses. As described in the findings under Policies E.6 and E.39, the employment code updates expand access to the MDS review procedure and implement clear and objective standards for these applications that are lacking under the current code. These changes increase predictability for developments and redevelopments that qualify for MDS. The code updates also clarify developers' options to seek adjustments or variances to the MDS standards or Site Plan standards through specific references to either a Type 2 or Type 3 procedure.

Policy E.47 Enhance, maintain and market Springfield's reputation for: rapid processing of permits and applications, maintaining City agreements and commitments, and providing developers with certainty and flexibility in the development process.

Finding: The employment code updates comply with this policy by meeting Implementation Strategy 47.1 to "Continually improve development permitting processes to remove regulatory impediments to redevelopment as practical, provide efficient streamlining of permitting processes, create incentives for redevelopment, and provide flexible design standards (clear and objective track plus discretionary track) to build on the community's strong reputation as a friendly, welcoming and business-friendly city." As explained in the findings under Policies E.6, E.39, and E.45, the employment code updates expand the options for clear and objective review under the MDS procedure while maintaining the options for discretionary review under Type 2 or Type 3 procedures. In addition, the code updates reorganize and clarify the City's procedures (in SDC 5.1) for submitting applications, reviewing applications for completeness, modifying or withdrawing applications, receiving public comments, issuing final decisions, and reviewing appeals. Clearer language explaining the City's development procedures helps to more efficiently streamline the permitting process, for City staff and developers alike. Thus, the employment code updates meet Implementation Action 47.1 and are consistent with Policy E.47.

Metro Plan, Chapter 3, Specific Element K. Citizen Involvement Element

Goal: Continue to develop, maintain, and refine programs and procedures that maximize the opportunity for meaningful, ongoing citizen involvement in the community's planning and planning implementation processes consistent with mandatory statewide planning standards.

Finding: An extensive and significant public outreach process occurred during both the residential code update and employment code update process. The Planning Commission, acting in their capacity as the Committee for Citizen Involvement (CCI) approved the Community Engagement Plan (See Attachment 3 of the 1/4/22 Planning Commission public hearing packet) for the project in December 2018. The public outreach efforts are detailed in the Public Outreach Report (included as Attachment 5 to the 1/4/22 Planning Commission public hearing packet).

- A project page was posted online with extensive information on the Springfield Development Code Update Project.
- Quarterly updates have been provided to the City Council and Planning Commission throughout the project.
- A virtual open house was established to make sure that the significant changes proposed to the Springfield Development Code are easy to understand, more streamlined, and support development. The Virtual Open House was established in July 2021.
- A survey was created to provide input on the individual phases of the Project (e.g., Phase 1 – Housing and Phase 2 – Employment Lands). The survey was live from July through September 2021.
- Fact sheets were created covering Phase 1 and the Middle Housing Legislation Oregon House Bill 2001 (including background and what the City can and cannot do related to its implementation).
- An FAQ was created to answer frequently asked questions about the Middle Housing Legislation Oregon House Bill 2001.
- The Community Survey, Fact Sheets, and FAQ sheet was provided in both English and Spanish.
- Copies of the Draft Residential (Housing) Code Sections were placed online for the community to access.
- Interested parties were able to receive email updates and notices about the project via a project email list.
- A Technical Advisory Committee (TAC) for both Phase 1 and Phase 2 of the project that were established by the Committee for Citizen Involvement for the Project to assist Staff with the SDC Amendments.
- The Yimbyes.org Podcast discussed the Development Code Update Project, explaining how the Development Code will promote diversified housing, the purpose and expected outcomes, and more.
- Barbara Dellenback of KLCC spoke with Springfield's Interim Planning Manager Sandy Belson about housing solutions – this material was made online via the Project Page.
- Numerous community presentations have been made throughout the project as detailed in the Public Outreach Report.

The Public Outreach Survey mentioned above launched in July 2021, asking questions to the public regarding Middle Housing code standards that the City could adopt in order to comply with HB 2001. The results of the survey are compiled in a Public Outreach Report document the City created to help steer the development code amendments.

CONCLUSION: Based on the findings above, including the findings in the attached Springfield Development Code amendments, the amendments are consistent with the Metro Plan, including the Springfield Comprehensive Plan – Residential Land Use and Housing Element and Economic Element. SDC 5.6-115 Criterion A.1 is met.

CRITERION #2: SDC 5.6-115 A.2. CONFORMANCE WITH APPLICABLE STATE STATUTES

Finding: ORS 197.610 requires local jurisdictions to submit proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development (DLCD). As noted in the Procedural Findings on page 4 of this staff report, notice of the proposed implementing amendments to the Springfield Development Code was provided to DLCD 34 days in advance of the initial public hearing but more than 35 days in advance of the final City Council public hearing, in compliance with ORS 197.610 and ORS 197.620(3).

Finding: ORS 227.186 requires the local government to mail a notice to every landowner whose property is proposed to be "rezoned" as a result of adoption or amendment of a proposed ordinance (also known as "Ballot Measure 56" notice). Rezoning under ORS 227.186 includes an ordinance that amends or adopts regulations that limit or prohibit land uses previously allowed in the affected land use district. Specifically, the proposed code amendments limit detached single-unit dwellings previously allowed in the medium- and high-density residential land use districts (current MDR and HDR, proposed R-2 and R-3 districts). As noted in the Procedural Findings on page 4 of this staff report, notice complying with ORS 227.186 was mailed to affected property owners within the Springfield UGB.

Finding: ORS 197.307(4) requires that jurisdictions "may apply only clear and objective standards, conditions and procedures regulating the development of needed housing on buildable lands," subject to limited exceptions outlined in ORS 197.307, and that these provisions "may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay." The residential code updates provide clear and objective standards and procedures for single-unit dwellings, duplexes, triplexes, fourplexes, townhouses, cottage clusters and multiple-unit housing, all of which fall under the state definition of 'needed housing' in ORS 197.303(1). The residential code updates also include alternate discretionary review procedures for development of housing that does not comply with the clear and objective standards but complies with alternate discretionary review standards. For each type of housing permitted in the R-2 and R-3 districts, a housing applicant has the option whether to proceed under the clear and objective path or to seek approval under one or more discretionary review options. The discretionary review procedures authorize density at the same density levels that are allowed under the clear and objective criteria in the R-2 and R-3 district, consistent with ORS 197.307(6)(c).

Finding: The Oregon State Legislature passed HB 2001 in June 2019 with the intent to provide more opportunities for a variety of housing types in traditionally single-family neighborhoods, and to increase the overall housing supply with a focus on increasing options for smaller housing types that could be less expensive. HB 2001, codified as ORS 197.758, sets middle housing requirements for both Medium Cities and Large Cities, with "Large Cities" defined to include all Oregon cities with a population of more than 25,000, unincorporated areas within the Portland Metro boundary that are served by sufficient urban services, and all cities within the Portland Metro boundary with a population of more than 1,000.

According to the U.S. Census Bureau, the population of Springfield, Oregon is 61,851 as of the 2020 decennial census. As a Large City, Springfield is required by ORS 197.758 to allow the development of:

- A Duplex "on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings," and
- Triplexes, quadplexes, cottage clusters, and townhouses "in areas zoned for residential use that allow for the development of detached single-family dwellings."

ORS 197.758 and its implementing regulations allow local governments to regulate siting and design of middle housing, provided that the regulations do not, individually or cumulatively, discourage middle housing development through unreasonable costs or delay. When regulating siting and design of middle housing, Large Cities should balance concerns about neighborhood compatibility and other factors against the need to address Oregon's housing shortage by removing barriers to development and should ensure that any siting and design regulations do not, individually or cumulatively, discourage the development of middle housing through unreasonable costs or delay.

Throughout 2020, the Department of Land Conservation and Development (DLCD) led three rulemaking efforts to help cities comply with the requirements of ORS 197.758/HB 2001. This work included the creation of model codes, establishment of compliance standards, and identification of processes and criteria for the evaluation of city plans to address infrastructure needs. On December 9, 2020, the Land Conservation and Development Commission (LCDC) adopted a set of Oregon Administrative Rules (OAR's) that outline the "minimum compliance standards" Large Cities must meet for middle housing to comply with HB 2001. They also adopted a Large Cities Middle Housing Model Code to guide the development of all middle housing types in Large Cities. Large Cities may choose to regulate middle housing using the Large Cities Middle Housing Model Code, the minimum compliance standards, or a combination of the two.

A city may also adopt alternative siting or design standards other than those authorized by the Oregon Administrative Rules, under certain conditions. (OAR 660-046-0235). Springfield is proposing standards that meet a combination of the minimum compliance standards and Model Code standards and is not proposing any alternative siting or design standards.

Under HB 2001, Large Cities must adopt land use regulations and/or amend the comprehensive plan to implement the middle housing requirements in ORS 197.758 by June 30, 2022.

The middle housing code updates comply with ORS 197.758 and its implementing regulations by allowing all middle housing types within the low-density residential district (the R-1 district), based upon siting and design standards that meet the requirements listed in OAR 660-046-0210(3) for large cities. Duplexes are permitted on any lot that permits a detached single-unit dwelling under the same standards that apply to detached single-unit dwellings, without scaling up requirements based upon number of dwellings, consistent with OAR 660-046-0220(1).

For the other middle housing types in the R-1 district, the middle housing code updates include a combination of standards that use the Model Code in OAR 660-046-0010(4)(b) and the minimum compliance standards. Clear and objective standards that apply to detached single-unit dwellings in the R-1 district also apply to middle housing, such as driveway standards. Middle housing development in the R-1 district is be subject to a Type 1 approval procedure, which may be reviewed concurrently with building permits. The code changes require the same Type 1 approval process for detached single-unit dwellings and duplexes. As discussed elsewhere in the findings, the middle housing code provisions also include regulations intended to comply with protective measures adopted pursuant to the Statewide Planning Goals.

Middle housing is allowed in the R-2 and R-3 districts under standards that do not entirely comply with OAR Chapter 660, Division 46, because those districts do not allow development of new detached single-unit dwellings.

Therefore, the middle housing code updates comply with ORS 197.758 and its implementing regulations for large cities under OAR Chapter 660, Division 46.

CONCLUSION: Based on the findings above, the code amendments are consistent with applicable state statutes. SDC 5.6-115 Criterion A.2 has been met.

CRITERION #3: SDC 5.6-115 A.3. CONFORMANCE WITH APPLICABLE STATEWIDE PLANNING GOALS AND ADMINISTRATIVE RULES

Note: Administrative rules adopted to implement the state statute are discussed under Criterion 2 (such as the middle housing code in OAR Chapter 660, Division 46). Administrative rules that are adopted to implement the statewide planning goals are discussed under this Criterion 3.

Statewide Planning Goal 1 – Citizen Involvement:
This goal outlines the citizen involvement requirement for adoption of Comprehensive Plans and changes to the Comprehensive Plan and implementing documents.

Finding: Requirements under Goal 1 are met by adherence to the citizen involvement processes required by the Metro Plan and implemented by the Springfield Development Code, Chapter 5. As detailed above under Criterion #1, under Metro Plan Chapter 3, Element K, for Citizen Involvement, an extensive and significant public outreach process occurred during the development code amendment process. Those finding are incorporated here.

The amendments are subject to the Type IV legislative procedure, which requires public notification and public hearings before the Planning Commission and City Council. This procedure has been established by the City and determined to be consistent with the City's acknowledged Citizen Involvement Program and Statewide Planning Goal 1. The public hearing notice of the action and decision, and the hearings on this case before the Planning Commission and City Council are all recognized as opportunities for citizen participation. Additionally, Measure 56 notice was mailed to affected property owners. Goal 1 is met.

Statewide Planning Goal 2 – Land Use Planning:
This goal requires a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: This goal outlines the land use planning process and policy framework. The Metro Plan, Springfield 2030 Comprehensive Plan, and Springfield Development Code have been acknowledged by DLCD as being consistent with the statewide planning goals. The City has followed the land use planning process and policy framework established in the City's acknowledged comprehensive plan elements and Springfield Development Code as a basis for all decision and actions related to the use of land and to assure an adequate factual basis for such decisions and actions.

The amendments will be adopted by the City Council and Lane County Board of County Commissioners (as applicable outside city limits) after a public hearing. Multiple opportunities have been provided for review and comment by citizens and affected governmental units during the preparation of this ordinance.

Statewide Planning Goal 2 Guideline E states:

"Minor changes, i.e., those which do not have significant effect beyond the immediate area of the change, should be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change should be established. Minor changes should not be made more frequently than once a year, if at all possible."

Finding: While the Statewide Planning Goal Guidelines are not mandatory provisions, the code updates are consistent with the direction provided in Guideline E, for the following reasons.

The middle housing code update help to increase the diversity of housing opportunities which would help to meet Springfield's housing needs. The amendments originate from the HB 2001 and Springfield is justified in providing the aforementioned necessary changes to the Springfield Development Code. This is consistent with Goal 2.

The other aspects of the code updates – the residential code updates and the employment code updates – are consistent with Guideline E in Goal 2. The Springfield Development Code was originally adopted in 1987. Other than a general "housekeeping" update that occurred from 1998 to 2007, the development code has been revised only in response to changes in state or federal law or as directed by the City Council in response to specific, limited issues or objectives. The Code Update Project is the City of Springfield's first major effort to fully update the Springfield Development Code since its adoption in 1987.

The public need for the residential code updates is to address the findings of the Springfield Housing Code Audit – Final Report (May 2019). The Final Audit Report identified a number of code changes needed to meet Springfield's obligations under ORS 197.307 to provide a clear and objective approval path for needed housing and identified other code changes needed to reduce barriers to housing development.

The public need for the employment code updates was established through the prior work of the City's Development Advisory Committee (DAC), which was an ad hoc committee that was formed in 2014 to advise the City Council on a number of topics related to commercial and industrial development within Springfield. The DAC's work concluded with its "Report to Springfield City Council" (October 2016), in which the DAC recommended that the City Council should consider a major code revision/update process to address the development of a ministerial process, as well as other code updates, focusing on the development concerns of "time, certainty, and cost." Subsequent to receiving the DAC's final report in February 2017, the City Council directed City staff to undertake this major revision and update to the Springfield Development Code.

Statewide Planning Goals 3 & 4: Agricultural Lands and Forest Lands

Finding: These statewide planning goals relate to agricultural and forest lands in Oregon and are not applicable to these amendments.

Statewide Planning Goal 5 – Natural Resources, Scenic and Historic Areas

Finding: The City is currently in compliance with the Statewide Planning Goal 5. The amendments do not alter the City's acknowledged Goal 5 inventories or land use programs. There are no changes to current natural resource or historic protections (SDC 4.3-115, Water Quality Protection; SDC 4.3-117, Natural Resources Protection, and SDC 3.3-900, Historic Overlay District) as a result of these amendments; therefore, the amendments are in compliance with Goal 5.

Statewide Planning Goal 6: Air, Water, and Land Resources Quality

Finding: Pursuant to OAR 660-015-0000(6), a Medium or Large City may limit development within an urban growth boundary to support attainment of federal and state air, water, and land quality requirements. Medium and Large Cities may apply regulations adopted pursuant to Goal 6 to the development of Middle Housing. The City is currently in compliance with Statewide Planning Goal 6. The amendments do not alter the City's acknowledged land use programs regarding water quality and flood management protections. As a result, the updates are in compliance with Goal 6.

Statewide Planning Goal 7 – Areas Subject to Natural Hazards

Finding: Pursuant to OAR 660-015-0000(7), Medium and Large Cities must adopt comprehensive plans (inventories, policies, and implementing measures) to reduce risk to people and property from natural hazards. Such protective measures adopted pursuant to Goal 7 apply to Middle Housing, including, but not limited to, restrictions on use, density, and occupancy in the following areas:

> (A) Special Flood Hazard Areas as identified on the applicable Federal Emergency Management Agency Flood Insurance Rate Map; and
> (B) Other hazard areas identified in an adopted comprehensive plan or development code, provided the Medium or Large City determines that the development of Middle Housing presents a greater risk to life or property than the development of detached single-family dwellings from the identified hazard. Greater risk includes but is not limited to actions or effects such as:
>
> (i) Increasing the number of people exposed to a hazard;
> (ii) Increasing risk of damage to property, built, or natural infrastructure; and
> (iii) Exacerbating the risk by altering the natural landscape, hydraulics, or hydrology.

The City is currently in compliance with Goal 7. The amendments do not alter the City's acknowledged land use programs regarding potential landslide areas (SDC Section 3.3-500, Hillside Development Overlay District) and flood protection (SDC Section 3.3-400 Floodplain Overlay District). In the Hillside Development Overlay district, the development of middle housing at densities that exceed the maximum density allowed for detached single-unit dwellings would increase the number of people exposed to a hazard. For that reason, development of middle housing in the Hillside Development Overlay district is limited to the maximum density of the underlying land use district. The Hillside Development Overlay district regulations allow density transfer within the district from high hazard areas (greater than 25% slope) to lower slope areas, which method may be applied to allow middle housing development within the Hillside Development Overlay district without increasing the number of people exposed to landslide hazards, consistent with Goal 7. Therefore, the residential code updates are in compliance with Goal 7.

Statewide Planning Goal 8 – Recreational Needs

Finding: The provision of recreation services within Springfield is the responsibility of Willamalane Park & Recreation District. Willamalane has an adopted 20-Year Comprehensive Plan for the provision of park, open space and recreation services for Springfield. This goal is not applicable as the residential code updates have no effect on the availability of or access to recreational opportunities as planned in Willamalane's Comprehensive Plan; therefore, the updates are in compliance with Goal 8.

Statewide Planning Goal 9: Economic Development

Finding: This goal is not applicable to the residential code updates because they have no direct effect on economic development and economic growth.

Finding: Goal 9 requires the City to "provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies." The City's adopted Economic Opportunities Analysis and Commercial Industrial Buildable Lands Inventory is acknowledged to comply with Goal 9. The employment code updates do not change any designations of employment lands within the Springfield Urban Growth Boundary. There is therefore no change to the site analysis conducted in the Economic Opportunities Analysis. The code updates retain existing minimum development areas for commercial and industrial uses to maintain existing site sizes. The employment code updates simplify the specific schedule of uses for commercial and industrial land use districts but retain the same broad categories of uses that are currently allowed in each land use district, maintaining the existing inventory of sites suitable for a variety of employment uses. Therefore, the employment code updates are consistent with Goal 9.

Statewide Planning Goal 10: Housing
To provide for the housing needs of citizens of the state.

Finding: Goal 10 requires that jurisdictions inventory buildable lands for residential use and develop plans that encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density.

The City of Springfield completed a Housing Needs Analysis and Buildable Lands Inventory in 2011. This document serves as the City's compliance document under Goal 10, OAR Chapter 660 Division 008 (Division 008), and ORS 197.296(3) – and provides the factual and analytical basis for the City's determination that the separate Springfield UGB has sufficient buildable land to meet identified housing needs during the 20-year planning period. This report, otherwise known as the Springfield 2030 Comprehensive Plan Residential Land Use and Housing Element (or "the RLHNA"), suggests that a higher percentage of multiple unit housing will be needed from 2010 to 2030, and that overall, 5,920 new dwelling units will be needed to accommodate the existing and future population including a mix of detached single-unit dwellings, townhouses, manufactured dwellings in parks, and multifamily units at an estimated density of at least 7.9 units per net buildable acre. (See further discussion of RLHNA compliance in response to Springfield Comprehensive Plan policy H.1, page 8.)

The residential code updates do not conflict with Goal 10 because they preserve the City's inventory of buildable residential lands, by either not changing or by increasing the overall net density that may be constructed on residentially-designated land. As discussed in the following paragraph, the middle housing code updates may result in a modest increase in density within the low-density residential district (currently LDR, becomes R-1 district). The code updates do not change the minimum and maximum net density in the medium- and high-density residential districts (currently MDR and HDR, become R-2 and R-3 districts). The code updates may result in a modest increase in net density that is actually constructed in these residential districts, however. The code updates remove detached single-unit dwellings from the permitted uses within the R-2 and R-3 districts, the detached single-unit housing type tends to be developed at or close to the minimum net density. Other housing types, such as middle housing and multiple unit housing, may be more likely to develop toward the higher end of the net density range for

the R-2 and R-3 districts. In addition, the residential code updates remove barriers to high-density development of multiple unit housing by reducing setbacks from adjacent low-density residential properties and increasing the maximum height allowed in the R-2 and R-3 districts.

Consistent with HB 2001 and ORS 197.758, the middle housing code updates expand housing options that meet or exceed the forecasted needs outlined in the RLHNA. The middle housing code updates may allow a modest increase in the number of dwelling units that could be constructed within the UGB because a greater number of units will be permitted on lots that were previously restricted to detached single-unit dwellings; for example, one detached single-unit dwelling was permitted on a 4,500-5,000 sq ft lot in the low-density residential district (currently LDR, becomes R-1district), whereas a triplex can be located on a 5,000 sq ft lot under the code updates. In addition to reducing minimum lot size requirements, the middle housing updates revise dimensional, density, and design standards to reduce the regulatory barriers to middle housing development which meets the definition of needed housing per ORS 197.303(1).

Finding: Pursuant to OAR 660-046-0030(2), the Springfield City Council has discussed financing measures and will continue to discuss financing measures specific to HB 2001 through the review and adoption of these code amendments as well as when developing the Housing Production Strategy as required by ORS 197.290. The City Council previously considered measures such as System Development Charge waivers, housing tax exemptions, and construction excise tax during a work session on the City's affordable housing strategy on February 13, 2017. The Council did not support including a construction excise tax as part of the city's affordable housing strategy due to the impact on permitting cost for housing development. The City Council supported System Development Charge waivers for Accessory Dwelling Units, which was most recently extended through Resolution 2019-06, for the period July 1, 2019 until June 30, 2022. In 2018 Council re-established a low-income rental housing property tax exemption program under ORS 307.515 to ORS 307.537.

In a future work session, currently scheduled for April 18, 2022, the City Council will discuss the financing measures required to be considered under HB 2001 and OAR 660-046-0030(2).

Finding: The middle housing code updates meet the minimum compliance standards for Large Cities, including OAR 660-046-0200 to OAR 660-046-0235, in part through incorporation of aspects of the Large Cities Model Code and in other part by applying the standards for detached single unit dwellings. The Large City minimum compliance standards adopted in OAR 660 Division 46 apply specifically to middle housing in residential areas zoned for single-unit detached dwellings, which includes only the R-1 district in Springfield. Middle housing types are also allowed in the R-2 and R-3 districts, and substantially follow the requirements of OAR 660 Division 46; however, they are exempt from full compliance with those regulations. The middle housing standards applicable in the R-2 and R-3 district include some minor departures from the standards in OAR 660 Division 46 to better fit within the broader residential code updates, including the requirement that the middle housing must comply with the minimum and maximum net residential density within the R-2 or R-3 district.

Finding: The City of Springfield does not elect to use alternative siting and design standards as permitted under OAR 660-046-0235.

Finding: The impacts of HB 2001 on the Goal 10-mandated Housing Needs Analysis and Buildable Lands Inventory will be assessed in the future, to the extent that the implementation of HB 2001 has increased the City's capacity for residential development within the Urban Growth Boundary. As explained elsewhere in these findings, the residential code updates and middle housing updates do not reduce the

City's buildable land inventory, nor do they reduce the assumed residential density of at least 7.9 dwelling units per net buildable acre within the City's residentially-designated lands.

Statewide Planning Goal 11: Public Facilities and Services
To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding: Goal 11 requires the City to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. Pursuant to OAR 660-011-0020(2), a public facility plan must identify significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan. The Eugene-Springfield Metropolitan Area Public Facilities and Services Plan (PSFP) and the Springfield 2035 Transportation System Plan (TSP) are the City's acknowledged public facilities and transportation system plans that inform infrastructure investments (i.e., water, stormwater, wastewater, transportation, and electricity) in Springfield. The TSP is addressed under the Goal 12 findings below. There are no changes to the PFSP in conjunction with the code update project, and the code update project is otherwise consistent with Goal 11 as explained below.

The public facility plan requirements in OAR 660-011-0020(2) include public facility projects to support the development of Middle Housing in areas zoned for residential use that allow for the development of detached single-family dwellings. Following adoption of Middle Housing allowances by a Large City, the Large City must work to ensure that infrastructure serving undeveloped or underdeveloped areas, as defined in OAR 660-046-0320(8), where Middle Housing is allowed is appropriately designed and sized to serve Middle Housing. The anticipated increase in housing density in existing areas is not expected to result in overburdening public facilities and services. HB 2001 states, "The density expectations may not project an increase in residential capacity above achieved density by more than three percent without quantifiable validation of such departures." New public facilities and services will be designed to serve anticipated residential development, including middle housing. The amendments do not result in the need to adjust or amend existing policies or projects in the City's adopted facility plans. Therefore, compliance with Goal 11 is maintained for the middle housing code updates.

The residential code updates and Employment Code updates similarly comply with Goal 11 because they do not result in any need to amend the PFSP to include additional or different public facilities projects. OAR 660-011-0020(2) requires the public facility plan to identify significant public facility projects which are to support the land uses designated in the City's acknowledged comprehensive plan. The residential code updates do not change the net residential density that was planned for in the PFSP. The employment code updates do not change the designations of any employment lands, nor do the code updates change the overall categories of uses that are permitted within the commercial and industrial districts. Therefore, the residential code updates and the employment code updates do not change the land uses designated under the Metro Plan and Springfield Comprehensive Plan (aside from middle housing, discussed above), and are therefore consistent with Goal 11.

Statewide Planning Goal 12: Transportation
To provide and encourage a safe, convenient, and economic transportation system.

Finding: Pursuant to ORS 660-046-0030 regarding Middle Housing in Medium and Large Cities, when a local government amends its comprehensive plan or land use regulations to allow middle housing, the

local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility. Therefore, the middle housing code updates comply with Goal 12.

The residential code updates and employment code updates are also consistent with Goal 12. The Transportation Planning Rule (TRR), at OAR 660-012-0060, requires the City to adopt mitigation measures whenever "an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility." An amendment causes a significant effect under the TPR when it changes the functional classification of an existing or planned transportation facility, changes the standards for implementing the functional classification system, or results in any of the effects listed in OAR 660-012-0060(1)(c)(A) through (C) regarding degradation of the performance of an existing or planned transportation facility.

Neither the residential code updates nor employment code updates change the functional classification of any transportation facilities, existing or planned, nor do they change the standards for implementing that classification system. The City's functional classification system and standards for implementing that system are adopted in the City's acknowledged TSP. There are no changes to the TSP as part of the code update project.

Furthermore, the Residential Code Update and Employment Code Update do not result in any of the significant effects listed in OAR 660-012-0060(1)(c)(A) through (C) because the code changes do not change the most traffic generative use that is reasonable under the current code language, as compared to the most traffic generative use under the code changes. Outside of the middle housing code updates that are exempted from compliance with the TPR, the residential code updates do change the most traffic generative uses allowed within the existing residential districts (currently LDR, MDR, and HDR, become R-1, R-2, and R-3 districts), and they maintain the same development density standards for each of these districts that apply under the current code. The employment code updates similarly do not change the underlying uses allowed within the commercial and industrial land use districts; the code changes merely streamline and simplify the development review processes and standards that apply to within those land use districts. Because the residential code updates and employment code updates do not change the most traffic generative uses that are reasonable within the existing residential, commercial, and industrial land use districts, those code updates comply with Goal 12.

Statewide Planning Goal 13: Energy Conservation
Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based on sound economic principles.

Finding: Goal 13 regarding energy conservation is not applicable because the City's acknowledged regulations implementing Goal 13 remain unaffected by the amendments.

Statewide Planning Goal 14: Urbanization
To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Finding: Goal 14 requires cities to estimate future growth rates and patterns, and to incorporate, plan, and zone enough land to meet the projected demands. The amendments do not repeal, replace, or void existing code provisions regarding annexation. The code provisions regarding urbanizable land are contained in the Urban Fringe Overlay District and the Agriculture Urban Holding Area district. The only

change to these standards are changes to the Urban Fringe Overlay District to conform with the changes to the permitted uses in the medium- and high-density districts (currently MDR and HDR, become R-2 and R-3 districts). The changes to the Urban Fringe Overlay District standards remove detached single unit dwellings from the list of permitted uses within the overlay district, consistent with the code in SDC 3.2.210. This change does not alter the requirement that urban uses are prohibited in the urbanizable areas prior to annexation. Therefore, the code amendments are consistent with Goal 14.

Statewide Planning Goal 15: Willamette River Greenway
To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

Finding: Statewide Planning Goal 15 requires cities to adopt local greenway plans, along with criteria for new development, new uses, and the increase of use along the river. Pursuant to SDC 3.3-320.A., uses allowed in the Willamette Greenway Overlay District are the same as those in the underlying zoning district; thus, the middle housing code updates do not repeal, replace, or void existing code provisions related to Goal 15. Furthermore, no changes to existing protections afforded through this overlay are being made under the middle housing code updates, residential code updates, or employment code updates. Therefore, the amendments are consistent with the requirements of Statewide Land Use Goal 15.

Statewide Planning Goals: 16 Estuarine Resources; 17 Coastal Shorelands; 18 Beaches and Dunes; 19 Ocean Resources

Statewide planning Goals 16-19 relate to coastal lands in Oregon, which are not applicable within the planning jurisdiction of the City of Springfield and are not applicable to the amendments.

CONCLUSION: Based on the findings above, the middle housing code updates are consistent with the Statewide Planning Goals and administrative rules. SDC 5.6-115 Criterion A.3 has been met.

BEFORE THE PLANNING COMMISSION OF SPRINGFIELD, OREGON
SUPPLEMENTAL RECOMMENDATION
811-18-000224-TYP4

SUPPLEMENTAL RECOMMENDATION REGARDING THE DEVELOPMENT CODE UPDATE PROJECT:

The Purpose of the Development Code Update Project is to change the Springfield Development Code to support efficient, timely, and clear development review. The updated Development Code will support Springfield's economic development priorities and will honor Springfield's home-town feel now and in the future. Phase 1 of the Development Code Update Project is focused on housing and includes the middle housing code updates required by legislation passed in 2019 (House Bill 2001). Phase 2 focuses on Employment Lands and includes development standards and procedural changes also addressed in these findings. On February 23, 2022, the Planning Commission adopted an Order and Recommendation to the City Council to approve the proposed code amendments for Phases 1 and 2, by separate signed order.

This Supplemental Recommendation contains additional subjects that the Planning Commission recommends the City Council consider in future projects or ordinances. The Planning Commission recognizes that these subjects are outside the scope of Phases 1 and 2 of the Development Code Update Project as directed by City Council, but believes these topics are important and complement the code updates included in the Commission's Order and Recommendation.

The Planning Commission hereby forwards the following recommendation that the City Council consider these topics in future projects or ordinances:

- Explore and adopt additional strategies to support retention/promote rehabilitation of existing dwellings through code language, incentive programs, grants, loans, and other creative options, especially when redeveloping a site with new housing.

- Consider providing incentives for income qualified or subsidized housing such as but not limited to: lot size reductions and/or density bonus, reduced parking, height limit increase, systems development charge waivers or discounts, and lot coverage increase.

- Consider ways to incentivize higher density housing developments to locate closer to public open space areas and transit, or to provide additional on-site open space.

- Explore options that support homeownership and equity building programs, including retention of ownership and new ownership through efforts such as but not limited to: code language, incentive programs, grants, system development charge waivers or discounts, down payment assistance loan or grant programs, pre- approved housing plans sourced from local architects and other creative options. Promote these opportunities for a variety of housing types including middle housing and other "work force housing."

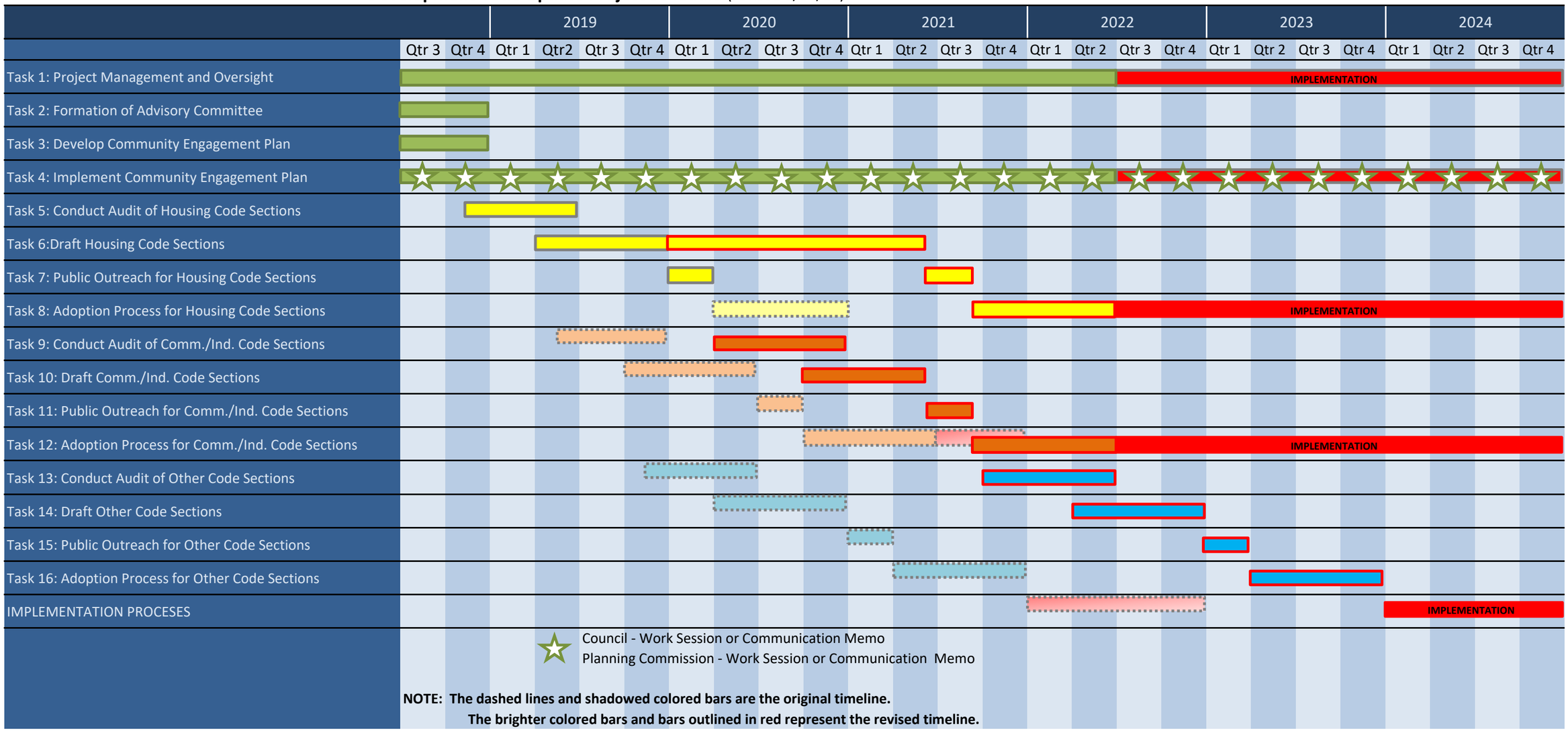
- Consider ways to incentivize permanent retention of existing, or additional planting of, trees and shrubs and increased setbacks from steep slopes, wetlands and other sensitive natural areas as part of housing development. Consider for instance, allowance for greater height, lesser parking, lesser setbacks, etc., in exchange for permanent protection of these natural areas, trees and shrubs.

Planning Commission Chairperson

21 March 2022
Date

ATTEST
AYES:
NOES:
ABSENT:
ABSTAIN:

Development Code Update Project Schedule (revised 3/16/21)



NOTE: The dashed lines and shadowed colored bars are the original timeline.
The brighter colored bars and bars outlined in red represent the revised timeline.

AGENDA ITEM SUMMARY

S P R I N G F I E L D
C I T Y C O U N C I L

Meeting Date:	4/4/2022
Meeting Type:	Work Session
Staff Contact/Dept.:	Sandy Belson/DPW
Staff Phone No:	541-736-7135
Estimated Time:	40 Minutes
Council Goals:	Mandate

ITEM TITLE: INCREASING THE AFFORDABILITY OF MIDDLE HOUSING

ACTION REQUESTED: Consider if the City should pass ordinances and/or policies to increase the affordability of middle housing

ISSUE STATEMENT: In 2019, Oregon passed a bill (House Bill 2001) that requires the City of Springfield to not only amend the Development Code to allow middle housing in areas zoned for residential use that allow for the development of detached single-family dwellings, but to also consider ways to increase the affordability of middle housing.

ATTACHMENTS:

1. Council Briefing Memo
2. Springfield Housing Strategy (2019)
3. Planning Commission's Supplemental Recommendation

DISCUSSION/ FINANCIAL IMPACT: Many of the ways to increase the affordability of middle housing could involve corresponding reductions to city revenue or in the case of the construction tax, increased costs on developers at the time of building permit.

Waiving system development charges (SDCs) would reduce the funds available for capital projects that have or will add capacity to our transportation, stormwater, and wastewater systems. However, waiving SDCs may encourage development that would not otherwise happen, therefore increasing the property tax base and increasing the number of utility customers.

Property tax exemptions would reduce general fund revenue for the city and potentially other taxing districts. However, if these property tax exemptions encourage development that would not otherwise have happened, then they provide the city with a long-term benefit with increased property tax revenue after the exemption period. Or the exemptions may allow housing to be built that is affordable to low-income households.

Assessing a construction tax would increase the cost of development but provide a funding mechanism that the city could use to incentivize or subsidize the construction of income-qualified housing.

M E M O R A N D U M **City of Springfield**

Date:	4/4/2022	
To:	Nancy Newton	**COUNCIL**
From:	Sandy Belson, Interim Planning Manager Tom Boyatt, Community Development Director	**BRIEFING**
Subject:	INCREASING THE AFFORDABILITY OF MIDDLE HOUSING	**MEMORANDUM**

ISSUE: In 2019, Oregon passed a bill (House Bill 2001) that requires the City of Springfield to not only amend the Development Code to allow middle housing in areas zoned for residential use that allow for the development of detached single-family dwellings, but to also consider ways to increase the affordability of middle housing.

COUNCIL GOALS/
MANDATE:

Council Goals: Mandate

BACKGROUND: In 2019, the Oregon Legislature passed HB 2001 which required cities with a population of more than 25,000 to allow middle housing in areas zoned for residential use that allow for the development of detached single-family dwellings. "Middle housing" means duplexes, triplexes, quadplexes (fourplexes), cottage clusters, and townhouses[1]. In addition, per Section 3 (4) of HB 2001, the City "shall consider ways to increase the affordability of middle housing by considering ordinances and policies that include but are not limited to:

(a) Waiving or deferring system development charges;
(b) Adopting or amending criteria for property tax exemptions under ORS 307.515 to 307.523, 307.540 to 307.548 or 307.651 to 307.687 or property tax freezes under ORS 308.450 to 308.481; and
(c) Assessing a construction tax under ORS 320.192 and 320.195."

SPRINGFIELD'S HOUSING STRATEGY: In 2016, City Council directed staff to research the housing situation in Springfield and start working toward a Housing Strategy. By June of 2017, the Council had identified strategies to address the identified housing needs. The City began actively implementing the various strategies as directed by Council. Attachment 2 is a flyer showing the 2019 version of Springfield's Housing Strategy.

While the City has continued to address housing needs in Springfield, the effort has tapered off somewhat due to the pandemic (including staffing of the Emergency Operations Center), and staff shortages. At the same time, housing construction for the past two years has recently reached record levels, indicating a potential need to reassess the city's housing strategies. The City is currently interviewing for a Housing Analyst, a position that will add more staff capacity to carry out Springfield's Housing Strategy as well as work on projects funded through increases in federal and state allocations to the City of Springfield. This work session and others scheduled with Council this spring will direct staff as to where to focus our efforts.

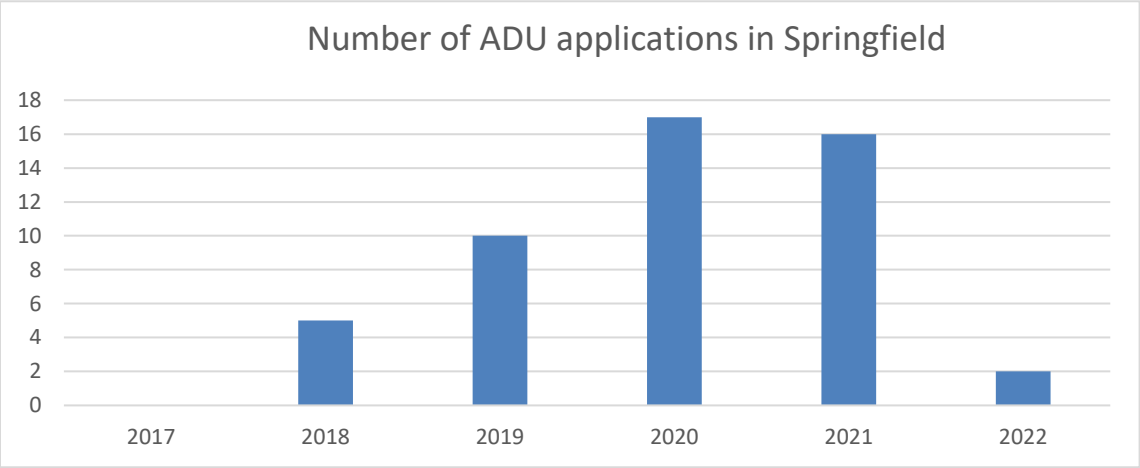
[1] Townhouse means a dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit.

MIDDLE HOUSING IN SPRINGFIELD'S HOUSING STRATEGY

The Strategy that directly addresses middle housing is the strategy to "Promote Housing of Diverse Types". Updating the development code is one project that will result in middle housing being a permitted use in the Low-Density Residential District (to be renamed R-1). It will also ensure a streamlined approval process for middle housing in other residential zoning districts. The second project which will follow the Development Code Update involves creating user-friendly guides to navigate the development code and process.

SYSTEM DEVELOPMENT CHARGES

As part of the strategy to Encourage Construction of Accessory Dwelling Units (ADUs), the Council temporarily waived system development charges (SDCs) starting July 1, 2017, by passing Resolution 2017-15. At the request of Springfield and Eugene, the Metropolitan Wastewater Management Commission set aside funds to offset the SDC for regional wastewater by passing Resolution 18-09. These SDC waivers paired with the city's efforts to promote awareness of the possibilities for ADUs as well as revisions to the development code have resulted in a marked increase in the number of ADUs permitted in Springfield. The code amendments became effective in April 2018 and make it easier and potentially less expensive to add an ADU. The Council extended the SDC waiver through June 30, 2022, with Resolution 2019-06.



SDCs are charges imposed on development to accumulate the capital needed to provide sufficient capacity in infrastructure systems to accommodate development. The City of Springfield charges SDCs for transportation, stormwater, and local wastewater systems. Not collecting SDCs for development either means that the city will not be able to build as many projects, or in the case of wastewater and stormwater, that the ratepayers would bear more of the construction costs.

With upcoming amendments to the Development Code, adding an ADU will no longer be the only option for people who want to add dwelling units to their property in low-density residential zoning districts. There will no longer be much distinction between a primary dwelling and one or two ADUs compared with a duplex or triplex. Thus, it is a timely question as to whether or not Council wants to continue to provide SDC waivers, and if so, for what types of dwellings.

To ensure that the city does not overburden the ratepayers or create financial shortfalls for capital projects, staff believes that an SDC waiver program should be very focused. Over the

past two years, the City has issued record numbers of dwelling unit permits, thereby increasing the supply of housing in our community.

Staff recommends that the focus of an SDC waiver program should shift to incentivizing developments that are guaranteed to be affordable for low-income households, i.e., income-qualified housing development. The Planning Commission recommends SDC waivers or discounts for income qualified or subsidized housing and to encourage homeownership and equity building programs.

Question for Council: Does Council want to continue to waive SDCs for certain types of housing development, and if so, for what types of housing?

The legislature also asked that Council consider deferring SDCs. The City already has in place two programs that would apply to SDCs for middle housing.

1 – **SDC Deferral**: An applicant pays $10,000 at the time of building permit and then records a lien for the remaining SDCs. The applicant is required to pay the remaining SDCs prior to building occupancy.

2 – **Assessment Lien Process**: The applicant records a lien agreeing to pay the SDC in 20 semi-annual installments. The City charges an administrative fee of $50 and interest rate based on the government pool interest rate plus 2%.

PROPERTY TAX EXEMPTIONS

In considering various tax exemptions to include as part of the City's Housing Strategy, the Council settled on the multi-unit property tax exemption allowed under ORS 307.600-637 as the best one to increase housing diversity. The Council was interested in this exemption to spur market-rate apartments that were not otherwise being built. The last work session Council on this tax exemption was held on March 9, 2020. At that meeting, Council gave direction to replace the Vertical Housing Tax Exemption that is in place Downtown with **Tax Exemption for Housing Diversity** (for multi-unit housing, otherwise known as MUPTE) and to include the entire Downtown area. Council had previously identified other transit-oriented areas to include in areas eligible for the tax exemption. Staff has not had the capacity to move this project forward over the past two years. The Planning Commission expressed support for this type of incentive, see Attachment 3.

ORS 307.515 to 307.523 – The City Council reinstated the **Low-Income Rental Housing Property Tax Exemption** in 2018 as part of the Strategy to Contribute to Income-Qualified Housing Development.

ORS 307.540 to 307.548 – The **Nonprofit Corporation Low-Income Housing Tax Exemption** could provide a 100% exemption if approved by jurisdictions representing at least 51% of the tax rate. It is limited to people earning 60% or less of the Area Median Income, although Springfield could allow the eligible income to increase to 80% after the first year of occupancy. An annual application is required and there is no limit on the length of the exemption. This tax exemption is similar to the Low-Income Housing Tax Exemption, and therefore would be somewhat duplicative, but could offer non-profit corporations a choice of exemptions.

ORS 307.651 to 687 – The **Single Unit Housing Tax Exemption** is applicable to single-unit housing which is defined as a structure having one or more dwelling units. It was designed by the legislature to encourage home ownership among low- and moderate-income families. As with other tax exemptions, a full tax exemption requires approval by jurisdictions representing at

least 51% of the tax rate. The market value of the home can not exceed the 120% of the median sales prices in the city. Taxes would be exempt for 10 years. The Planning Commission recommends supporting homeownership and opportunities for a variety of housing types including middle housing and other "work force housing".

ORS 308.450 to 308.481 – The **Rehabilitated Residential Property Tax Freeze** ended in 2015 and is no longer an option.

Question for Council: Does Council want to continue to consider the Housing Diversity Tax Exemption and/or any other tax exemptions?

CONSTRUCTION TAX

Council previously decided not to include a construction tax as part of the City's Housing Strategy. The city could impose a construction tax on new structures or additions that increase the square footage. The city could use up to 4% of the tax for administration. The balance of funds collected each quarter would be used as follows:

- 50% devoted to developer incentives to build affordable housing pursuant to ORS 197.309 (affordable to households with incomes equal to or lower than 80% of the median family income for the county)
- 15% distributed to the Housing and Community Services Department to fund home ownership programs and down payment assistance
- 35% for programs and incentives of the city related to affordable housing

Question for Council: Does Council want to consider a construction tax?

RECOMMENDED ACTION: Provide direction to staff in response to the three questions:

1 - Does Council want to continue to waive SDCs for certain types of housing development, and if so, for what types of housing?

2 - Does Council want to continue to consider the Housing Diversity Tax Exemption and/or any other tax exemptions?

3 - Does Council want to consider a construction tax?

Springfield's Housing Strategy

Housing Values

We want Springfield to be a family-friendly community for all people in every phase of life; whether it's just starting out with a new family, or downsizing to a smaller home. We need a diverse housing market that supports employment and families at every phase of life.

Key Findings

- There is a lack of available housing at all levels including: emergency shelter, transitional housing, income-qualified housing, market rate rentals, space in manufactured home parks, and homes for sale.
- Rental vacancy rates are low.
- Housing is expensive. 51% of renters and 34% of homeowners are cost-burdened, which means they are paying more than 30% of their income on housing and basic utilities. (2010-14 American Community Survey)

Contributing Factors

- Limited profit opportunities for developers
- Stagnant wages
- Insufficient public subsidies

Increase Affordable Housing in Springfield OR »»

Partnerships

- Human Services Commission
- Poverty and Homelessness Board
- TEAM Springfield
- Community Groups

We've partnered with local and regional groups to help create more affordable housing options across the continuum of housing needs. We also provide funding for human services and work to stimulate economic development, which has helped address the gaps between household income and housing costs.

Through partnerships, important progress has been made. But what could the City of Springfield uniquely do to help improve housing options?

In 2016, the Springfield City Council directed staff to evaluate housing needs and to build on strategies to both increase the supply of housing and the accessibility of affordable housing throughout the housing continuum.

The reverse side outlines strategies that are in place, currently being implemented, or that will be considered in the future.

SPRINGFIELD OREGON

Updated January 2019

« Council Strategies to Address Housing Needs »

Expand Overnight Parking Program

- Municipal code allows churches & industrial sites to host up to three vehicles/campers/trailers
- City increased support to $37,000 per year to cover port-a-potties, & administration cost of local non-profits
- Sanipac is donating trash collection services

Contribute to Income-Qualified Housing Development

- Use HOME Investment Partnership Program (HOME) funds for development of housing that is affordable to low-income residents
- Waive development application fees for non-profit housing
- Reinstated property tax exemption for low-income housing (June 2018)

Encourage Construction of Accessory Dwelling Units (ADUs)

- Temporarily waive System Development Charges (SDCs) (FY 17-19)
- Promote awareness & possibilities for ADUs
- Revised development code to make it easier & potentially less expensive to add an ADU bit.ly/SpringfieldADUs (Spring 2018)

(photo: Small Home Oregon)

Secure Property for Targeted Residential Development

- Use Community Development Block Grant (CDBG) funds for acquisition & improvement of properties for new housing units
- Identify publicly-owned property for residential development

Assist Homeowners with CDBG Funds

- Assist low-income homeowners with repairs & accessibility improvements (Emergency Home Repair Program)
- Provide down-payment assistance for home ownership (Springfield Home Ownership Program)

Promote Housing of Diverse Types

- Consider a property tax exemption to increase housing diversity
- Update development code (Beginning in Fall 2018)
- Create user-friendly guides to navigate development code and process
- Ensure appropriate zoning for residential land (not programmed)

Contact: Comprehensive Planning Manager Sandy Belson, 541.736.7135 or sbelson@springfield-or.gov

Sign up to receive email updates about affordable housing at bit.ly/AffordableHousingSignup

BEFORE THE PLANNING COMMISSION OF SPRINGFIELD, OREGON
SUPPLEMENTAL RECOMMENDATION
811-18-000224-TYP4

SUPPLEMENTAL RECOMMENDATION REGARDING THE DEVELOPMENT CODE UPDATE PROJECT:

The Purpose of the Development Code Update Project is to change the Springfield Development Code to support efficient, timely, and clear development review. The updated Development Code will support Springfield's economic development priorities and will honor Springfield's home-town feel now and in the future. Phase 1 of the Development Code Update Project is focused on housing and includes the middle housing code updates required by legislation passed in 2019 (House Bill 2001). Phase 2 focuses on Employment Lands and includes development standards and procedural changes also addressed in these findings. On February 23, 2022, the Planning Commission adopted an Order and Recommendation to the City Council to approve the proposed code amendments for Phases 1 and 2, by separate signed order.

This Supplemental Recommendation contains additional subjects that the Planning Commission recommends the City Council consider in future projects or ordinances. The Planning Commission recognizes that these subjects are outside the scope of Phases 1 and 2 of the Development Code Update Project as directed by City Council, but believes these topics are important and complement the code updates included in the Commission's Order and Recommendation.

The Planning Commission hereby forwards the following recommendation that the City Council consider these topics in future projects or ordinances:

- Explore and adopt additional strategies to support retention/promote rehabilitation of existing dwellings through code language, incentive programs, grants, loans, and other creative options, especially when redeveloping a site with new housing.

- Consider providing incentives for income qualified or subsidized housing such as but not limited to: lot size reductions and/or density bonus, reduced parking, height limit increase, systems development charge waivers or discounts, and lot coverage increase.

- Consider ways to incentivize higher density housing developments to locate closer to public open space areas and transit, or to provide additional on-site open space.

- Explore options that support homeownership and equity building programs, including retention of ownership and new ownership through efforts such as but not limited to: code language, incentive programs, grants, system development charge waivers or discounts, down payment assistance loan or grant programs, pre- approved housing plans sourced from local architects and other creative options. Promote these opportunities for a variety of housing types including middle housing and other "work force housing."

- Consider ways to incentivize permanent retention of existing, or additional planting of, trees and shrubs and increased setbacks from steep slopes, wetlands and other sensitive natural areas as part of housing development. Consider for instance, allowance for greater height, lesser parking, lesser setbacks, etc., in exchange for permanent protection of these natural areas, trees and shrubs.

Planning Commission Chairperson

21 March 2022
Date

ATTEST
AYES:
NOES:
ABSENT:
ABSTAIN:

AGENDA ITEM SUMMARY

Meeting Date:	4/4/2022
Meeting Type:	Regular Meeting
Staff Contact/Dept.:	Clayton McEachern Development and Public Works
Staff Phone No:	541-736-1036
Estimated Time:	Consent Calendar
Council Goals:	Maintain and Improve Infrastructure and Facilities

S P R I N G F I E L D
C I T Y C O U N C I L

ITEM TITLE:

ACCEPTANCE OF PROJECT P31053 15TH STREET TO SOUTH B STREET PAVING.

ACTION REQUESTED:

Adopt or reject the following resolution:
A RESOLUTION TO ACCEPT CITY PROJECT P31053 15TH STREET TO SOUTH B STREET PAVING PUBLIC IMPROVEMENT PROJECT (PIP).

ISSUE STATEMENT:

The work on this project has been completed by the Developer NIKKO Investments, LLC. The City Staff and the Developer's consulting Engineers, the Favreau Group, LLC, have completed a final inspection, paperwork, and approval. The project is now ready for formal City Council acceptance.

ATTACHMENTS:

1. P31053 15th Street to South B Street Paving Acceptance – Resolution
2. P31053 Project Photos, Exhibit 1-5

DISCUSSION/ FINANCIAL IMPACT:

The 15th Street to South B Street Paving project consists of paving a gravel road and installing Storm Drains, Concrete sidewalks, and commercial driveways for the existing businesses on South 15th.

All construction was paid for by the Developer Nikko Investments and constructed by Bineham Construction Inc.

All work done under this permit project has been completed and inspected by the City Engineer or his designed and found to be satisfactory. This project has no final construction cost, as it was privately engineered, built, and financed. There is no financial impact to the City other than the typical future maintenance responsibilities for public infrastructure.

CITY OF SPRINGFIELD, OREGON
RESOLUTION NO. _____

ACCEPTANCE

WHEREAS, work on the improvement described below has been fully completed and has been duly inspected by the City Engineer of the City of Springfield: P31053, 15th Street to South B Street Paving, Public Improvement Project;

WHEREAS, said work was found to be in conformance with the terms of the Public Improvement Permit and plans submitted by the Engineer of Record and approved by the City Engineer; and

WHEREAS, it is the recommendation of the City Engineer that this Public Improvement Project be accepted and permanently included in the improvement maintenance program of the City of Springfield.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SPRINGFIELD:

Section 1: The Common Council of the City of Springfield does hereby accept for future maintenance the above-described project and accepts said improvement from the Developer involved.

Section 2: This Resolution will take effect upon adoption by the Council and approval by the Mayor.

ADOPTED by the Common Council of the City of Springfield this 4th day of April 2022, by a vote of _____ for and ____ against.

ATTEST:

_____
City Recorder

REVIEWED & APPROVED
AS TO FORM
Kristina Kraaz
DATE: Feb. 9, 2021
SPRINGFIELD CITY ATTORNEY'S OFFICE

Exhibit #1- Beginning of the project

Completed Project

Exhibit **#2**

Exhibit **#3**

Exhibit **#4**

Exhibit #5

AGENDA ITEM SUMMARY		
	Meeting Date:	4/4/2022
	Meeting Type:	Regular Meeting
	Staff Contact/Dept.:	Amanda Clinton
	Staff Phone No:	541-726-3628
	Estimated Time:	Consent Calendar
S P R I N G F I E L D **C I T Y C O U N C I L**	**Council Goals:**	Maintain and Improve Infrastructure and Facilities

ITEM TITLE:	2022 SLURRY SEAL INTERGOVERNMENTAL AGREEMENT (IGA)
ACTION REQUESTED:	APPROVE OR REJECT THE FOLLOWING MOTION: APPROVE THE 2022 SLURRY SEAL INTERGOVERNMENTAL AGREEMENT (CITY CONTRACT #3027) BETWEEN THE CITY OF SPRINGFIELD AND LANE COUNTY. AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY.
ISSUE STATEMENT:	Staff seeks Council authorization for the City Manager to execute the Intergovernmental Agreement for the 2022 Slurry Seal IGA with Lane County. The total estimated cost of the project is $208,353.54 with construction anticipated this coming summer.
ATTACHMENTS:	1. Intergovernmental Agreement 2. 2022 Slurry Seal Roads & Maps
DISCUSSION/ FINANCIAL IMPACT:	When the state transportation package (HB 2017) went into effect, and the City realized an increase in apportionment from the State, a portion of the increase ($150,000) has been transferred annually to the Street Capital Fund with the intent to facilitate the preservation of local streets. Currently the estimated total of the funds set aside for FY23 is $318,583, and the City will partner again with Lane County to conduct slurry seal preservation work this summer. This partnership has allowed the City to realize economic benefits and efficiencies in the management of the project. This Intergovernmental Agreement formalizes roles and conditions for both the City and Lane County. The list of residential streets that will receive slurry seal treatment is included and Exhibit A in the agreement.

2022 LANE COUNTY SLURRY SEAL WITH CITY OF SPRINGFIELD, C#3027

This **Agreement** is entered into by and between Lane County, a political subdivision of the State of Oregon ("**County**"), and City of Springfield ("**Agency**"), each a "party," and referred to collectively in this Agreement as "the parties." County and Agency agree as follows:

1. RECITALS

1.1 ORS 190.010 and the Lane County Home Rule Charter provide that units of local government may enter into agreements for the performance of any or all functions and activities that a party to the agreements, its officers, or agents, have authority to perform.

1.2 County will be performing slurry seal applications on County-owned streets within the Springfield area and Agency has requested that County include Agency-owned streets in the slurry seal work.

2. SCOPE OF AGREEMENT

2.1 County will:

2.1.1 Provide slurry seal applications to certain Agency-owned streets as shown in Exhibit A (List of City of Springfield Streets and Map) in the Springfield area during the summer of 2022, herein referred to as "Project."

2.1.2 Provide Agency an Engineer's Estimate (Exhibit B) for Agency's portion of costs prior to bid letting.

2.1.3 Provide administrative services to include design, bid and award, residential notifications, and utility coordination and notifications.

2.1.4 Provide contract administration, inspections services, final as-builts, and cost accounting for each Agency street within Project.

2.1.5 Comply with all requirements under ORS Chapter 279C regarding the solicitation and award of the public improvement contracts and payment of prevailing wage rates.

2.2 Agency will:

2.2.1 Provide written authorization to County to award Agency-portion of contract prior to final award by County.

2.2.2 Compensate County for its portion of slurry seal application costs (construction costs) based on Project unit bid costs applicable to Agency-owned streets. Lump sum bid items including, but not limited to Mobilization, Temporary Protection & Direction of Traffic (TP&DT), and Traffic Control Supervisor (TCS) will be pro-rated based upon the percentage of Agency's portion of entire Project.

2.2.3 Compensate County an additional 16% of its total Project construction costs for County's administration, design, and inspections services.

3. DOCUMENTS FORMING THE AGREEMENT

3.1 The Agreement. The Agreement consists of this document and all exhibits listed below, which are incorporated into this Agreement by this reference.

3.2 Exhibits. With this document, the following exhibits are incorporated into the Agreement:

- **Exhibit A List of City of Springfield Streets & Map**
- **Exhibit B Engineer's Estimate**

4. CONSIDERATION AND PAYMENT

4.1 County's Payment Obligations

4.1.1 Invoice Agency for services upon completion of Project.

4.2 Agency's Payment Obligations

4.2.1 Reimburse County within 30 days of receipt of final invoice up to an estimate amount of $208,353.54. Actual costs to be determined by the contract bid estimate.

5. EFFECTIVE DATE AND DURATION

5.1 Effective Date. Upon the signature of all parties, this Agreement is effective.

5.2 **Duration.** Unless extended or terminated earlier in accordance with its terms, this Agreement will terminate October 31, 2022. However, such expiration shall not extinguish or prejudice either party's right to enforce this Agreement with respect to any breach or default in performance which has not been cured.

6. **AUTHORIZED REPRESENTATIVES AND NOTICE.** Each of the parties designates the following individuals as its authorized representative for administration of this Agreement. Either party may designate a new authorized representative by written notice to the other.

6.1 County's Authorized Representative. Peggy Keppler, PE, County Engineer, (541) 682-6990, peggy.keppler@lanecountyor.gov, 3040 North Delta Highway, Eugene OR 97408.

6.2 Agency's Authorized Representative. Kristi Krueger, PE, Managing Civil Engineer (Capital Engineering Program Manager), (541) 726-4584, 225 Fifth Street, Springfield OR 97477, kkrueger@springfield-or.gov.

Any notice, demand, consent, approval, or other communication to be given under this Agreement must be in writing and provided by email addressed to the party's authorized representative, except as provided below in this section. However, if, in either party's discretion, email is not the most appropriate method for providing notice, then notice may be provided by personal delivery; certified mail, postage prepaid, return receipt requested; or nationally recognized overnight courier. The effective date of notice shall be: for notice by email, the date and time sent if sent between the hours of 8 am and 5 pm, otherwise effective at 8am the following Business Day; for notice delivered in person, the date and time of delivery; for notice by U.S. mail, three days after the date of certification; and for notice by overnight courier, the next business day after deposit with the courier. If no representative is identified in this section, notice may be given to the person executing the Agreement on behalf of that party below.

7. **SPECIAL CONDITIONS**

7.1 **Minimum Wage Rates.** This Contract is subject to Federal Executive Order 14026 requiring that workers working on or in connection with a Federal Government contract be paid an hourly minimum wage of $15.00. All workers not subject to the Federal minimum wage must be paid not less than the Oregon minimum wage for their work location.

7.2 **Compliance with Coronavirus Guidelines, Laws, Rules, and Orders.** Each of the parties is aware of the COVID-19 emergency and agrees that it is and will remain familiar with the CDC prevention guidelines and with federal, state, and local laws, rules, and orders regarding COVID-19 throughout the term of this Agreement, and will take all necessary precautions relating to COVID-19, including those set out in the guidelines, laws, rules, and orders described in this paragraph. The parties have anticipated the costs of compliance with the present guidelines, rules, laws, and orders prior to entering into this Agreement, and that no claim will be made by either party for such compliance. However, in the event that after the effective date of this Agreement the COVID-19 guidelines, laws, rules, and orders are changed in such a way as to adversely affect the parties' ability to carry out their obligations under this Agreement, either party so affected must give notice to the other party of any potential need to modify the Agreement to accommodate or respond to such changes in the guidelines, laws, rules, and orders.

8. **INDEMNIFICATION.** To the extent permitted by the Oregon Constitution, and to the extent permitted by the Oregon Tort Claims Act, each party agrees to indemnify, defend, and hold harmless the other party and its officers, employees, and agents from and against all damages, losses and expenses, including but not limited to attorney fees and costs related to litigation, and to defend all claims, proceedings, lawsuits, and judgments arising out of or resulting from the indemnifying party's negligence in the performance of or failure to perform under this Agreement.

9. **PUBLIC BODY STATUS.** In providing the services specified in this Agreement (and any associated services) both parties are public bodies and maintain their public body status as specified in ORS 30.260. Both parties understand and acknowledge that each retains all immunities and privileges granted them by the Oregon Tort Claims Act (ORS 30.260 through 30.295) and any and all other statutory rights granted as a result of their status as local public bodies.

10. **MODIFICATION AND TERMINATION.**

10.1 Modification. No modification or amendment to this Agreement will bind either party unless in writing and signed by both parties.

10.2 Termination. The parties may jointly agree to terminate this Agreement at any time by written agreement.

10.3 Non-Appropriation. Each of the parties certifies that it has sufficient funds currently authorized for expenditure to finance the costs of this Agreement for the period within the current budget; however, the parties understand and agree that, if a party does not appropriate funds for the next succeeding fiscal year to continue payments otherwise required by the Agreement, this Agreement will terminate at the end of the last fiscal year for which payments have been appropriated. The non-appropriating party will notify the other party of such non-appropriation not later than 30 days before the beginning of the year within which funds are not appropriated. Upon termination pursuant to this clause, neither party will have a further obligation for payments beyond the termination date.

11. MISCELLANEOUS PROVISIONS

11.1 Disputes. The parties are required to exert every effort to cooperatively resolve any disagreements that may arise under this Agreement. This may be done at any management level, including at a level higher than the persons directly responsible for administration of the Agreement. In the event that the parties alone are unable to resolve any conflict under this Agreement, they are encouraged to resolve their differences through mediation or other cooperative dispute resolution process.

11.2 Waiver. Failure of either party to enforce any provision of the Agreement does not constitute a waiver or relinquishment by the party of the right to such performance in the future nor of the right to enforce that or any other provision of this Agreement.

11.3 Severability. If any provision of this Agreement is declared by a court to be illegal or in conflict with any law, the validity of the remaining terms and provisions are not affected; and the rights and obligations of the parties are to be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.

11.4 Governing Law, Forum, and Venue. All matters in dispute between the parties to this Agreement arising from or relating to the Agreement, including without limitation alleged tort or violation, are governed by, construed, and enforced in accordance with the laws of the State of Oregon without regard to principles of conflict of laws. This section does not constitute a waiver by County of any form of defense or immunity, whether governmental immunity or otherwise, from any claim or from the jurisdiction of any court. All disputes and litigation arising out of this Agreement will be decided by the state or federal courts of Oregon. Venue for all disputes and litigation will be in Lane County, Oregon.

11.5 Time is of the Essence. The parties agree that time is of the essence with respect to all provisions of this Agreement.

11.6 No Third-Party Beneficiaries. County and Agency are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives or may be construed to give or provide any benefit or right to third persons, either directly or indirectly, that is greater than the rights and benefits enjoyed by the general public, unless that party is identified by name in this Agreement.

11.7 Headings. The headings and captions in this Agreement are for reference and identification purposes only and may not be used to construe the meaning or to interpret the Agreement.

11.8 Force Majeure. Neither party will be held responsible for delay or default due to force majeure acts, events, or occurrences, including but not limited to fires, riots, wars, and epidemics, unless such delay or default could have been avoided by the exercise of reasonable care, prudence, foresight, and diligence by that party.

11.9 Multiple Counterparts. This Agreement and any subsequent amendments may be executed in several counterparts, facsimile or otherwise, all of which when taken together will constitute one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of this Agreement and any amendments so executed will constitute an original.

11.10 Merger and Construction. This Agreement contains the entire agreement of County and Agency with respect to the subject matter of this Agreement, and supersedes all prior negotiations, agreements and understandings. This Agreement is the result of bilateral negotiations between the parties, and the provisions of this Agreement are to be interpreted and their legal effects determined as a whole, with no part to be construed against the drafter of such part.

11.11 Compliance with Law, ADA. County and Agency agree to comply with all federal, state and local laws applicable to the parties or the subject matter of this Agreement. During the performance of this Agreement, the parties will comply with all applicable provisions of the Americans with Disabilities Act of 1990, 42 USC Section 12101 et seq., and Section 504 of the Rehabilitation Act of 1973.

SIGNATURES FOLLOW ON NEXT PAGE

EACH PARTY, BY EXECUTION OF THIS AGREEMENT, HEREBY ACKNOWLEDGES THAT IT HAS READ THIS AGREEMENT, UNDERSTANDS IT, AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS.

AGENCY:

CITY OF SPRINGFIELD

By: _____

Name/Title: Nancy Newton, City Manager

Date: _____

Address:

225 Fifth Street
Springfield OR 97477

REVIEWED & APPROVED
AS TO FORM
Kristina Kraaz
DATE: 2/17/2022
SPRINGFIELD CITY ATTORNEY'S OFFICE

COUNTY:

LANE COUNTY

By: _____

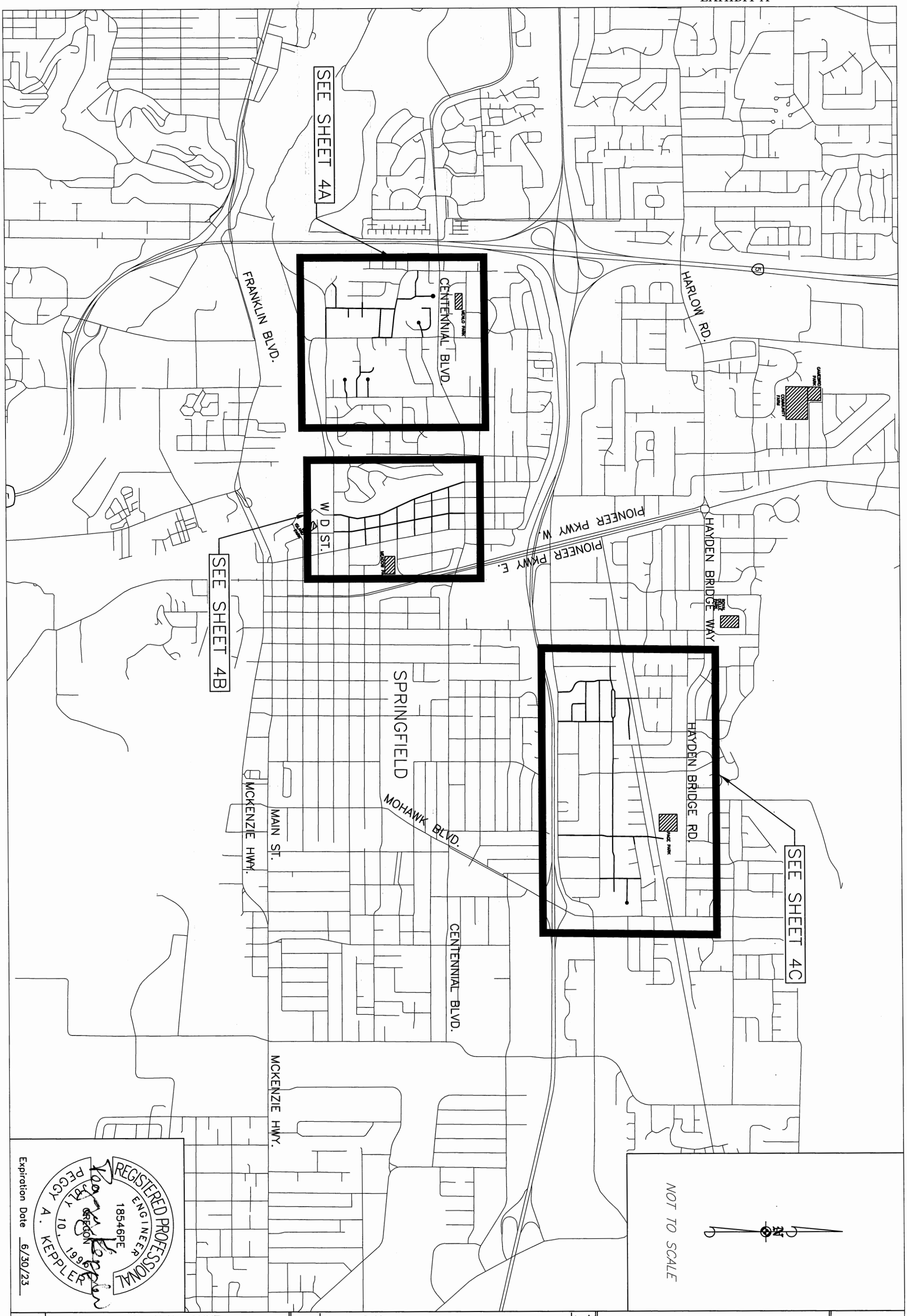
Name/Title: Steve Mokrohisky, County Administrator

Date: _____

Lane County, Public Service Building
125 E. 8th Avenue
Eugene, Oregon 97401

EXHIBIT A

ROAD NAME	FROM	TO	LENGTH (MILES)	SLURRY SEAL TYPE II (SY)	PAVEMENT BAR (SF)	PAVEMENT LEGENDS (EA) (See Note 1 & 2)
8TH ST	Q ST	T ST	0.229	3354	0	0
9TH ST	FUCHSIA ST	R ST	0.049	715	0	0
9TH ST	T ST	NORTHRIDGE AVE	0.094	1373	0	0
10TH ST	Q ST	T ST	0.217	3186	0	0
15TH ST	Q ST	15TH ST	0.416	6103	0	0
17TH ST	S ST	RAMBLING DR	0.162	2374	0	0
ASPEN ST	ASPEN ST	KELLOGG RD	0.078	1144	0	0
CANAL ST	POLTAVA ST	WALNUT PL	0.104	1527	0	0
CARRIAGE PL	17TH ST	CARRIAGE PL	0.096	1411	0	0
DIAMOND ST	POLTAVA ST	DIAMOND ST	0.025	363	0	0
DIAMOND ST	DIAMOND ST	POLTAVA ST	0.035	519	0	0
DIAMOND ST	RAINBOW DR	DIAMOND ST	0.128	1879	0	0
DIAMOND ST	DIAMOND ST	DIAMOND ST	0.066	969	0	0
DOTIE DR	ANDERSON LN	DOTIE DR	0.104	1519	0	0
FUCHSIA ST	9TH ST	10TH ST	0.072	1058	0	0
KELLOGG RD	ASPEN ST	OAK MEADOWS PL	0.155	2277	0	0
KELLY BLVD	W D ST	W CENTENNIAL BLVD	0.544	7986	0	0
KIEV ST	KIEV ST	POLTAVA ST	0.036	523	0	0
MARILYN CT	RAINBOW DR	MARILYN CT	0.071	1040	0	0
OAK MEADOWS PL	KELLOGG RD	OAK MEADOWS PL	0.145	2121	0	0
OKSANNA ST	ASPEN ST	POLTAVA ST	0.115	1681	0	0
POLTAVA ST	WALNUT RD	KELLOGG RD	0.273	4001	0	0
R ST	8TH ST	10TH ST	0.159	2326	0	0
RAINTREE WAY	RAINBOW DR	RAINTREE WAY	0.072	1063	0	0
RAMBLING DR	15TH ST	RAMBLING DR	0.031	448	0	0
RIVERSTONE LANE	9TH ST	RIVERSTONE LANE	0.164	2410	0	0
S ST	8TH ST	10TH ST	0.163	2391	0	0
T ST	T ST	7TH ST	1.023	14997	0	0
W E ST	MILL ST	KELLY BLVD	0.124	1818	0	0
W F ST	MILL ST	KELLY BLVD	0.110	1610	0	0
W G ST	MILL ST	KELLY BLVD	0.111	1621	0	0
W H ST	MILL ST	KELLY BLVD	0.126	1853	0	0
W I ST	MILL ST	KELLY BLVD	0.146	2136	0	0
W J ST	MILL ST	KELLY BLVD	0.157	2306	0	0
W KST	MILL ST	KELLY BLVD	0.167	2452	0	0
WALNUT RD	ASPEN ST	POLTAVA ST	0.120	1763	0	0
WATER ST	W D ST	W CENTENNIAL BLVD	0.524	7682	0	0
WIMBLEDON PL	WINDSOR CT	WIMBLEDON PL	0.144	2110	0	0
WINDSOR CT	ASPEN ST	WINDSOR CT	0.061	895	0	0
SPRINGFIELD ROADS TOTAL			**6.614**	**97,003**	**0**	**0**



Expiration Date 6/30/23

REGISTERED PROFESSIONAL ENGINEER
PEGGY A. KEPPLER
OREGON
JULY 10, 1996
18546PE

SHEET NO. 4

2022 LANE COUNTY
SLURRY SEAL PROJECT
AREA OF WORK – B
OVERVIEW

DATE	COUNTY PROJECT NO.	ROAD NO.
1/27/2022	366399404	VARIES

Date	Revision	Appr'd

Filename:

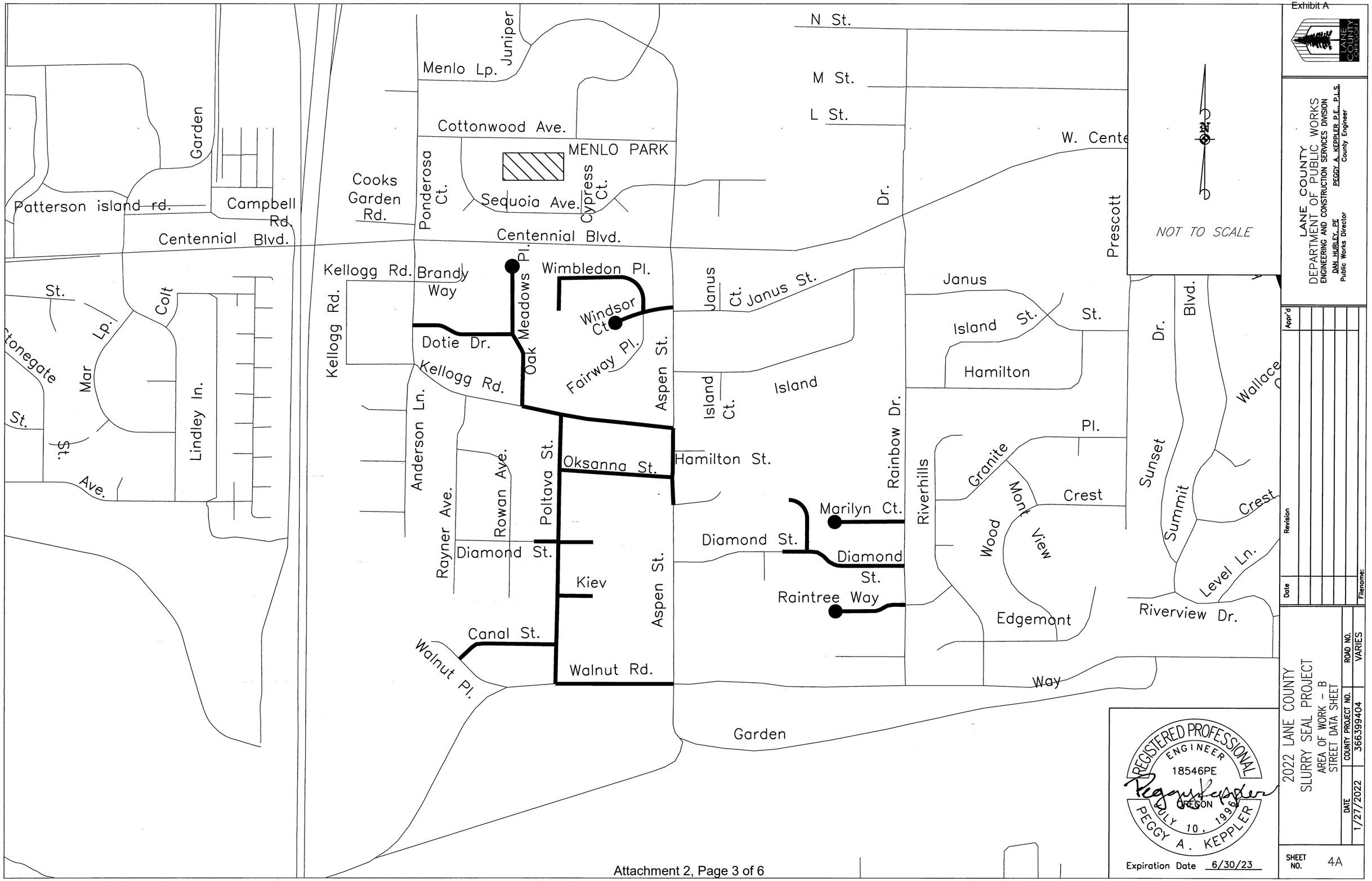
LANE COUNTY
DEPARTMENT OF PUBLIC WORKS
ENGINEERING AND CONSTRUCTION SERVICES DIVISION

DAN HURLEY, PE
Public Works Director

PEGGY A. KEPPLER P.E., P.L.S.
County Engineer

LANE COUNTY OREGON

Exhibit A



NOT TO SCALE

LANE COUNTY
DEPARTMENT OF PUBLIC WORKS
ENGINEERING AND CONSTRUCTION SERVICES DIVISION
DAN HURLEY, PE — Public Works Director
PEGGY A. KEPPLER P.E., P.L.S. — County Engineer

Appr'd	Date	Revision

Filename:

2022 LANE COUNTY
SLURRY SEAL PROJECT
AREA OF WORK – B
STREET DATA SHEET

DATE	COUNTY PROJECT NO.	ROAD NO.
1/27/2022	366399404	VARIES

REGISTERED PROFESSIONAL ENGINEER
18546PE
OREGON
JULY 10, 1996
PEGGY A. KEPPLER

Expiration Date 6/30/23

SHEET NO. 4A

Exhibit A

LANE COUNTY DEPARTMENT OF PUBLIC WORKS
ENGINEERING AND CONSTRUCTION SERVICES DIVISION
DAN HURLEY, PE, Public Works Director
PEGGY A. KEPPLER, P.E., P.L.S., County Engineer

NOT TO SCALE

Appr'd

Date	Revision

Filename:

2022 LANE COUNTY
SLURRY SEAL PROJECT
AREA OF WORK - B
STREET DATA SHEET

DATE	COUNTY PROJECT NO.	ROAD NO.
1/27/2022	366399404	VARIES

REGISTERED PROFESSIONAL ENGINEER
18546PE
OREGON
JULY 10, 1996
PEGGY A. KEPPLER

Expiration Date 6/30/23

SHEET NO. 4B

Attachment 2, Page 4 of 6

Exhibit A

LANE COUNTY OREGON

LANE COUNTY
DEPARTMENT OF PUBLIC WORKS
ENGINEERING AND CONSTRUCTION SERVICES DIVISION
DAN HURLEY, P.E. Public Works Director
PEGGY A. KEPPLER, P.E., P.L.S. County Engineer

NOT TO SCALE

Appr'd

Date	Revision
06/08/21	⚠ CHANGED ROAD NAME
	Filename:

2022 LANE COUNTY
SLURRY SEAL PROJECT
AREA OF WORK - B
STREET DATA SHEET

DATE	COUNTY PROJECT NO.	ROAD NO.
1/27/2022	366399404	VARIES

REGISTERED PROFESSIONAL ENGINEER
18546PE
OREGON
JULY 10, 1996
PEGGY A. KEPPLER

Expiration Date 6/30/23

SHEET NO. 4C

2022 LANE COUNTY SLURRY SEAL
CITY OF SPRINGFIELD ESTIMATE

EXHIBIT B

Bid Item	Item	Forecasted Unit Cost
1	Mobilization (8%)	$33,860.37
2	Temporary Work Zone Traffic Control, Complete (2%)	$8,465.09
3	Traffic Control Supervisor	$300.00
4	Slurry Seal, Type II	$1.53

366399404	
Springfield	
Measured	Cost
0.351	$11,873.17
0.351	$2,968.29
0.351	$2,103.91
97,003.00	$148,414.59
Total	**$165,359.95**
Contingency 10%	**$16,536.00**
Contract Administration 16%	**$26,457.59**
Adj. Total	**$208,353.54**

AGENDA ITEM SUMMARY		
	Meeting Date:	4/4/2022
	Meeting Type:	Regular Meeting
	Staff Contact/Dept.:	Melissa Cariño, DPW
	Staff Phone No:	541.744.4068
	Estimated Time:	10 minutes
S P R I N G F I E L D **C I T Y C O U N C I L**	**Council Goals:**	Encourage Economic Development and Revitalization through Community Partnerships

ITEM TITLE:	ANNEXATION OF TERRITORY TO THE CITY OF SPRINGFIELD – ANNEX 0.25-ACRES OF PROPERTY LOCATED AT 2189 LOMOND AVENUE (ASSESSOR'S MAP 17-03-25-12, TAX LOT 4400) AND PORTIONS OF BOTH THE LOMOND AVENUE AND 23RD STREET PUBLIC RIGHTS-OF-WAY ABUTTING THE PROPERTY.
ACTION REQUESTED:	Conduct a first reading and deliberate the following ordinance: AN ORDINANCE ANNEXING CERTAIN TERRITORY ADDRESSED AS 2189 LOMOND AVENUE (ASSESSOR'S MAP 17-03-25-12, TAX LOT 4400) AND A PORTION OF BOTH THE LOMOND AVENUE AND 23RD STREET PUBLIC RIGHTS-OF-WAY ABUTTING THE SUBJECT PROPERTY TO THE CITY OF SPRINGFIELD AND WILLAMALANE PARK AND RECREATION DISTRICT; WITHDRAWING THE SAME TERRITORY FROM THE RAINBOW WATER DISTRICT; ADOPTING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.
ISSUE STATEMENT:	The City Council will conduct a first reading and hold a public hearing on an ordinance to annex 0.25-acres of residential property located at 2189 Lomond Avenue (Assessor's Map 17-03-25-12, Tax Lot 4400), just west of 23rd Street and on the southern side of Lomond Avenue.
ATTACHMENTS:	Attachment 1: Vicinity Map Attachment 2: Ordinance with Exhibits Exhibit A: Map and Legal Description Exhibit B: Annexation Application Exhibit C: Staff Report and Findings of Fact Exhibit D: Annexation Agreement
DISCUSSION/ FINANCIAL IMPACT:	The City Council is authorized by Oregon Revised Statutes (ORS) Chapter 222 and Springfield Development Code (SDC) Article 5.7-100 to act on annexation requests. In accordance with SDC 5.7-155 and ORS 222.040, 222.180 and 222.465, if approved, the annexation will become effective 30 days after signature by the Mayor, upon the date of its filing with the Secretary of State as provided by ORS 222.180, or May 18, 2022, whichever is later. The territory requested for annexation is located at 2189 Lomond Avenue (Map 17-03-25-12, Tax Lot 4400), just west of 23rd Street and on the southern side of Lomond Avenue. The subject property is currently zoned Low Density Residential (LDR) with an Urbanizable Fringe Overlay (UF-10) applied, and it is located inside the City's Urban Growth Boundary. According to the 2021 Lane County Assessment and Taxation records the property has an assessed value of $276,676. As outlined in the attached staff report (Attachment #2, Exhibit C), staff have confirmed that the annexation area can be served with the minimum level of key urban facilities and services. An Annexation Agreement that allocates financial responsibility for the provision of urban utilities and services to the property is also included in the attachments, which will be executed by both the applicant and the City upon Council approval. Recommendation: The staff report findings show compliance with all the annexation criteria of approval listed in SDC 5.7-140. **The Director recommends that Council approve this annexation request.**

VICINITY MAP
811-22-000034-TYP4 Annexation
17-03-25-12 TL 4400
2189 Lomond Ave
Tim & Colleen Stewart

CITY OF SPRINGFIELD, OREGON
ORDINANCE NO. _____

AN ORDINANCE ANNEXING CERTAIN TERRITORY (ASSESSOR'S MAP 17-03-25-12, TAX LOT 4400) TO THE CITY OF SPRINGFIELD AND WILLAMALANE PARK AND RECREATION DISTRICT; WITHDRAWING THE SAME TERRITORY FROM THE RAINBOW WATER DISTRICT; ADOPTING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council is authorized by Springfield Development Code (SDC) Article 5.7-100 and Oregon Revised Statutes (ORS) Chapter 222 to accept, process, and act upon annexations to the City;

WHEREAS, a request to annex certain territory was submitted on February 1, 2022, said territory being Assessor's Map Township 17 South, Range 03 West, Section 25, Map 12, Tax Lot 4400, municipally addressed as 2189 Lomond Avenue, which is generally depicted and more particularly described in **Exhibit A** to this Ordinance;

WHEREAS, in accordance with SDC 5.7-125.A and ORS 222.111, the property owner initiated the annexation action by submittal of the required application forms and petition for annexation attached hereto as **Exhibit B** to this Ordinance;

WHEREAS, this annexation has been initiated by "more than half the owners of land in the territory, who also own more than half the land in the contiguous territory and of real property therein representing more than half the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land" in accordance with SDC 5.7-125.B.2.b.i and ORS 222.170(1). All property owners of the subject property filed an application and petition requesting annexation into the City of Springfield;

WHEREAS, the territory proposed for annexation is within the Springfield Comprehensive Plan Urban Growth Boundary and is contiguous to the city limits (SDC 5.7-140.A);

WHEREAS, the annexation is consistent with the *Springfield 2030 Comprehensive Plan – Urbanization Element* requiring annexation to the City of Springfield as the highest priority for receiving urban services;

WHEREAS, in accordance with SDC 5.7-150.A, upon annexation the Urbanizable Fringe Overlay District (UF-10) will cease to apply to the property and the underlying Low Density Residential (LDR) zoning will be retained;

WHEREAS, a Staff Report (**Exhibit C**) was presented to the City Council with the Director's recommendation to concurrently annex the subject territory to the Willamalane Park and Recreation District, as this special district is a service provider for the City;

WHEREAS, a Staff Report (**Exhibit C**) was presented to the City Council with the Director's recommendation to concurrently withdraw the subject territory from the Rainbow Water District as the Springfield Utility Board (SUB) Water Division will provide water services and Eugene-Springfield Fire will provide fire protection services directly to the area after it is annexed to the City and the withdrawal from the rural service district is in the City's best interest for the provision of urban services pursuant to Policy 33 of the *Springfield 2030 Comprehensive Plan – Urbanization Element*;

WHEREAS, this action is consistent with the intergovernmental agreement between Lane County and Springfield regarding boundary changes dated May 21, 2008;

WHEREAS, the applicant and City will execute an Annexation Agreement (**Exhibit D**) that addresses the timing and financial responsibility for provision of public streets, sanitary sewer service, and other necessary utilities to the property, upon City Council approval of the proposed annexation;

WHEREAS, on April 4, 2022, the Springfield City Council conducted a public hearing, and then made a decision on the annexation request at the Council's regular meeting on April 18, 2022. The Springfield City Council is now ready to take action on this application based on the recommendation and findings in support of approving the annexation request as set forth in the aforementioned Staff Report to the Council, incorporated herein by reference, and the evidence and testimony presented at this public hearing held in the matter of adopting this Ordinance,

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF SPRINGFIELD ORDAINS AS FOLLOWS:

Section 1. The Common Council of the City of Springfield does hereby approve annexation of the following described territory to the City of Springfield and Willamalane Park and Recreation District, said territory being more particularly described in **Exhibit A** to this Ordinance.

Section 2. The Common Council of the City of Springfield does hereby approve withdrawal of the following described territory from the Rainbow Water District, said territory being more particularly described in **Exhibit A** to this Ordinance.

Section 3. The withdrawal of territory described in Section 2 above from the Rainbow Water District shall become effective July 1, 2023.

Section 4. The City Manager or the Development and Public Works Director shall send copies of this Ordinance to affected State and local agencies as required by SDC 5.7-155.

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

Section 6. Effective Date of Ordinance. This Ordinance shall become effective 30 days from the date of its passage by the City Council and approval by the Mayor, upon the date of its filing with the Secretary of State as provided by ORS 222.180, or May 18, 2022, whichever is later.

ADOPTED by the Common Council of the City of Springfield this _____ day of _____, 2022, by a vote of _____ for and ____ against.

APPROVED by the Mayor of the City of Springfield this _____day of _____, 2022.

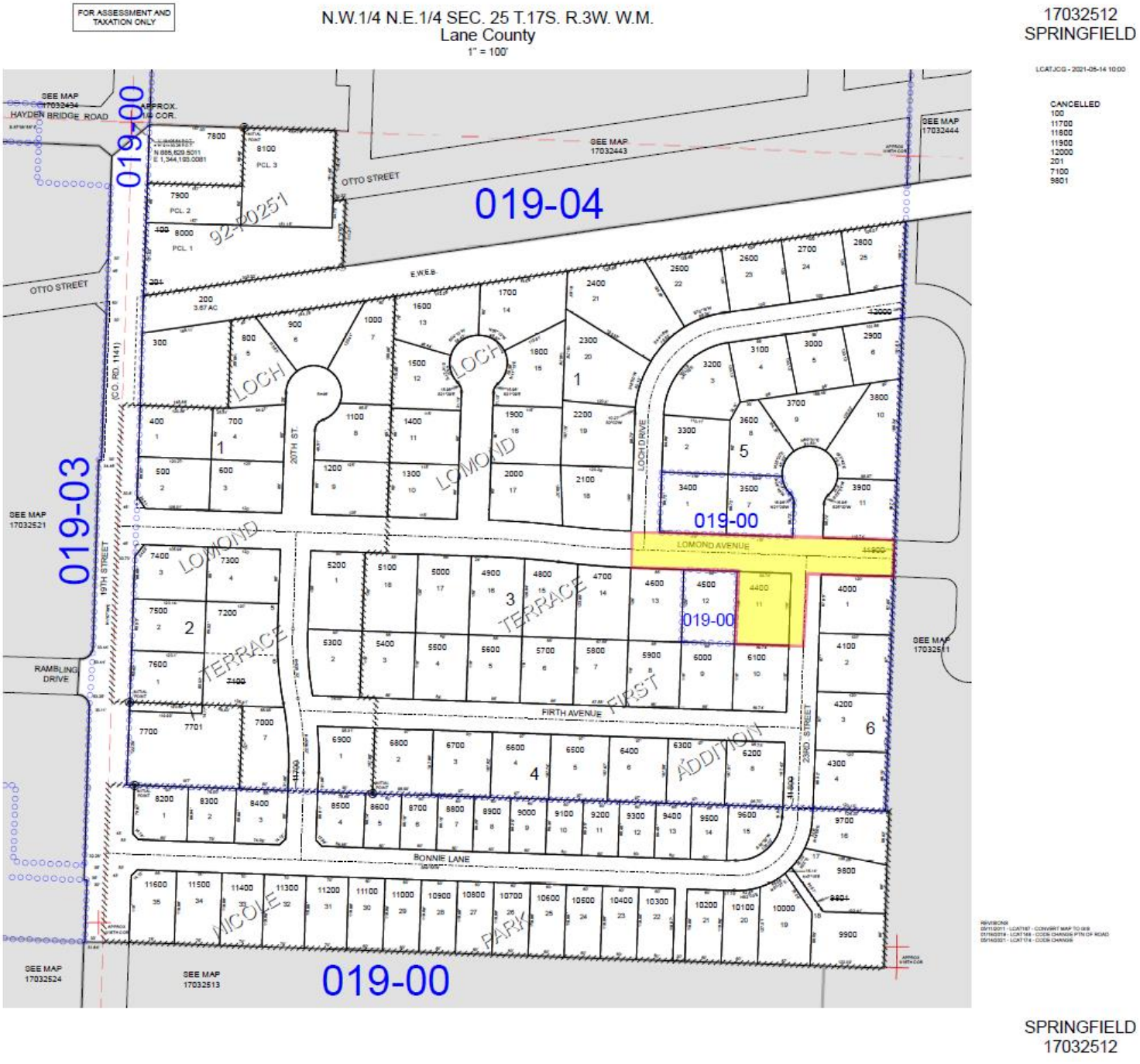
_____
Mayor

ATTEST:

_____
City Recorder

EXHIBIT A – Map and Legal Description

PROPERTY REQUESTED FOR ANNEXATION
2189 LOMOND AVENUE
ASSESSOR'S MAP 17-03-14-00, TAX LOT 1500



Annexation Description
For
City of Springfield
Portion of Lomond Avenue, 23rd Street, and Map & Tax lot No. 1703251204400

Beginning at the Southeast corner of Lot 11, Block 5 of Loch Lomond Terrace First Addition, as platted and recorded in Book 46, Page 20, Lane County Oregon Plat Records, Lane County, Oregon; thence South 89°58' West, along the northerly margin of Lomond Avenue, 435.52 feet to a point of curvature; thence along the arc of a 1407.39 foot radius curve to the right (the long chord of which bears North 89°38'18" West 4.22 feet), an arc distance of 4.22 feet, to the Southeast corner of Lot 18, Block 1, of said Loch Lomond Terrace First Addition; thence leaving said northerly margin of Lomond Avenue, South 04°03'22" East 60.15 feet to the Northwest corner of Lot 13, Block 3 of said Loch Lomond Terrace First Addition; thence North 89°58' East, along the southerly margin of Lomond Avenue, 176.00 feet to the Northwest corner of Lot 11, Block 3 of said Loch Lomond Terrace First Addition; thence leaving said southerly margin of Lomond Avenue, South 120.00 feet to the Southwest corner of said Lot 11, Block 3; thence North 89°58' East, along the southerly line of said Lot 11, Block 3, 114.74 feet to a point on the centerline of 23rd Street, a 50 foot wide road; thence North, along the centerline of said 23rd Street, 120.00 feet to a point on the southerly margin of Lomond Avenue; thence North 89°58' East, along said southerly margin of Lomond Avenue, 144.78 feet to the Northeast corner of Lot 1, Block 6 of said Loch Lomond Terrace First Addition; thence leaving said southerly margin of Lomond Avenue, North 00°02' West 60.00 feet to the Point of Beginning in Springfield, Lane County, Oregon.

EXPIRES DEC 31, 2023

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

3

Annexation Application Type IV

Application Type	(Applicant: Check one)
Annexation Application Pre-Submittal:	☒
Annexation Application Submittal:	☐

Required Proposal Information	(Applicant: Complete This Section)		
Property Owner:	Timothy and Colleen Stewart	**Phone:**	541-310-0779
Address:	2189 Lomond Avenue	**Fax:**	
	Springfield, OR 97477	**E-mail:**	cstewart1902@gmail.com
Owner Signature:	Timothy L. Stewart		
Owner Signature:	Colleen L. Stewart		
Agent Name:		**Phone**	
Company:		**Fax:**	
Address:		**E-mail**	
Agent Signature:			

If the applicant is other than the owner, the owner hereby grants permission for the applicant to act in his or her behalf, except where signatures of the owner of record are required, only the owner may sign the petition.

ASSESSOR'S MAP NO:	17-03-25-12	**TAX LOT NO(S):**	4400
Property Address:	2189 Lomond Ave. Springfield, OR 97477		
Area of Request:	**Acres:** .25 acres	**Square Feet:**	10, 890 square feet
Existing Use(s) of Property:	Residential		
Proposed Use of Property:	Residential		

Required Property Information	(City Intake Staff: Complete This Section)				
Case No.:	811-22-000034-TYP4	**Date:**	2/1/22	**Reviewed By: (initials)**	mc
Application Fee:	3492.15	**Postage Fee:**	658	**Total Fee:**	4324.76

Owner Signatures

This application form is used for both the required pre-submittal meeting and subsequent complete application submittal. Owner signatures are required at both stages in the application process.

An application without the Owner's original signature will not be accepted.

Pre-Submittal

The undersigned acknowledges that the information in this application is correct and accurate for scheduling of the Pre- Submittal Meeting. If the applicant is not the owner, the owner hereby grants permission for the applicant to act in his/her behalf. I/we do hereby acknowledge that I/we are legally responsible for all statutory timelines, information, requests and requirements conveyed to my representative.

Owner:

Timothy L. Stewart / Colleen Stewart **Date:** 12-8-21
Signature

Timothy L. Stewart Colleen Stewart
Print

Submittal

I represent this application to be complete for submittal to the City. Consistent with the completeness check performed on this application at the Pre-Submittal Meeting, I affirm the information identified by the City as necessary for processing the application is provided herein or the information will not be provided if not otherwise contained within the submittal, and the City may begin processing the application with the information as submitted. This statement serves as written notice pursuant to the requirements of ORS 227.178 pertaining to a complete application.

Type text here

Owner:

Timothy L. Stewart / Colleen Stewart **Date:** 2-1-22
Signature

Timothy Stewart / Colleen Stewart
Print

Written Narrative for Tim and Colleen Stewart

2189 Lomond Avenue, Springfield, OR 97477

We purchased our Springfield home in December of 2020. It was our intent, from the time we took possession of the home, to hire a contractor to remodel the home by creating an addition to the southwest corner of the house. The addition would entail enlarging an existing bedroom and adding a bathroom and large closet to create a "master suite." We met with a contractor and architect, and the process of drawing plans for the project began. During that time, the previous homeowners provided us with a map depicting the location of the backyard septic tank. Our architect proceeded with the drawings based on that information, and it wasn't until three or four months later, when an excavator came to evaluate the site, that we discovered that the septic tank was located in a different spot than what we'd originally been told. That, in effect, made it impossible to continue with the project as planned, as our proposed plans would have us building too close to the septic tank.

Our contractor, Brad Anderson with Proper Built, Inc., spoke with Andrew Larson from the Springfield Development and Public Works Department, and it was determined that we would not be allowed to move the septic system to allow us to build as planned. We were told that instead, we would be required to tie in to the City of Springfield's sewer system and that we would also be required to complete the process to annex into the city. It is only after that process is completed that we will be allowed to apply for the permits necessary to begin our remodeling project. That brings us to this application.

Addressing the approval criteria:

A. Yes, the affected territory proposed to be annexed is within the City's portions of the urban growth boundary and is contiguous to the city limits.

B. After touching base with City Planning Staff, we believe our request is consistent with the following policies:
Springfield 2030 Comprehensive Plan's Urbanization Element:
   - Policy 27
   - Policy 29
   - Policy 33
   - Policy 34
   - Policy 35

C. Yes. Please refer to the attached Private Utility Plan Sheet.

D. We will be signing an improvement agreement for sidewalks, curbs gutters, street trees and street lights.

Application #: C SP 2009 - _____
For City Use Only

FORM 1

RECEIVED
NOV 18 2021
Lane County
Assessment & Taxation

PETITION/PETITION SIGNATURE SHEET
Annexation by Individuals
[SDC 5.7-125(2)(b)(I)/ORS 222.170(1)]

We, the following property owners of the following territory, consent to the annexation to the City of Springfield and concurrent annexation to Lane County Metropolitan Wastewater Service District and Willamalane Parks and Recreation District, as deemed necessary:

	Signature	Date Signed m/d/y	Print Name	Residence Address (*street, city, zip code*)	Map and Tax Lot Number (example: 17-04-03-00-00100)	✓ Land Owner	Acres (qty)
1.	Timothy L. Stewart	11/18/21	Timothy L. Stewart	2189 Lomond Ave. Springfield, OR 97477	17-03-25-12-4400	X	.25
2.	Colleen L. Stewart	11/18/21	Colleen L. Stewart	2189 Lomond Ave. Springfield, OR 97477	17-03-25-12-4400	X	.25
3.							
4.							
5.							

Note: With the above signature(s), I am attesting that I have the authority to consent to annexation on my own behalf or on behalf of my firm or agency. *(Attach evidence of such authorization when applicable.)*

I, _____ *(printed name of circulator)*, hereby certify that every person who signed this sheet did so in my presence.

x _____ *(signature of circulator)*

CERTIFICATION OF OWNERSHIP

The total landowners in the proposed annexation are 2 *(qty)*. This petition reflects that 2 *(qty)* landowners *(or legal representatives)* listed on this petition represent a total of 100 *(%)* of the landowners and 100 *(%)* of the acres as determined by the map and tax lots attached to the petition. *A&T is not responsible for subsequent deed activity that may not yet be reflected on the A&T computerized tax roll.*

Lane County Department of Assessment and Taxation

11/18/2021
Date Signed and Certified

Revised 4/8/14 BJ

Attachment 2, Page 9 of 33

Exhibit B, Page 5 of 14

FORM 2

OWNERSHIP WORKSHEET

(This form is **NOT** the petition)

(Please include the name and address of ALL owners regardless of whether they signed an annexation petition or not.

OWNERS

Property Designation (Map/lot number)	Name of Owner	Acres	Assessed Value	Imp. Y / N	Signed Yes	Signed No
17-03-25-12 Tax Lot 4400	Timothy L. Stewart	.25	$276,676.00	Yes		
17-03-25-12 Tax Lot 4400	Colleen L. Stewart	.25	$276,676.00	Yes		
TOTALS:						

TOTAL NUMBER OF OWNERS IN THE PROPOSAL	Two
NUMBER OF OWNERS WHO SIGNED	Two
PERCENTAGE OF OWNERS WHO SIGNED	100%
TOTAL ACREAGE IN PROPOSAL	.25 acres
ACREAGE SIGNED FOR	.25 acres
PERCENTAGE OF ACREAGE SIGNED FOR	100%
TOTAL VALUE IN THE PROPOSAL	$276,676.00
VALUE CONSENTED FOR	$276,676.00
PERCENTAGE OF VALUE CONSENTED FOR	100%

FORM 3

SUPPLEMENTAL INFORMATION FORM

*(Complete **all** the following questions and provide all the requested information. Attach any responses that require additional space, restating the question or request for information on additional sheets.)*

Contact Person: Colleen L. Stewart

E-mail: cstewart1902@gmail.com

Supply the following information regarding the annexation area.

- Estimated Population **(at present)**: 2
- Number of Existing Residential Units: 1
- Other Uses: not applicable
- Land Area: .25 total acres
- Existing Plan Designation(s): low density residential
- Existing Zoning(s): low density residential
- Existing Land Use(s): residential
- Applicable Comprehensive Plan(s): Metro Plan
- Applicable Refinement Plan(s): not applicable
- Provide evidence that the annexation is consistent with the applicable comprehensive plan(s) and any associated refinement plans.
  Please refer to written narrative
- Are there development plans associated with this proposed annexation?
  Yes X No
  If yes, describe.
  We are planning to build an addition to our home, which will include enlarging an existing bedroom and building a master bathroom and walk-through closet.
- Is the proposed use or development allowed on the property under the current plan designation and zoning?
  Yes X No
- Please describe where the proposed annexation is contiguous to the city limits (non-contiguous annexations cannot be approved under 5.7-140, Criteria).
  Along the western property line

Does this application include all contiguous property under the same ownership?

Yes X No _____

If no, state the reasons why all property is not included:

_____

_____

- Check the special districts and others that provide service to the annexation area:

☐ Glenwood Water District	☑ Rainbow Water and Fire District
☐ Eugene School District	☐ Pleasant Hill School District
☐ Springfield School District	☐ McKenzie Fire & Rescue
☐ Pleasant Hill RFPD	☐ Willakenzie RFPD
☐ EPUD	☑ SUB
☐ Willamalane Parks and Rec District	☐ Other _____

- Names of persons to whom staff notes and notices should be sent, in addition to applicant(s), such as an agent or legal representative.

Timothy L. Stewart	Colleen L. Stewart
(Name)	***(Name)***
2189 Lomond Ave.	2189 Lomond Ave.
(Address)	*(Address)*
Springfield, OR 97477	Springfield, OR 97477 2189 Lomond Ave. Sprin
(City) *(Zip)*	*(City)* *(Zip)*
_____	_____
(Name)	***(Name)***
_____	_____
(Address)	*(Address)*
_____	_____
(City) *(Zip)*	*(City)* *(Zip)*

FORM 4

WAIVER OF ONE YEAR TIME LIMIT FOR ANNEXATION PURSUANT TO ORS 222.173

This waiver of the time limit is for the following described property:

17-03-25-12 Tax Lot 4400	2189 Lomond Ave. Springfield, OR 97477
Map and Tax Lot Number assigned)	Street Address of Property (if address has been

ONE WAIVER OF TIME LIMIT FOR EACH PARCEL, PLEASE

We, the owner(s) of the property described above understand the annexation process can take more than one year but desire to annex to have City services. Therefore, we agree to waive the one-year time limitation on this petition to annex established by Oregon Revised Statutes 222.173, and further agree that this contract shall be effective [X] indefinitely or [ ] until _____.

Date

Signatures of Legal Owners

Please print or type name	Signature	Date Signed
Timothy L. Stewart	Timothy L Stewart	12-8-21
Colleen L. Stewart	Colleen L. Stewart	12-8-21

LCDG: L:\BC\2008 BOUNCHANGE TRANSITION\APPLICATION FORMS\SPRINGFIELD\10-03-08 UPDATED FORMS\PRE-SUBMITTAL ANNEXATION APPLICATION 10-07-08.DOC
Last Saved: January 19, 2016

LOCH LOMOND TERRACE FIRST ADDITION

IN SECTION 25, TOWNSHIP 17 S., RANGE 3 W.W.M.
LANE COUNTY, OREGON
SCALE: 1" = 100'

DESCRIPTION:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 4, LOCH LOMOND TERRACE, AS PLATTED AND RECORDED IN VOLUME 46, PAGE 8, LANE COUNTY OREGON PLAT RECORDS, IN LANE COUNTY, OREGON, SAID BEGINNING POINT BY COORDINATES BEING 831.87 FEET NORTH AND 43.82 FEET EAST OF THE SOUTHWEST CORNER OF THE FELIX SCOTT, JR. DONATION LAND CLAIM NO. 81, NOTIFICATION NO. 3280, IN SECTION 25, TOWNSHIP 17 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, IN SAID COUNTY; THENCE NORTHERLY ALONG THE EASTERLY BOUNDARY OF SAID LOCH LOMOND TERRACE FOR THE NEXT FIVE (5) COURSES AS FOLLOWS: (1) NORTH 158.68 FEET; (2) S 89°58'W 23.52 FEET; (3) NORTH 340.0 FEET; (4) N 90°00'E 340 FEET; (5) NORTH 435.00 FEET TO THE NORTHEAST CORNER OF SAID LOCH LOMOND TERRACE, SAID LAST MENTIONED POINT BEING ON THE SOUTHERLY LINE OF THE EUGENE WATER AND ELECTRIC BOARD RIGHT-OF-WAY (300.0 FEET WIDE); THENCE N 70°48'05"E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE 833.48 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE AND RUN S 0°08'E 978.14 FEET; THENCE S 89°58'W 848.80 FEET TO THE POINT OF BEGINNING, IN LANE COUNTY, OREGON.

DEDICATION:

KNOW ALL MEN THAT LANE COUNTY TITLE COMPANY, AN OREGON CORPORATION, AS TRUSTEE, IS THE OWNER IN FEE SIMPLE OF THE ABOVE DESCRIBED PROPERTY AND THAT IT HEREBY LAYOUT AND SUBDIVIDE THE SAME AS SHOWN ON THE ANNEXED PLAT; AND IT DOES HEREBY DEDICATE TO THE PUBLIC FOREVER ALL STREETS AS SHOWN ON THIS PLAT.

CORPORATE SEAL

LANE COUNTY TITLE COMPANY

VICE-PRESIDENT: H.E. ROBINSON
H. E. ROBINSON

ASST. SECRETARY: ESTHER SANDERS
ESTHER SANDERS

ACKNOWLEDGEMENT:

STATE OF OREGON } S.S.
COUNTY OF LANE }

PERSONALLY APPEARED H. E. ROBINSON AND ESTHER SANDERS, WHO BEING DULY SWORN SAY THAT HE, THE SAID H.E. ROBINSON IS THE VICE-PRESIDENT, AND SHE, THE SAID ESTHER SANDERS IS THE ASSISTANT SECRETARY, OF LANE COUNTY TITLE COMPANY, AN OREGON CORPORATION, AND THAT THE SEAL AFFIXED TO THE FOREGOING INSTRUMENT IS THE CORPORATE SEAL OF SAID CORPORATION AND THAT THE SAME INSTRUMENT WAS SIGNED AND SEALED IN BEHALF OF SAID CORPORATION BY AUTHORITY OF ITS BOARD OF DIRECTORS, AND THEY ACKNOWLEDGED SAID INSTRUMENT TO BE ITS VOLUNTARY ACT AND DEED.

BEFORE ME:

NOTARY SEAL

ORVILLE O. CASWELL
NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES: 7-17-67

AFFIDAVIT:

STATE OF OREGON } S.S.
COUNTY OF LANE }

I, JOHN H. QUINER, REGISTERED ENGINEER, BEING FIRST DULY SWORN ON OATH, SAY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LAND REPRESENTED ON THE PLAT OF LOCH LOMOND TERRACE FIRST ADDITION, AS SHOWN HEREON AND THAT I PLACED FOR AN INITIAL POINT A 2" DIAMETER IRON PIPE, 30" LONG, AND 0' BELOW THE GROUND SURFACE AT A POINT 831.87 FEET NORTH AND 843.82 FEET EAST OF THE SOUTHWEST CORNER OF THE FELIX SCOTT, JR. DONATION LAND CLAIM NO. 81, NOTIFICATION NO. 3280, IN SECTION 25, TOWNSHIP 17 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, IN LANE COUNTY, OREGON.

REGISTERED PROFESSIONAL ENGINEER 1706 JOHN H. QUINER OREGON JULY 15, 1958 JOHN H. QUINER

JOHN H. QUINER
JOHN H. QUINER

SUBSCRIBED AND SWORN TO BEFORE ME THIS 2ND DAY OF AUGUST, 1965.

NOTARY SEAL

ORVILLE O. CASWELL
NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES: 7-17-67

APPROVALS

FRANK A. ELLIOTT
COMMISSIONER

JACK HILL
COMMISSIONER

KENNETH BIGELOW
COMMISSIONER

KENNETH B. GOULD
ASSESSOR

E. P. JOHNSTONE
SURVEYOR

LANE COUNTY PLANNING COMMISSION

JOHN E. LEAHY JULY 8 1965
CHAIRMAN

HOWARD W. RUEGER 8-6-65
SECRETARY

FILED
AT 8 O'CLOCK A.M.
AUG 19 1965
M. BURGAN, County Clerk
By Lucille Rupp
DEPUTY

LEGEND

10' PUBLIC UTILITY EASEMENT UNLESS OTHERWISE NOTED

STATE OF OREGON } S.S.
COUNTY OF LANE }

I, JOHN H. QUINER, BEING DULY SWORN DEPOSE AND SAY THAT THIS IS AN EXACT COPY OF THE FINAL MAP OF LOCH LOMONDO TERRACE FIRST ADDITION.

SUBSCRIBED AND SWORN BEFORE ME THIS 2ND DAY OF AUGUST, 1965.

NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES: 7-17-67

ORVILLE O. CASWELL NOTARY PUBLIC

Attachment 2, Page 14 of 33

Exhibit B, Page 10 of 14

SITE INFORMATION

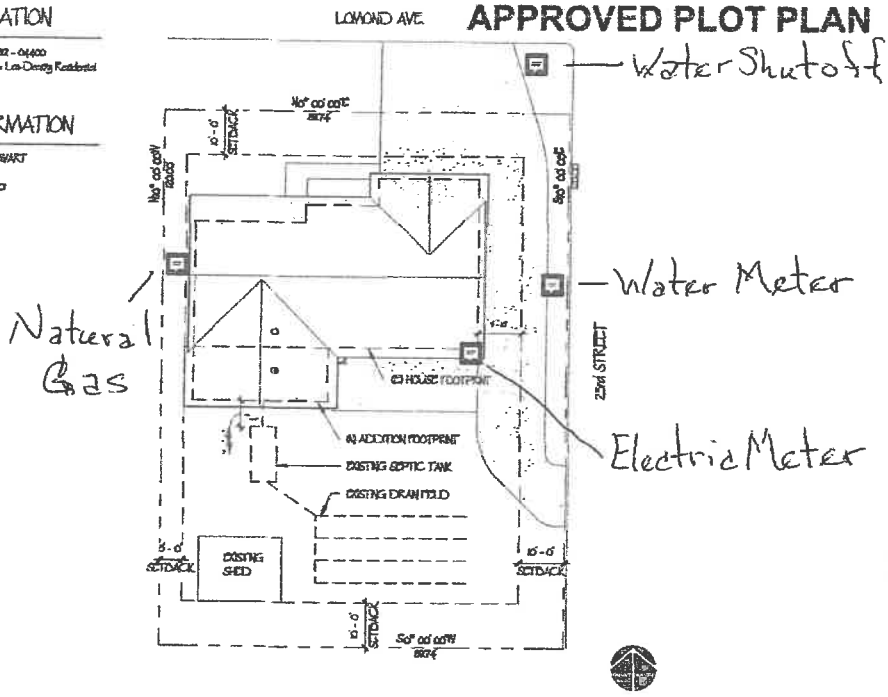
TAX MAP 1703251 - 04400
ZONE LDR - Low Density Residential
MAP ACRES 025

OWNER INFORMATION

TIMOTHY & COLLEEN STEWART
802 SW PERKINS AVE
PENDLETON OREGON 97801
Email: [illegible]

LOMOND AVE.

APPROVED PLOT PLAN



SITE PLAN
1" - 20'-0"

DATE RECEIVED 06-18-21	JOB NO. 21-001453-STR
ZONE	OCCUPANCY GROUP
UNIT	OCCUPANCY LOAD
STORIES	TYPE CONSTRUCTION
LEGAL DESCRIPTION 1703251204400	
ADDRESS 2189 LOMOND AVE	
OWNER COLLEEN L & TIMOTHY L STEWART	

THE CONTENTS HERE ON HAVE BEEN REVIEWED, WITH ALTERATIONS NOTED ON THE PLANS OR BY ATTACHMENT. CHANGES OR ALTERATIONS MADE TO THE APPROVED DRAWINGS OR PROJECT AFTER THE DATE BELOW SHALL BE APPROVED BY THE BUILDING OFFICIAL.

CITY OF SPRINGFIELD, OREGON

APPROVED BY **DATE**

NOTICE: This permit shall expire if the work authorized under this permit is not commenced or is abandoned for any 180 day period.

ATTENTION: Oregon law requires you to follow rules adopted by the Oregon Utility Notification Center. Those rules are set forth in OAR 952-001-0010 through 952-001-0090. You may obtain copies of the rules by calling the center. (Note: The administrative telephone number for the Oregon Utility Notification Center is (800)332-2344.

No encroachment allowed within the 7' Public Utility Easement including, but not limited to, eaves and overhangs.

MINIMUM SETBACKS – INTERIOR LOTS
All measurements are from Property lines
-Front Yard to House 10 feet
-Front Yard to Garage 18 feet
-Side Yard to House or Garage 5 feet
-Rear Yard to House or Garage 10 feet

P.U.E. MAY CHANGE SETBACKS

PLANNING PARCEL COVERAGE
Lot Area: 10,890 sq. ft.
Covered Structure: 2,410 sq. ft.
Coverage (45% Max): 22%

SOLAR ACCESS
N/A - Right of Way to the North

EXHIBIT A

NORTHWEST TIMBERLAND CONSULTING & SURVEYING, INC.
LICENSED PROFESSIONAL LAND SURVEYOR
37036 HWY #58, PLEASANT HILL, ORE 97455-9785
PHONE OR FAX (541) 461-4076

A LEGAL DESCRIPTION FOR AN ANNEXATION TO CITY OF SPRINGFIELD, OREGON
FOR TAX LOT 4400 OF TAX LOT MAP #17032512,
BEING LOT #11 OF BLOCK #3 OF
LOCH LOMOND TERRACE FIRST ADDITION (BOOK 46, PAGE 20)
AND THE ADJOINING STREETS RIGHT-OF-WAYS TO CENTERLINE
LOCATED IN THE
NW ¼ OF THE NE ¼ OF SECTION 25,
T17S, R3W, W.M.
LANE COUNTY, OREGON
JANUARY 28, 2022

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT #11, BLOCK #3 OF LOCH LOMOND TERRACE FIRST ADDITION (BOOK 46, PAGE 20) SUBDIVISION AS FILED IN THE LANE COUNTY OFFICE OF DEEDS AND RECORDS LOCATED IN THE NW ¼ OF THE NE ¼ OF SECTION 25, TOWNSHIP 17 SOUTH, RANGE 3 WEST, W.M., SAID CORNER BEING MONUMENTED IN SAID SUBDIVISION AS FILED IN THE LANE COUNTY SURVEYORS OFFICE, THENCE NORTH 39° 47' 31" EAST 39.06 +/- FEET TO THE INTERSECTION OF LOMOND AVENUE (60.0 FOOT RIGHT–OF-WAY (R-O-W) CENTERLINE AND 23RD STREET'S (50.0 FOOT R-O-W) CENTERLINE, SAID INTERSECTION BEING THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION:

THENCE CONTINUING ALONG THE SAID CENTERLINE OF 23RD STREET'S R-O-W, SOUTH 150.0 FEET TO A POINT;

THENCE LEAVING SAID CENTERLINE, SOUTH 89° 58' WEST 25.0 FEET TO A POINT, SAID POINT BEING THE SOUTHEAST CORNER OF SAID LOT #11;

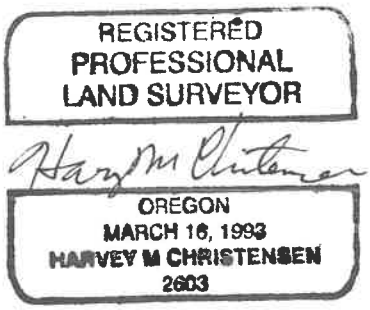
THENCE ALONG THE SOUTH LINE OF SAID LOT, SOUTH 89° 58' WEST 89.74 FEET TO THE SOUTHWEST CORNER OF SAID LOT;

THENCE LEAVING THE SAID SOUTH LINE OF LOT, NORTH 120.0 FEET ALONG THE WEST LINE OF SAID LOT #11 TO THE NORTHWEST CORNER OF SAID LOT;

THENCE LEAVING THE SAID WEST LINE OF LOT, CONTINUING NORTH 25.0 FEET TO THE CENTERLINE OF SAID LOMOND AVENUE;

THENCE ALONG THE SAID CENTERLINE, SOUTH 89° 58' WEST 114.74 +/- FEET TO THE TRUE POINT OF BEGINNING AND THE END OF THIS DESCRIPTION, ALL IN LANE COUNTY, OREGON.

SAID DESCRIPTION CONTAINS 17211.0 SqFt OR 0.395 +/- ACRES.



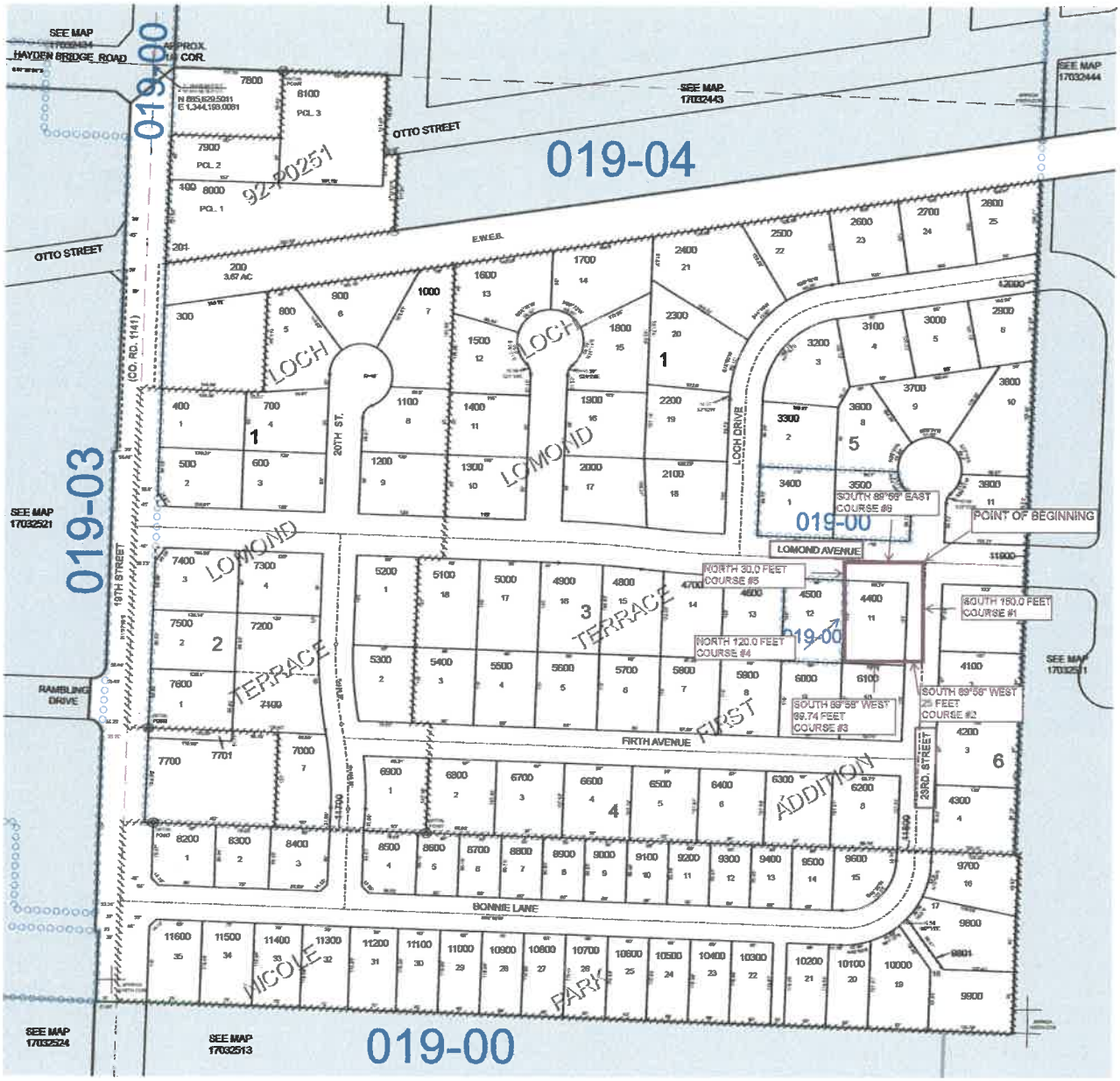
FOR ASSESSMENT AND TAXATION ONLY

N.W.1/4 N.E.1/4 SEC. 25 T.17S. R.3W. W.M.
Lane County
1" = 100'

17032512
SPRINGFIELD

LCATJOS - 2021-05-14 10:20

CANCELLED
100
11700
11800
11900
12000
201
7100
9801



SPRINGFIELD
17032512

inside City Limits
Lomond Ave
Loch Dr
2351
2393
2245
2140
2117
2167
2178
2156

TYPE IV – ANNEXATION
STAFF REPORT AND FINDINGS OF FACT

File Name: Stewart Annexation

Applicant: Tim & Colleen Stewart

Case Number: 811-22-000034-TYP4

Proposal Location:
2189 Lomond Avenue
Assessor's Map 17-03-25-12, TL 4400

Current Zoning & Comprehensive Plan Designation:
Low Density Residential (LDR) with the Urbanizable Fringe Overlay (UF-10)

Applicable Comprehensive Plan: *Metro Plan* and *Springfield 2030 Comprehensive Plan*

Application Submittal Date: February 1, 2022

Associated Applications: 811-21-000271-PRE (Development Issues Meeting); 811-21-000317-PRE (Pre-Submittal Meeting held December 17, 2021)

CITY OF SPRINGFIELD'S DEVELOPMENT REVIEW COMMITTEE:

POSITION	REVIEW OF	NAME	PHONE
Project Manager	Planning	Melissa Cariño	541.744.4068
Transportation Planning Engineer	Transportation	Michael Liebler	541.736.1034
Public Works Civil Engineer	Streets and Utilities	Clayton McEachern	541.726.1036
Deputy Fire Marshal	Fire and Life Safety	Eric Phillips-Meadow	541.726.2293
Building Official	Building	Chris Carpenter	541.744.4153

Review Process (Springfield Development Code (SDC) 5.7-115): The subject annexation request is being reviewed under Type IV procedures, without Planning Commission consideration.

Development Issues Meeting (SDC 5.7-120): A Development Issues Meeting (DIM) is required of all public agency and private landowner-initiated annexation applications, unless waived by the Director.

Finding: A Development Issues Meeting for the subject annexation request was held on November 16, 2021 (Case 811-21-000271-PRE).

Conclusion: The requirement in SDC 5.7-120 is met.

Annexation Initiation and Application Submittal (SDC 5.7-125): In accordance with SDC 5.7-125.B.2.b.i and ORS 222.170(1), an annexation application may be initiated by "more than half the owners of land in the territory, who also own more than half the land in the contiguous territory and of real property therein representing more than half the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land."

Finding: The property owners who own all the land and real property, and full assessed value of real property in the contiguous territory, have filed an application and petition requesting annexation to the City of Springfield (Attachment 2, Exhibit B).

Finding: In addition to the petition, the submitted application includes the required documents listed under SDC 5.7-125.B. This includes a Verification of Property Owners signed by the Lane County Department of Assessment and Taxation (Form 1), the Ownership Worksheet (Form 2), and a Waiver Form in accordance with ORS 222.173 (Form 4).

Conclusion: The application requirements in SDC 5.7-125 have been met.

Site Information: The subject property, 2189 Lomond Avenue, has an existing residence on site along with a pull through driveway with site access from both Lomond Avenue and 23rd Street. The corner property is located at the southwest corner of the Lomond Avenue and 23rd Street intersection. The subject site is inside the Springfield Urban Growth Boundary (UGB) and is contiguous to the Springfield city limits along its western boundary and along its northern boundary, across the Lomond Avenue public right-of-way.

Zoning for the property is Low Density Residential (LDR) with an Urbanizable Fringe Overlay (UF-10) applied according to the City's Zoning Map. Based on the applicants' submittal, the primary purpose of the annexation request is to facilitate connection to the public sanitary sewer system as they plan to renovate and expand the existing residential development on site. A public sanitary sewer line stub is already available at the site's northwest corner and would be extended to serve the existing residence. An Annexation Agreement has been signed by the applicants and is ready for execution by the City. The Annexation Agreement outlines the applicants' responsibilities and financial obligations for provision of public streets, utilities, and services to the property.

Existing public services are provided to the annexation area as follows: police (Lane County Sheriff), schools (Springfield School District), roads (City of Springfield and Lane County), and ambulance services (Eugene/Springfield Fire)[1]. The applicants currently receive water service and fire protection from the Rainbow Water District; however, the Springfield Utility Board (SUB) operates the existing electric and water utility infrastructure along the Lomond Avenue and 23rd Street frontages. Upon annexation, the City of Springfield will be responsible for all urban services, including sewer, water (through SUB), electricity (through SUB), and police/fire response (through Eugene/Springfield Fire) to the subject area.

The approximately 40,000 ft^2 proposed annexation area consists of the 0.25-acre subject property, a segment of the Lomond Avenue public right-of-way (ROW), and a small portion of the 23rd Street ROW. The annexation area that includes ROW consists of the area of 23rd Street that abuts the subject property to the center line of the ROW, and it also comprises of Lomond Avenue ROW from city limits on the east to the Loch Drive intersection on the west. This annexation area covers the portions of ROW that were not annexed into city limits when the following properties were annexed: 2140, 2148, and 2167 Lomond Avenue.

To avoid disruptions of service areas along the Lomond Avenue ROW, the City included a larger segment of Lomond Avenue into the annexation area. This segment of Lomond Avenue ROW also includes a City-owned public sanitary sewer system as shown in purple on the top of the next page.

[1] The subject property currently receives emergency services from Eugene/Springfield Fire through long-standing contractual agreements, including Rainbow Water District. The standards of coverage can be found here: https://www.eugene-or.gov/DocumentCenter/View/56636/Standards-of-Response-Coverage_FY-2020?bidId=

Notice Requirements (SDC 5.7-130): Consistent with SDC 5.7-130, notice was provided as follows:

Mailed Notice. Notice of the annexation application was mailed March 15, 2022, which is at least 14 days prior to the public hearing date, to the affected property owner(s); owners and occupants of properties located within 300 feet of the perimeter of the proposed annexation territory; affected special districts (Rainbow Water District, Eugene/Springfield Fire) and all other public utility providers (Springfield Utility Board, CenturyLink Telecommunications); and the Lane County Land Management Division, Lane County Elections, and the Lane County Board of Commissioners. The list of recipients of the mailed notice is included with the Affidavit of Mailing for this annexation application and is retained as part of the public record for Planning Case 811-22-000034-TYP4.

Newspaper Notice. Notice of the April 4, 2022, public hearing was published in *The Register- Guard* on March 20th and 27th.

Posted Notice. A total of 4 notices were posted for the April 4th public hearing. Notice was posted on both the City of Springfield website and the Department of Public Works' Digital Display in City Hall on March 17th and March 21st respectively. Two notices were also posted along the subject property street frontages, with one along Lomond Avenue and the other along 23rd Street on March 21st.

Finding: Upon annexation of the subject territory to the City, the underlying Low Density Residential (LDR) zoning will be retained, but the Urbanizable Fringe Overlay District (UF-10) will no longer apply. Due to this change, the Oregon Department of Land Conservation and Development (DLCD) was notified in writing of the annexation proceedings prior to the public hearing. Notification to DLCD regarding the proposed annexation was sent on February 4, 2022, meeting the 35-day advance notice as required.

Finding: Staff did not receive any written comments from the public on this application prior to the April 4th City Council meeting.

Conclusion: Notice of the public hearing was provided consistent with SDC 5.7-130.

Recommendation to City Council (SDC 5.7-135): The Director shall forward a written recommendation on the annexation application to the City Council based on the approval criteria specified in Section 5.7-140, which are provided as follows with the SDC requirements, findings, and conclusions. The Director's recommendation follows SDC 5.7-140, Criteria.

Criteria (SDC 5.7-140): The application may be approved only if the City Council finds that the proposal conforms to the following criteria:

A. The affected territory proposed to be annexed is within the City's urban growth boundary; and is
   1. Contiguous to the city limits; or
   2. Separated from the City only by a public right of way or a stream, lake, or other body of water.

Finding: The subject annexation territory is located within the City of Springfield's acknowledged urban growth boundary (UGB). The property requested for annexation abuts the Springfield city limits along its western boundary

and northern boundary across the Lomond Avenue public right-of-way. Therefore, this annexation application meets the statutory definition of contiguity as found in ORS 222.111(1).

Conclusion: The proposal meets and complies with criterion A(1), Subsection 5.7-140.

B. The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans or Plan Districts;

Finding: The annexation area is located within the acknowledged Springfield UGB and as more specifically delineated by the *Springfield 2030 Comprehensive Plan*. Territory within the delineated UGB ultimately will be within the City of Springfield.
Finding: The *Springfield 2030 Comprehensive Plan* amends the Eugene-Springfield Metropolitan Area General Plan (*Metro Plan)* through adoption of ordinances since 2011. Volume 1 of the *Springfield 2030 Comprehensive Plan* includes the following elements: Economic, Residential Land Use & Housing, Recreation, Transportation, and Urbanization. In December 2016, Springfield adopted the Urbanization Element in compliance with Statewide Planning Goal 14, Urbanization. The *Urbanization Element* explicitly retains the *Metro Plan*'s long-standing urbanization policy criteria for approving annexations.

Finding: The territory requested for annexation is within an area that is zoned and designated for Low Density Residential (LDR) use. The adopted elements of the *Springfield 2030 Comprehensive Plan* apply to areas within the Springfield UGB, particularly the *Urbanization Element* adopted by Ordinance 6361. There are no proposed changes to the current zoning or plan designation for the property, although the Urbanizable Fringe (UF-10) overlay will be effectively removed upon annexation.

Finding: The continued annexation of properties to the City of Springfield is consistent with Policies 27 and 29 of the *Springfield 2030 Comprehensive Plan – Urbanization Element*, which will result in the elimination of special districts within the urbanizable area. The *Metro Plan* and the *Springfield 2030 Comprehensive Plan – Urbanization Element* recognize that as annexations to the City occur, the special district service areas within the UGB will diminish incrementally and eventually will be dissolved.

Finding: The territory requested for annexation is currently within the service area of the Rainbow Water District. The rural water and fire service district has a service arrangement with Eugene/Springfield for provision of fire and emergency medical service response to unincorporated areas of Springfield. After the public hearing and upon Council adoption of the annexation Ordinance, the annexation area will be withdrawn from the Rainbow Water District consistent with ORS 222.520 and 222.524, and the combined fire and life safety departments of the Cities of Eugene & Springfield will provide fire protection and emergency medical service directly to the annexation area.

Finding: In accordance with Policy 33 of the *Springfield 2030 Comprehensive Plan – Urbanization Element*, SUB is the exclusive water service provider within the Springfield City Limits. SUB will become the direct service provider upon annexation.

Finding: In accordance with Policy 34 of the *Springfield 2030 Comprehensive Plan – Urbanization Element*, when unincorporated territory within the UGB is provided with any new urban service, that service shall be provided by one of the following methods in this priority order: (a) Annexation to City; or (b) Contractual annexation agreements with City. If this annexation request is approved and the Annexation Agreement is executed, the subject property will be provided with new urban services such as public sanitary sewer and SUB water service.

Finding: In accordance with Policy 35 of the *Springfield 2030 Comprehensive Plan – Urbanization Element*, the City shall not extend water or wastewater service outside city limits to serve a residence or business without first obtaining a valid annexation petition, a consent to annex agreement, or when a health hazard abatement annexation is required. The property owners applied for annexation to the City (Attachment 2, Exhibit B), and an Annexation Agreement is already signed by the applicant and is prepared for execution by the City in order to connect to the public sanitary sewer and access SUB water service (Attachment 2, Exhibit D).

Conclusion: The proposal meets and complies with criterion B, SDC 5.7-140.

C. The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services as defined in the Metro Plan can be provided in an orderly efficient and timely manner; and

Finding: In accordance with Policy 29 of the *Springfield 2030 Comprehensive Plan – Urbanization Element*, annexation shall continue to be a prerequisite for urban development and the delivery of City services in accordance with the Springfield Comprehensive Plan and Springfield Development Code.

Finding: In accordance with Policy 31 of the *Springfield 2030 Comprehensive Plan – Urbanization Element*, key urban facilities and services are defined as wastewater service; stormwater service; transportation; solid waste management; water service; fire and emergency medical services; police protection; citywide park and recreation programs; electric service; land use controls; communication facilities; and public schools on a districtwide basis.

Finding: In accordance with Policy 32 of the *Springfield 2030 Comprehensive Plan – Urbanization Element*, urban services provided by the City upon annexation to Springfield include storm and sanitary sewer; water; transportation systems; police and fire protection; planning, building, code enforcement and library services; and public infrastructure maintenance of City owned or operated facilities.

Finding: The territory requested for annexation is contiguous with the City Limits along its western boundary and northern boundary across from the Lomond Avenue public right-of-way (ROW). Urban utilities including sanitary sewer, electricity, and water service, have been extended within the Lomond Avenue ROW and are available to serve the subject property, adjacent properties, and areas beyond the annexation territory. Therefore, the urban service delivery systems are already available and in place or can be logically extended from points in the vicinity to serve the subject property and future development. In addition to urban utilities, the following facilities and services are either available or can be extended to this annexation area:

Water – As noted above, SUB is the exclusive water service provider for properties within the City limits. Upon annexation, the applicants would be eligible to continue using the existing water connections or extend public water lines necessary to serve the subject property. SUB states that there is enough capacity for the existing water connection to serve the current residential use. The applicants must transfer water service from the Rainbow Water District to SUB by July 1, 2023, in accordance with ORS 222.465. *(SUB Water Representative: Keoki Lapina, KeokiL@subutil.com)*

Electricity – SUB provides electric service to the neighborhoods in Springfield within incorporated areas of Springfield. SUB owns and maintains electrical system infrastructure in neighborhoods they serve. Existing electrical system infrastructure within the Lomond Avenue public ROW will continue to provide service to the subject property and continue to be maintained by SUB. The existing infrastructure is designed to meet the capacity needs for residential uses in the vicinity.

Police Services – Springfield Police Department currently provides service to areas of Springfield that are already inside the City limits. The annexation territory is currently within the jurisdiction of the Lane County Sheriff's Department. Upon annexation, this area will receive Springfield Police services on an equal basis with other properties inside the City.

Fire and Emergency Services – Fire protection is currently provided to the annexation area by Eugene/Springfield Fire Department under contract with the Rainbow Water District. Upon annexation, the Eugene/Springfield Fire Department will provide fire and emergency services directly to the subject territory.

Emergency medical transport (ambulance) services are provided on a regional basis by the Eugene/Springfield Fire Department. The annexation area will continue to receive this service consistent with the adopted ambulance service area (ASA) plan. Mutual aid agreements have been adopted by the three regional ASA providers to provide backup coverage for each other's jurisdictions.

Parks and Recreation – Park and recreation services are provided by the Willamalane Park & Recreation District. The park district operates several indoor recreation facilities, such as the Willamalane Park Swim Center, Lively Park Swim Center, Bob Keefer Center for Sports and Recreation, and Willamalane Adult Activity Center. The park

district offers various after-school and other programs for children at schools and parks throughout the community. Also available are pathways and several categories of parks, including community parks, sports parks, special use parks, and natural area parks.

Concurrent with annexation to the City of Springfield, the subject property will be annexed to the Willamalane Park & Recreation District consistent with City policy, an intergovernmental agreement between the City of Springfield and Lane County, and the adopted Willamalane Comprehensive Plan.

Library Services – Upon annexation to the City of Springfield, the subject area's residents will be served by the Springfield Public Library.

Schools – The Springfield School District serves this area of Springfield. The Springfield School District has capacity to continue serving the annexation area and its residents in its current configuration.

Sanitary Sewer – Currently, the subject property is served by a septic system. An existing public sanitary sewer system is located in Lomond Avenue. It consists of an 8-12" main with 6" laterals extended to this property and other surrounding properties. City Staff evaluated the Wastewater Master Plan, and using the assumptions provided within, deemed a sewer capacity analysis consistent with EDSPM section 2.02.2 is not required. No future permitted use would increase demand on the system beyond 5000 gpd or 10% of downstream capacity as planned in the Wastewater Master Plan.

Stormwater – The subject property is not currently served by public stormwater management systems. Extension and expansion of the public stormwater system is not yet planned for this vicinity, and stormwater runoff must be managed and mitigated on site. An existing public storm sewer system is located in the Lomond Avenue ROW, just west of the intersection with Loch Drive.

Streets – The Property has legal and physical access to Lomond Avenue. The property also has frontage along 23rd Street, which is improved with curb and gutter. Currently, both streets provide adequate access for the existing residential use. Full improvements to both Lomond Avenue and 23rd Street per clause 1.1.3 in the draft Annexation Agreement will be required at time of future development consistent with zoning.

As stated earlier, a segment of the Lomond Avenue ROW and a portion of the 23rd Street ROW is also proposed for annexation. With annexation, the applicants will be responsible for improving the portions of Lomond Avenue and 23rd Streets that abut the subject property as provided in the Annexation Agreement.

Solid Waste Management – The City and Sanipac have an exclusive franchise arrangement for garbage service inside the City limits. Upon annexation, solid waste disposal service would be provided by Sanipac.

Communication Facilities – Various providers, such as CenturyLink, offer both wired and wireless communication services in the Eugene-Springfield metropolitan area. Existing providers and those entering the market have the capability to provide service to this area.

Land Use Controls – The annexation area is within Springfield's urban growth boundary (UGB). Through an intergovernmental agreement between Lane County and the City of Springfield, the City already has planning and building jurisdiction for unincorporated areas of Springfield. The City will continue to administer land use controls after annexation.

Finding: The minimum level of key urban facilities and services, as outlined in the adopted *Metro Plan* and the *Springfield 2030 Comprehensive Plan – Urbanization Element* are immediately available and have the capacity to serve the site.

Conclusion: Based on the Findings above, the proposed annexation, if approved, will result in a boundary in which the minimum level of key urban facilities and services can be provided in an orderly efficient and timely

manner because of their availability and capacity levels meet the City's requirements. The proposal complies with criterion C, SDC 5.7-140.

D. Where applicable, fiscal impacts to the City have been mitigated through an Annexation Agreement or other mechanism approved by the City Council.

Finding: An Annexation Agreement that outlines the applicants' financial responsibility for provision of public streets and utilities necessary to serve the property is available for review (Attachment 2, Exhibit D). The Annexation Agreement will need to be executed by both the applicants and City for the annexation action to be concluded. Upon future development and change of use on the subject property, the property owner will be responsible for the cost of constructing the public improvements necessary to serve the area. Therefore, any potential fiscal impacts to the City have been mitigated by the executed Annexation Agreement.

Conclusion: The proposal meets and complies with criterion D, Subsection 5.7-140.

Withdrawal from Special Service Districts (SDC 5.7-160): Withdrawal from special districts may occur concurrently with the approved annexation Ordinance or after the effective date of the annexation of territory to the City. The Director shall recommend to the City Council for consideration of the withdrawal of the annexed territory from special districts as specified in ORS 222. In determining whether to withdraw the territory, the City Council shall determine whether the withdrawal is in the best interest of the City. Notice of the withdrawal shall be provided in the same manner as the annexation notice in Section 5.7-150.

Finding: The annexation area is within the delineated service territory of the Rainbow Water District for water and fire protection service. The City of Springfield, by and through the Springfield Utility Board, will provide water service after annexation by July 1, 2023. Consistent with SDC 5.7-160, notice was provided, a public hearing was held, and the City Council determined that withdrawal from the Rainbow Water District concurrently with annexation of the territory to the City of Springfield was in the best interest of the city. The withdrawal from the Rainbow Water District is necessary to implement Policies 31 and 32 of the *Springfield 2030 Comprehensive Plan – Urbanization Element* whereby annexation is prioritized for the City of Springfield to provide urban services to its incorporated territory, and existing special service districts within the City's UGB are to be dissolved over time.

ANNEXATION AGREEMENT

This Annexation Agreement ("Agreement") is made between the City of Springfield, an Oregon municipal corporation ("City") and Colleen and Timothy Stewart ("APPLICANT").

RECITALS

A. APPLICANT owns the parcel of land legally described in Exhibit A, the Property. The property is proximate to the jurisdictional limits of the City and is subject to annexation by the City of Springfield following minor boundary change processes.

B. APPLICANT has submitted to the City a request for Annexation, dated February 1, 2022, for a property identified as Assessor's Map No. 17-03-25-12 Tax Lot 04400, which is currently municipally addressed as 2189 Lomond and is more particularly described in Exhibit A.

C. APPLICANT wishes to annex the Property to the City and seeks support from the City for the annexation. At the time of annexation, the Property will also be annexed into the Willamalane Park & Recreation District, and the property owner must pay Willamalane's applicable system development charges.

D. The Property is inside the recognized Urban Growth Boundary of the City of Springfield. The Property is within the Urbanizable Fringe Overlay District (UF-10) according to the Springfield Zoning Map, and the underlying zoning is Low Density Residential (LDR).

E. Annexation of the Property requires a showing under SDC 5.7-140.C that the Property can be provided with the minimum level of key urban facilities and services as defined in Policy 31 of the *Springfield Comprehensive Plan – Urbanization Element*, and such showing is supported by the substantial evidence in the record of the proceeding on this annexation. City staff has determined the minimum level of key urban services is currently available to the Property.

F. The purpose of this Agreement is to memorialize APPLICANT's and City's commitment and agreement to the allocation of financial responsibility for public facilities and services for the Property and other users of the facilities, sufficient to meet the City's requirements for the provision of key urban services, including long-term public sanitary sewer, stormwater management systems, interconnected transportation systems, and Fire and Life Safety services necessary for an affirmative City recommendation for the annexation request.

After Recording, Return to: **Place Bar Code Sticker Here:**

City of Springfield
Attn: Current Development Division
Development & Public Works Department
225 Fifth Street
Springfield, OR 97477

G. A public sanitary sewer system with sufficient capacity to serve the Property and other existing and proposed land uses in the vicinity of the Property is necessary to support a finding that this key urban service is available to serve the Property.

- There is an existing 8" sewer main in Lomond Ave with a service lateral already extended to the western property line between 2189 Lomond (subject address) and 2167 Lomond and is available for hookup after the annexation is approved.

- City Staff have determined that this sewer main also has enough capacity to serve the residential Property. No future conforming use would increase demand on the system beyond 5,000 gpd or 10% of downstream capacity as planned in the Wastewater Master Plan

H. A public stormwater management system with sufficient capacity to serve the Property and other existing and proposed land uses in the vicinity of the Property is also necessary to support a finding that this key urban service is available to serve the Property.

- The existing house drains to the curb and gutter in Lomond which has a storm drain system to the west that currently drains this site and the rest of Lomond Ave as well. The annexation will not increase stormwater leaving the site.

- City Staff determined that any increase in impervious area on the Property and surrounding parcels for permitted uses may require a drainage report and mitigation measures relevant to that increase as per the City of Springfield EDSPM and the City of Eugene Stormwater Management Manual.

I. An interconnected transportation system with the existing and proposed land uses in the vicinity of the Property is also required in order to provide access and a transportation system for the provision of Fire and Life Safety services to and from the annexed property.

- The Property has legal and physical access to Lomond Ave and 23rd St via two existing residential driveways.

- Both Lomond Avenue and 23rd Street are paved with curb and gutter. Both streets lack sidewalks, street trees and do not meet current street light standards for local residential streets.

J. Springfield Utility Board (SUB) provides both water and electric service to most properties within City limits. The availability and capacity of these key urban services (water, electric) are required to serve the Property.

- Rainbow Water (and Fire) District (RWD) currently provides water and fire protection service to the Property. SUB Water and RWD will coordinate the transfer of water service from RWD to SUB Water after annexation approval. Fire protection services will also move to Eugene/Springfield Fire.

- SUB Electric already provides service to the Property and will continue to provide electrical service after annexation approval.

K. In order to facilitate orderly development of the Property and ensure the full provision of key urban services that are satisfactory to the City and meet the City's conditions for an affirmative recommendation for annexation to the Common Council, and in exchange for the obligations of the City set forth below, APPLICANT shall comply with all requirements imposed on APPLICANT in this Agreement.

Now, therefore based upon the foregoing Recitals, which are specifically made a part of this Agreement, the parties agree as follows:

AGREEMENT

1. Obligations of APPLICANT. Consistent with the above Recitals, APPLICANT agrees to perform the obligations set forth in this section.

    1.1.1. APPLICANT or future property owner shall participate with any city or county project or Local Improvement District (LID) to install the missing urban improvements for Lomond Avenue and 23rd Street with financial payment as determined in that project to be proportional to their lot. Improvements include sidewalks, curb and gutter, street trees, and storm drainage requirements.

    1.1.2. The Property Owner will not have any applicable system development charges for stormwater management unless the Property Owner creates any increase in stormwater runoff from new impervious area for ANY development (including redevelopment) on site. If the Property Owner cannot show how to adequately treat and dispose of stormwater using the methods in the City of Springfield EDSPM and the City of Eugene Stormwater Management Manual, the storm drain system to the west of the Property may also be used for overflow for the on-site stormwater management system. The Property Owner must pay any applicable system development charges related to stormwater management if and when the applicant connects to the public storm drain system for overflow from the on-site stormwater management system.

    1.2. APPLICANT shall provide and be financially responsible for the provision of any additional urban facilities and services identified during the review and approval of any land division or development permit as necessary to serve the further development of the Property, including the construction and maintenance thereof. Urban facilities and services include utility services, street paving, sidewalks, curb and gutter, street trees, streetlights, street access points, and storm drainage requirements. Other redevelopment on the Property, without further land division, will be subject to the applicable development standards and requirements listed in the Springfield Development Code.

    1.3. In determining APPLICANT's share of costs for the improvements described in this Agreement, the full cost for the provision of the improvements at the time of construction shall be used. For the purposes of this Agreement, the full cost shall include design,

construction, acquisition of land and/or easements, studies, permits from all agencies having jurisdiction, attorney's fees, and all other costs reasonably associated with the implementation of the needed improvements.

2. Obligations of City. Consistent with the above Recitals, City agrees to:

   2.1 Process the annexation request and support annexation of the Property to the City before the Common Council, and support APPLICANT's defense of any appeal of a decision to the City. However, the City will not assume any financial responsibility to provide legal counsel on appeal.

3. Covenants Running With the Land. It is the intention of the parties that the covenants herein are necessary for the annexation and development of the Property and as such shall run with the Property and shall be binding upon the heirs, executors, assigns, administrators, and successors of the parties hereto, and shall be construed to be a benefit to and burden upon the Property. This Agreement shall be recorded, at APPLICANT's expense, upon its execution in the Lane County Deeds and Records. This Agreement may be assigned by APPLICANT and shall benefit any assigns or successors in interest to APPLICANT. Execution of this Agreement is a precondition to the support of the City for annexation of the Property described in Exhibit A to the City. Accordingly, the City retains all rights for enforcement of this Agreement.

4. Limitations on the Development. No portion of the Property shall be further developed prior to the approval of a land division or development permit, as applicable, for the proposed development.

5. Mutual Cooperation. City and APPLICANT shall endeavor to mutually cooperate with each other in implementing the various matters contained herein.

6. Waiver of Right of Remonstrance. APPLICANT agrees to sign any and all waivers, petitions, consents and all other documents necessary to obtain the public facilities and services described herein as benefiting the Property, under any Improvement Act or proceeding of the State of Oregon, Lane County, or the City and to waive all rights to remonstrate against these improvements. APPLICANT does not waive the right to protest the amount or manner of spreading the assessment thereof, if the assessment appears to APPLICANT to be inequitable or operate unfairly upon the Property. APPLICANT waives any right to file a written remonstrance against these improvements. APPLICANT does not waive its right to comment upon any proposed Local Improvement District (LID) or any related matters orally or in writing.

7. Modification of Agreement. This Agreement may only be modified in writing signed by both parties. Any modifications to this Agreement shall require the approval of the Springfield Common Council. This Agreement shall not be modified such that the minimum level of key urban facilities and services as defined in Policy 31 of the *Springfield Comprehensive Plan – Urbanization Element* and as required herein are not provided in a timely manner to the Property.

8. Land Use. Nothing in this Agreement shall be construed as waiving any requirements of the Springfield Development Code or Springfield Municipal Code which may be applicable to the use and development of this Property. Nothing herein shall be construed as City providing or

agreeing to provide approval of any building, land use, or other development application or Land and Drainage Alteration Program (LDAP) permit application submitted by APPLICANT. APPLICANT is responsible for obtaining, at APPLICANT's expense, all State and/or Federal permits and any other approvals as may be required.

9. Dolan. APPLICANT knows and understands any rights it may have under the law as interpreted in Dolan v. City of Tigard, 512 US 374 (1994) and subsequent cases interpreting the legal effect of Dolan and by entering into this Agreement hereby waives any requirement that the City demonstrate the public improvements and other obligations of APPLICANT, for payments, financial responsibility and reimbursements set forth in Section 1, required herein, are roughly proportional to the burden and demands placed upon the urban facilities and services by the development and to the impacts of the development of the Property. APPLICANT further waives any cause of action it may have pursuant to Dolan v. City of Tigard and cases interpreting the legal effect of Dolan arising out of the actions described herein.

10. Ballot Measures 37/49/ORS 195.300 et seq. APPLICANT knows and understands any rights it may have under Oregon Revised Statutes (ORS) Chapter 195.300 et seq., "Just Compensation for Land Use Regulation." APPLICANT for itself and its heirs, executors, assigns, administrators and successors hereby waive any claim or cause of action it may have under such ORS provisions against the City.

11. Invalidity. If any provision of this Agreement shall be deemed unenforceable or invalid, such enforceability or invalidity shall not affect the enforceability or validity of any other provision of this Agreement. The validity, meaning, enforceability, and effect of the Agreement and the rights and liabilities of the parties hereto shall be determined in accordance with the laws of the State of Oregon.

DATED this 23rd day of February, 2022.

IN WITNESS WHEREOF, the APPLICANT and City have executed this Agreement as of the date first herein above written.

APPLICANT

Colleen Stewart
By:

2/23/22
Date

Timothy L. Stewart
Its:

2/23/22

STATE OF OREGON
COUNTY OF LANE } SS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON February 23rd, 2022 BY Colleen Stewart Timothy Stewart AS Owners OF 2189 LOMOND, Springfield, OR 97477
(APPLICANT)

OFFICIAL STAMP
KELLY R NOTARY
NOTARY PUBLIC OREGON
COMMISSION NO. 984347
MY COMMISSION EXPIRES MARCH 18, 2023

Kelly R Notary
NOTARY PUBLIC FOR OREGON

CITY OF SPRINGFIELD

By: _____
Nancy Newton, City Manager

STATE OF OREGON
COUNTY OF LANE } SS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____ , 20___ BY

_____ AS _____ OF _____
(CITY)

_____
NOTARY PUBLIC FOR OREGON

EXHIBIT A

LEGAL DESCRIPTION

Lot 11, Block 3, LOCH LOMOND TERRACE FIRST ADDITION, as platted and recorded in Book 46, Page 20, Lane County Oregon Plat Records, in Lane County, Oregon.

AGENDA ITEM SUMMARY		
	Meeting Date:	April 4, 2022
	Meeting Type:	Regular Meeting
	Staff Contact/Dept.:	Mary Bridget Smith/CAO
	Staff Phone No:	541-744-4061
	Estimated Time:	10 Minutes
SPRINGFIELD CITY COUNCIL	**Council Goals:**	Mandate

ITEM TITLE:	TERMINATION OF STATE OF EMERGENCY DUE TO COVID-19 PANDEMIC
ACTION REQUESTED:	Terminate the COVID-19 state of emergency declaration adopted in Resolutions 2020-05, 2020-13, 2020-20 and 2021-29 and provide direction about adopting non-emergency regulations relating to some of the emergency declaration items.
ISSUE STATEMENT:	COVID-19 hospitalizations and case numbers continue to decrease making it no longer necessary for the City to have an emergency declaration.
ATTACHMENTS:	Attachment 1: Proposed Resolution Terminating the Declaration of a State of Emergency due to the COVID-19 Pandemic
DISCUSSION/ FINANCIAL IMPACT:	On March 16, 2020, the Common Council of the City of Springfield adopted Resolution No. 2020-05 declaring a state of emergency and implementing special regulations due to the COVID-19 pandemic. That resolution was subsequently amended three times (Resolutions 2020-13, 2020-20 and 2021-29) to provide for additional emergency regulations related to items such as business licensing, tolling land development time limits and expanding café seating to eating establishments located outside of downtown. The emergency declaration states it remains in place until terminated by the Council and SMC 2.808 provides that the Council may terminate the declaration of a state of emergency by majority vote. Some of the regulations adopted as part of the emergency declarations are no longer necessary. For example, the provisions postponing business license fees applied only to 2020. The provision tolling land development time limits applies to applications for emergency medical hardships, tentative partitions and subdivisions, master plans, minimum development standards, site plans and property line adjustments and it automatically ends 30 days following the City's revocation of its emergency declaration. The Riverbend Annex vaccination clinic authorized as a temporary emergency facility under Resolution 2020-20 has closed. In addition, the pallet shelter project approved under the same authority will seek long term approval under the HB 2006 super siting requirement for emergency shelters. There were also limited temporary site plan exceptions issued to other properties for changes to seating or circulation during the pandemic to account for an increase in to-go service and outdoor dining. The Council may choose to consider adopting long term regulations expanding café seating outside of downtown. SMC 7.900-7.908 currently permits outdoor café seating downtown on sidewalks that abut existing eating establishments that are located within the City's right of way. The proposed resolution provides for a 90-day grace period where the emergency temporary regulations, except for the land development time limit extensions, will remain for the purpose of giving the Council adequate time to consider adopting long term regulations that apply to café seating, and to allow an opportunity for sites that were granted a temporary exemption from development approval to seek permanent approval through the Springfield Development Code.

CITY OF SPRINGFIELD, OREGON
RESOLUTION NO. _____

A RESOLUTION TERMINATING THE DECLARATION OF A STATE OF EMERGENCY DUE TO THE COVID-19 PANDEMIC

WHEREAS, ORS 401.305 provides authority for the City of Springfield to act as an emergency management agency, including authority to establish policies and protocols for defining and directing responsibilities during the time of emergency;

WHEREAS, the City of Springfield has enacted a local Ordinance (SMC 2.800 et seq.) pursuant to the authority granted by ORS Chapter 401 that provides for executive responsibility in times of emergency;

WHEREAS, the novel coronavirus causes an illness known as COVID-19 and has created a threat to public health and safety, that created a citywide emergency under ORS 401.025(1) and SMC 2.808(1);

WHEREAS, on March 8, 2020, the Governor declared a State of Emergency for the entire State of Oregon; on March 11, 2020, the World Health Organization declared COVID-19 to be a global pandemic; and on March 13, 2020, the President declared a national state of emergency;

WHEREAS, on March 16, 2020, the Springfield City Council passed Resolution 2020-05 declaring an emergency for the City of Springfield due to the COVID-19 pandemic;

WHEREAS, The COVID-19 pandemic required a prolonged response and City Council further amended Resolution 2020-05 by adopting Resolutions 2020-13 (May 4, 2020), 2020-20 (June 15, 2021) and 2021-29 (June 28, 2021);

WHEREAS, on April 1, 2022, Governor Brown rescinded the State of Oregon Emergency Declaration due to the decrease in hospitalizations and case numbers; and

WHEREAS, under Resolution 2020-13, the City of Springfield's emergency declaration remains until terminated by the City Council and SMC 2.808 provides that the Council may terminate the declaration of the state of emergency by majority vote,

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SPRINGFIELD:

Section 1: The state of emergency declared for the entire City of Springfield, effective on March 16, 2020 is hereby terminated.

Section 2: The special regulations adopted as part of Resolutions 2020-05, 2020-13, 2020-20 will end 90 days after the effective date of this Resolution.

Section 3: If any section, subsection, sentence, clause, phrase or portion of this Resolution is, for any reason, held invalid or constitutional by a court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof.

Section 4: This Resolution will take effect upon adoption by the Council.

ADOPTED by the Common Council of the City of Springfield this ___ day of _____, 2022, by a vote of _____ for and ____ against.

ATTEST:

_____
City Recorder