

EXHIBIT C

Public Hearing Draft for April 25, 2022 public hearing with the Springfield City Council and Lane County Board of County Commissioners

This Exhibit C incorporates changes recommended by the Planning Commission but has been reformatted from the version that accompanied the Planning Commission's Recommendation and Order.

Track changes in red underline and ~~strikethrough~~ show changes from the prior Springfield Development Code. Additional edits made following the Planning Commission Recommendation are shown in **yellow highlight**. Areas of the code that are highlighted in **grey** indicated sections that are clearly not applicable outside the city limits, inside the Urban Growth Boundary (UGB).

This Exhibit C is intended to provide all other amendments to the Springfield Development Code not provided in Exhibits A and B. Exhibits A and B provide the primary Residential and Employment Code Update amendments. Where this Exhibit C directly conflicts with amendments provided in Exhibit A or B, the code as provided in Exhibit A and B will take precedence.

This exhibit shows all changes made to the Springfield Development Code as it exists at the time of adoption of this Ordinance. The status of each code section not being amended in this Exhibit C is provided in *light blue highlight*, describing which sections are not amended at this time (except the general amendments described below), and those that are renumbered and amended as provided in Exhibits A or B, repealed and replaced with new sections as provided in Exhibits A or B, or repealed without replacement.

General Amendments

Except where specific amendments provide otherwise in this Ordinance, the following amendments are adopted as amendments to the entire Springfield Development Code (including to sections and subsections described as having "no amendments" in this Exhibit C:

- All existing and unamended references to "Type I," "Type II," "Type III," and "Type IV" decisions, procedures, or reviews are amended to read "Type 1," "Type 2," "Type 3," and "Type 4" respectively.
- All sections currently formatted `##-###` are to be formatted `##.###`.
- All existing and unamended internal references to this Springfield Development Code that are formatted to read "Section `##-###`" are amended to read "SDC `##.###`."
- In addition to the above amendments, the City Attorney may edit the code as provided in SDC 2.1.130(D), upon adoption of this Ordinance.

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	<u>Severability Code Construction</u>
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

No amendments to this section.

2.1.115 Applicability

No amendments to this section.

2.1.120 Enforcement

No amendments to this section.

2.1.125 Violation and Penalties

No amendments to this section.

2.1.130 **Severability 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
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No amendments to subsections A-C.

(D) Application resubmittal fees. After denial of an application by the Approval Authority, application resubmittal shall occur as specified in SDC 5.1.300~~Section 5.1-125~~. The fees in effect at the time of application resubmittal will be imposed.

No amendments to subsections E and F.

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

ZoningLand 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

No amendments to this section.

3.1-115 Determination of ZoningLand Use District Boundaries

Where uncertainty exists relating to any zoningland 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 zoningland 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 zoningland 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 zoningland 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 zoningland 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. Zoning 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. Zoning Land Use District boundary lines may follow ridgelines, the toe of a hill and/or specific elevation contours.

3.1-120	Zoning Verification
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No amendments to this section.

3.2-100 Base Zoning Districts

Subsection:

3.2-100 Base ZoningLand Use Districts

3.2-100	Base <u>ZoningLand Use</u> Districts
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The Base ZoningLand 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 ZoningLand Use Districts are established consistent with applicable Metro Plan and Springfield 2030 Refinement Plan designations:

Section	Base <u>ZoningLand Use</u> District Name	Metro Plan Designation
3.2-200	Residential <u>ZoningLand Use</u> Districts	
	<u>LDR Low Density Residential</u> R-1	Low Density Residential
	<u>MDR Medium Density Residential</u> R-2	Medium Density Residential
	<u>HDR High Density Residential</u> R-3	High Density Residential
3.2-300	Commercial <u>ZoningLand Use</u> 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 <u>ZoningLand Use</u> 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

3.2-200 Residential Zoning Districts

SDC 3.2-205 through 3.2-250 are repealed and replaced by SDC 3.2.205 through 3.2.275 adopted as provided in Exhibit A.

3.2-300 Commercial Zoning Districts

SDC 3.2-305 through 3.2-315 are repealed and replaced by SDC 3.2.305 through 3.2.325 adopted as provided in Exhibit B.

3.2-400 Industrial Zoning Districts

SDC 3.2-405 through 3.2-450 are repealed and replaced by SDC 3.2.405 through 3.2.455 adopted as provided in Exhibit B.

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
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No amendments to subsections A-C and E

- D. Unless the use is limited to the conversion of a Single-unit Dwelling, detached single-family residence 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.

3.2-510	Schedule of Use Categories
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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.

<i>Uses/Use Categories</i>	<i>MS District</i>
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 <u>center facilities that meet Children's Services Division (CSD) regulations</u>	P
Adult day care facilities subject to any applicable State regulations	P
Certain Wireless Telecommunications Systems Facilities (<u>Section SDC 4.3-145</u>)	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
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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.

<i>Development Standard</i>	<i>MS Zoning District Requirement</i>
Minimum Area Landscaped Setbacks (2), (3)	3 or more contiguous acres (1)
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	5 feet
Maximum Lot/Parcel Coverage	Lot/parcel coverage standards are limited only by standards specified in other Sections of this Code.
Maximum Height (34)	None, unless abutting an <u>R-1LDR</u> or <u>R-2MDR</u> District (See below)
MS District abuts an LDR or MDR District to the north	Defined by the Maximum Shade Point Height requirement of Section 3.2-225A.1.b., 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.
MS District abuts an <u>R-1LDR</u> or <u>R-2MDR</u> District to the east, west, or south, <u>or north</u>	Building height limitation shall <u>must</u> 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, dDetachedsingle-family residence~~ 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 ~~SectionSDC~~ 4.2-105N, where applicable.
- (4) Incidental equipment may exceed the height standards.

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
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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~~family residential~~ 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 ~~shall emphasize development of multiple unit housing have a multifamily residential emphasis~~, 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 [Section SDC 3.4-245](#) for a description of these districts and [Section SDC 3.4-250](#) for the schedule of permitted uses. (6286)

3.2-610	Schedule of Use Categories
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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 [Section SDC 5.11-100](#).

“P” = **PERMITTED USE** subject to the standards of this Code.

“S” = **SPECIAL DESIGN STANDARDS** subject to special locational and siting standards to be met prior to being deemed a permitted use ([Section SDC 4.7-100](#)).

“D” = **DISCRETIONARY USE APPROVAL** subject to review and analysis under Type ~~III~~ procedure (~~Section As a Discretionary Use under SDC 5.9-100 except where other criteria are indicated in the applicable special standards~~) ~~at the Planning Commission or Hearings Official level.~~

“N” = **NOT PERMITTED**

SITE PLAN REVIEW SHALL BE REQUIRED for all development proposals within all mixed use districts unless exempted elsewhere in this Code.

Use Categories/Uses	Districts		
	MUC	MUE	MUR
Accessory Use Structures			
Accessory Structures (Section SDC 4.7-105)	N	P	S
Agricultural And Animal Sales And Services			
Agricultural cultivation of undeveloped land	N	P	P

Use Categories/Uses	Districts		
	MUC	MUE	MUR
Garden supplies	P	N	N
Automotive Repair and Service			
Garage, repair	N	P	N
Parking lots and parking structures (Section 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*	N	N
	*Only in Downtown Mixed-use area		
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

Use Categories/Uses	Districts		
	MUC	MUE	MUR
Interior decorator and designers	P	N	P
Laundry, dry cleaners, including self-service, and ironing services	P	P	N
Loan companies, other than banks	P	P	P
Use Categories/Uses	Districts		
	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 (Sections 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			
	N	D	N

Use Categories/Uses	Districts		
	MUC	MUE	MUR
Communications towers, including antennas and relay equipment. Certain Wireless Telecommunications Systems Facilities (See SectionSDC 4.3-145)	N	D	N
Communications antennas for public agencies and emergency services	D	D	D
<i>Child Care Facilities</i>			
Child C care facilitiesCenter (Section 4.7-125)	S	S	S
Adult day care facilities	P	P	P
<i>Eating and Drinking Establishments</i>			
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 (SectionSDC 4.7-180)	S	P	N
Taverns and brew pubs	P	P	N
<i>Educational Facilities- Public and Private Elementary and Middle Schools</i>			
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 (SectionSDC 4.7-195)	N	D	D
Secondary schools and colleges	N	D	N
<i>Group Care Facilities</i>			
Foster homes for up to 5 children	N	N	P
Residential care facilities with more than 15 persons include: Group care homes, congregate care facilities, nursing homes and retirement homes (Section 4.7-155)	N	N	S
<i>Halfway Houses (See Specific Development Standards for Group Care Facilities)Residential Care Facilities</i>			
Residential C are Facility—6 to 15 persons	N	N	D
Residential Home—5 or fewer persons	N	N	D
Shelter homes for abused and battered persons	N	N	D
<i>Home OccupationsBusiness</i>			
Home O ccupationsBusiness (SectionSDC 4.7.-4365)	S	S	S
<i>Manufacture and/or Assembly of:</i>			
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

Use Categories/Uses	Districts		
	MUC	MUE	MUR
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
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 (Section 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 (Section 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

Use Categories/Uses	Districts		
	MUC	MUE	MUR
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 (Section 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
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
Churches, mosques, temples and weekly religious school Places of Worship (Section SDC 4.7.-370130)	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 (Section SDC 4.7-195)	N	D	D
Residential Uses in Areas Designated Mixed-Use in the Metro Plan or Refinement Plans			
Accessory structures (Section SDC 4.7-105)	S	P	S
Attached s Single-family unit dwellings, detached; and townhomes including rowhouses	P	N	P
Cluster Subdivision (Section 3.2-230)	P	N	P
Condominiums (Section 4.7-135)	S	S	S
Duplexes (Section SDC 3.2.2454.7-140)	N	N	S
Multiple family unit housing dwellings including triplexes, 4-plexes, quads, quints, and apartment complexes over 4 units	P	P	P
Short Term Rental			
_____ Type 1 (SDC 4.7.355)	P*	N	P*

Use Categories/Uses	Districts		
	MUC	MUE	MUR
<u>Type 2 (SDC 4.7.355)</u>	<u>S*</u>	<u>N</u>	<u>S*</u>
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
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

Use Categories/Uses	Districts		
	MUC	MUE	MUR
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
<i>Small Scale Repair and Maintenance Services (Section SDC 4.7-180)</i>			
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
<i>Transient Accommodations</i>			
Bed and breakfast facilities (Section 4.7-120)	P	N	S
Emergency shelter facilities	N	N	P
Hotels (Section SDC 4.7-180)	S	N	N
Youth hostels	P	N	N
<i>Transportation Facilities</i>			
Heliports	N	P	N
Helistops	N	P	N
Linear park	P	P	P
Public transit station, without park and ride lot	P	P	P
<i>Transportation Related, Non-Manufacturing</i>			
Key/card lock fuel facilities	N	P	N
<i>Warehouse Commercial Retail and Wholesale Sales and Distribution</i>			
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

Use Categories/Uses	Districts		
	MUC	MUE	MUR
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
Manufactured home used as a night watch person's quarters (Section SDC 4.7-185)	N	S	N
Outdoor storage of materials directly related to a permitted use. (Section SDC 3.2-630B.3.)	N	P	N

(6412; 6352; 6238; 6228)

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 Section SDC 3.2-215
Minimum Street Frontage(1)	40 feet	75 feet	See Section 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,		45 Percent

Development Standard	MUC	MUE	MUR
	landscaping) specified in SectionSDCs 4.4-105 and 4.6-100. Generally, there is no maximum lot/parcel coverage standard.		
Minimum Landscaping	Minimum requirements defined by standards in other SectionSDCs 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 SectionSDC 3.2-215
Parking, driveway, and outdoor storage setback	5 feet	5 feet	See SectionSDC 3.2-215
Interior Side, Rear Yard Setbacks when Abutting Residential or CI Districts			
Building Setback	10 feet	10 feet	See SectionSDC 3.2-215
Parking, Driveway, Outdoor Storage Setback	5 feet	5 feet	See SectionSDC 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 SectionSDC 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 SectionSDC 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 SectionSDC 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 [SectionSDC](#) 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 [SectionSDC](#) 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.

3.2-620 Mixed Use District Development Standards—Conflicts and Exemptions

No amendments to this section.

3.2-625 Mixed-Use District Development Standards—General

No amendments to preface or to subsections A-E and G

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 ~~single-family residential~~ neighborhoods. Development in mixed-use districts ~~shall~~ must be appropriate and related to the setting and established character of the surrounding area or neighborhood. Minimum standards adjacent to ~~Low Density Residential~~ the R-1 Districts are:

1. Architectural compatibility between new development and adjacent ~~R-1~~ LDR 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 ~~Section~~ 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 ~~LDR-R-1~~ properties and the street as specified in ~~Subsection-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.

3.2-630 Mixed-Use Development Standards—Specific

No amendments to subsections A-B

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 ~~shall~~ must be dedicated to ~~multiple unit housing-unit residential uses~~ 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 [Section 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 ~~specified in Section SDC 4.7.375.3-2-240.~~
~~**EXCEPTION:** Section SDC 3.2-240D.5.a. exempts multi-unit developments in mixed-use buildings from the minimum open space standards.~~

3.2-635	Phased Development
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No amendments to this section.

3.2.700 Public Land and Open Space District

Subsections:

- 3.2.705 Establishment of the Public Land and Open Space (PLO) District**
- 3.2.710 Schedule of Use Categories**
- 3.2.715 Base Zone Development Standards**

No amendments to these sections.

3.2-800 Quarry and Mining Operations Zoning 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

No amendments to this section.

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 **H3** procedure (**Section DC** 5.9-100) at the Planning Commission or Hearings **Officer** level.

SITE PLAN REVIEW SHALL BE REQUIRED, unless exempted elsewhere in this Code.

<i>Use Categories/Uses</i>	<i>QMO District</i>
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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 SectionDC 5.19-100	P
Low impact public facilities	P
High impact public facilities	P
Certain wireless telecommunications systems facilities (SectionDC 4.3-145)	P
Night watchperson's quarters	P
Linear park	P

3.2-815 Review

No amendments to this section.

3.2-820 Permits for Quarry and Mine Extraction
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No amendments to this section.

3.2-825 Operation and Reclamation Standards

No amendments to this section.

3.2-830 Blasting Standards
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Operators using explosives for quarry and mine extraction shall follow explosive regulations and use engineering standards acceptable to the [Public Works](#) Director, based on atmospheric conditions and physical conditions of the site to prevent injury to persons and damage to public and private property.

No amendments to subsections A and B.

3.2-900 Agriculture- Urban Holding Area (AG) Zoning Land Use District

Subsections:

- 3.2-905 Establishment of the Agriculture—Urban Holding Area (AG) Zoning 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) <u>Zoning Land Use</u> District
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No amendments to this section, except heading noted above.

3.2-910	Applicability
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No amendments to this section.

3.2-915	Schedule of Use Categories
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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 Section-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 H3 procedure as required in Section-SDC 5.9-100 at the Planning Commission or Hearings Officialer level.

<i>Use Categories/Uses</i>	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

Use Categories/Uses	AG
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 Subsection-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 Subsection-SDC 5.8-115 (2), (3)	P
Emergency medical hardship as specified in Section-SDC 5.10-100 (2)	P
Other Commercial Services	
Home occupation-business within a lawfully existing dwelling and as specified in Subsection SDC 4.7-165 (4), 365	S
Utilities and Communication	
High impact public utility facility as specified in Subsection-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 Subsection-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 ~~Subsection-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 [Subsection-SDC 4.3-115](#) and the Natural Resource Protection standards as specified in [Subsection-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 [Subsection-SDC 4.3-115](#) and [Section-SDC 3.3-400 Floodplain Overlay District](#).
- (7) Federal, State or local emergency authorization may be needed for in-stream work.

3.2-920 Pre-Existing and Nonconforming Uses

No amendments to this section.

3.2-925 Standards for Interim Development

No amendments to this section.

3.2-930 Planning Requirements Applicable to Zoning Map Amendments

In addition to the standards, procedures and review criteria in [Section-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 zoning-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.

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 zoningland use district. In cases where the regulations conflict, the overlay district regulations shall supersede the underlying zoningland use district regulations. The following overlay districts are established:

Section	Overlay District Name	<i>Metro Plan Comprehensive Plan Reference</i>
3.3-200	Drinking Water Protection	Metro Plan - Environmental Resources Element
3.3-300	Willamette Greenway	Metro Plan - Willamette River Greenway, River Corridors, and Waterway Element
3.3-400	Floodplain	Metro Plan - Environmental Resources Element
3.3-500	Hillside Development	Metro Plan - 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 Springfield Comprehensive Plan - Urbanization Element
3.3-900	Historic	Metro Plan - Historic Preservation Element
3.3-1000	Nodal Development	Metro Plan - Nodal Development Area Designation
3.3-1100	Hospital Support	Springfield Comprehensive Plan - Economic Element

3.3.200

Drinking Water Protection Overlay District

Subsections:

3.3.205 Purpose

3.3.210 Applicability

3.3.215 Warning and Waiver of Liability

3.3.220 Time of Travel Zones

3.3.225 Review

3.3.230 Exemptions

3.3.235 Standards for Hazardous Materials within Time of Travel Zones

3.3.240 Conditions

3.3.245 Appeals

3.3.205 Purpose

No amendments to this section

3.3.210 Applicability

No amendments to this section

3.3.215 Warning and Waiver of Liability
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No amendments to this section

3.3.220 Time of Travel Zones

No amendments to this section

3.3.225 Review

No amendments to subsections A-C,

D. Prior to undertaking an activity covered by Section 3.3-225A., the owner or tenant shall submit a DWP Overlay District Application to the City for review and approval. Applications shall include the following information:

1. A Hazardous Material Inventory Statement and a Material Safety Data Sheet for any or all materials entered in the Statement unless exempted under Section 3.3-230. Hazardous material weights shall be converted to volume measurement for purposes of determining amounts; 10 pounds shall be considered equal to one gallon as specified in Springfield Fire Code 2703.1.2-5003.1.2;

2. A list of the chemicals to be monitored through the analysis of groundwater samples and a monitoring schedule if ground water monitoring is anticipated to be required;

3. A detailed description of the activities conducted at the facility that involve the storage, handling, treatment, use or production of hazardous materials in quantities greater than the maximum allowable amounts as stated in Section 3.3-235A.;
4. A description of the primary and any secondary containment devices proposed, and, if applicable, clearly identified as to whether the devices will drain to the storm or sanitary sewer;
5. A proposed Hazardous Material Management Plan for the facility that indicates procedures to be followed to prevent, control, collect and dispose of any unauthorized release of a hazardous material;
6. A description of the procedures for inspection and maintenance of containment devices and emergency equipment;
7. A description of the plan for disposition of unused hazardous materials or hazardous material waste products over the maximum allowable amounts including the type of transportation, and proposed routes.

E. For those development proposals requiring Site Plan Review (~~Section SDC 5.17-100~~) or Minimum Development Standards review (~~Section SDC 5.15-100~~), applications may be submitted concurrently.

F. The Director shall review the application and make a decision based on the standards contained in Section 3.3-235, after consulting with the Building Official, Fire Marshall, ~~Public Works Director~~, and the managers of SUB and RWD, as appropriate.

3.3.230 Exemptions

No amendments to this section

3.3.235 Standards for Hazardous Materials within Time of Travel Zones
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Applications shall comply with the following standards. Where the following standards are more restrictive than the standards of the Springfield Fire Code, the following standards apply:

A. Zero to One Year TOTZ Standards.

1. Within the zero to one year TOTZ, hazardous materials that pose a risk to groundwater may be stored in aggregate quantities of no more than 500 gallons if in original containers not exceeding 5 gallons* in size. Within that aggregated 500-gallon inventory, no more than 150 gallons of hazardous materials that pose a risk to groundwater may be on the premises in opened containers for handling, treatment, use production, or dispensing on site. Hazardous materials that pose a risk to groundwater are allowed only

upon compliance with containment and safety standards specified by the most recent Fire Code adopted by the City.

* A waiver of the 5-gallon maximum size may be given by the Director if the applicant can demonstrate that a larger size container would pose less risk to the aquifer.

2. Unless exempted, all hazardous or other materials that pose a risk to groundwater shall be stored in areas with approved secondary containment in place (Springfield Fire Code ~~2702.15002.1~~ and ~~2704.2.25004.2.2~~).

3. All new uses of Dense Non-Aqueous Phase Liquids (DNAPLs) are prohibited.

4. Any change in type of use or an increase in maximum daily inventory quantity of any DNAPL shall be considered a new use and prohibited.

5. The following certain types of new facilities or changes in use and/or storage of hazardous or other materials that pose a risk to groundwater are prohibited:

- a. Underground hazardous material storage facilities;
- b. Hazardous material product pipelines used to transport the hazardous material off of the tax lot where it is produced or used;

c. Injection wells;

EXCEPTION: Dry wells for roof drainage;

d. Solid waste landfills and transfer stations;

e. Fill materials containing hazardous materials;

f. Land uses and new facilities that will use, store, treat, handle, and/or produce DNAPLs.

6. Requirements found in Springfield Fire Code ~~5004.2.2.5 2704.2.2.5~~ for a monitoring program and monitoring methods to detect hazardous materials in the secondary containment system shall be met for all amounts of hazardous or other materials that pose a risk to groundwater unless exempted.

7. The following requirements for inspection and record keeping procedures for monthly in-house inspection and maintenance of containment and emergency equipment for all amounts of hazardous or other materials that pose a risk to groundwater shall be met unless exempted: Schedules and procedures for inspecting safety and monitoring and emergency equipment. The applicant shall develop and follow a written inspection procedure acceptable to the Director for inspecting the facility for events or practices which could lead to unauthorized discharges or hazardous materials. An inspection check sheet

shall be developed to be used in conjunction with routine inspections. The check sheet shall provide for the date, time, and location of inspection; note problems and dates and times of corrective actions taken; and include the name of the inspector and the countersignature of the designated safety manager for the facility.

8. Application of fertilizers containing nitrates are restricted to no more than the amount recommended by the Lane County, Oregon State University Extension Service for turf grass and are prohibited within 100 feet of a wellhead. In no event shall a single application exceed one half pound per 1,000 square feet of area per single application or a total yearly application of 5 pounds nitrogen fertilizer per 1,000 square feet.

B. One to Five Year TOTZ Standards.

1. The storage, handling, treatment, use, application, or production or otherwise keeping on premises of more than 20 gallons of hazardous materials that pose a risk to groundwater in aggregate quantities not containing DNAPLs are allowed only upon compliance with containment and safety standards specified by the most recent Fire Code adopted by the City.

2. Unless exempted, all hazardous or other materials that pose a risk to groundwater shall be stored in areas with approved secondary containment in place (Springfield Fire Code 2702.1 and 2704.2-25002.1 and 5004.2.2).

3. All new use of DNAPLs are prohibited.

4. Any change in the type of use or an increase in maximum daily inventory quantity of any DNAPL is considered a new use and is prohibited.

5. The following certain types of facilities or changes in chemical use and/or storage of hazardous or other materials that pose a risk to groundwater are prohibited:

a. Hazardous material product pipelines used to transport the hazardous material off of the tax lot where it is produced or used;

b. Injection wells;

EXCEPTION: Dry wells for roof drainage;

c. Solid waste landfills and transfer stations;

d. Fill materials containing hazardous materials;

e. Land uses and new facilities that will use, store, treat handle, and/or produce DNAPLs.

6. Requirements found in Springfield Fire Code 2704.2.2-55004.2.2.5 for a monitoring program and monitoring methods to detect hazardous or other materials in the secondary containment system shall be met for all amounts of hazardous materials that pose a risk to groundwater unless exempted.

7. The following requirements for inspection and record keeping procedures for monthly in-house inspection and maintenance of containment and emergency equipment for all amounts of hazardous or other materials that pose a risk to groundwater shall be met unless exempted: Schedules and procedures for inspecting safety and monitoring and emergency equipment. The applicant shall develop and follow a written inspection procedure acceptable to the Director for inspecting the facility for events or practices which could lead to unauthorized discharges or hazardous materials. An inspection check sheet shall be developed to be used in conjunction with routine inspections. The check sheet shall provide for the date, time, and location of inspection; note problems and dates and times of corrective actions taken; and include the name of the inspector and the countersignature of the designated safety manager for the facility.

C. Five to Ten Year TOTZ Standards.

1. The storage, handling, treatment, use, production or otherwise keeping on premises of more than 20 gallons of hazardous materials that pose a risk to groundwater in aggregate quantities not containing DNAPLs is allowed upon compliance with containment and safety standards specified by the most recent Fire Code adopted by the City

2. All hazardous or other materials that pose a risk to groundwater shall be stored in areas with approved secondary containment in place (Springfield Fire Code 2702.1 and 2704.2.2 5002.1 and 5004.2.2).

3. All new use of DNAPLs are prohibited.

4. Any change in type of use or an increase in the maximum daily inventory quantity of any DNAPL is considered a new use and is prohibited.

5. The following requirements for inspection and record keeping procedures for monthly in-house inspection and maintenance of containment and emergency equipment for all amounts of hazardous or other materials that pose a risk to groundwater shall be met unless exempted: Schedules and procedures for inspecting safety and monitoring and emergency equipment. The applicant shall develop and follow a written inspection procedure acceptable to the Director for inspecting the facility for events or practices which could lead to unauthorized discharges or hazardous materials. An inspection check sheet shall be developed to be used in conjunction with routine inspections. The check sheet shall provide for the date, time, and location of inspection; note problems and dates and times of corrective actions taken; and include the name of the inspector and the countersignature of the designated safety manager for the facility.

D. Ten to Twenty Year TOTZ Standards. The storage, handling, treatment, use, production or keeping on premises of more than 20 gallons of hazardous materials that pose a risk to groundwater in aggregate quantities is allowed only upon compliance with containment and safety standards specified by the most recent Fire Code adopted by the City.

3.3.300

Willamette Greenway Overlay District

Subsections:

- 3.3.305 Purpose**
- 3.3.310 Applicability**
- 3.3.315 Review**
- 3.3.320 Permitted and Discretionary Uses**
- 3.3.325 Greenway Setback**
- 3.3.330 Development Standards**

No amendments to these sections.

3.3.400 Floodplain Overlay District

Subsections:

3.3.405 Statutory Authority and Interpretation

3.3.410 Purpose

3.3.415 Definitions

3.3.420 Applicability

3.3.425 Administration

3.3.430 Development Standards

3.3.435 Floodplain Development Permits

3.3.440 Variances

3.3.445 Periodic Floodplain Inspection, Enforcement of Requirements and Penalties

3.3.405	Statutory Authority and Interpretation
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No amendments to this section

3.3.410	Purpose
----------------	----------------

No amendments to this section

3.3.415	Definitions
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No amendments to this section

3.3.420	Applicability
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No amendments to this section

3.3.425	Administration
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- (A) Floodplain development proposals within the FP Overlay District are reviewed under Type 1 procedure found in SDC 5.1.305 to 5.1.320-425. (See SDC 4.3.-145 for siting standards and review process for certain wireless telecommunications systems facilities). Floodplain development approval within the FP Overlay District, and a Land and Drainage Alteration Permit, must be obtained before construction or development begins within any area of special flood hazard established in SDC 3.3.420(B). Approval is required for all structures, manufactured homes and development as defined in this Code.

No amendments to subsections B-D

3.3.430	Development Standards
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No amendments to this section

3.3.435	Floodplain Development Permits
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No amendments to this section

3.3.440 Variances

No amendments to subsections A, C-E

- (B) A Variance from the provisions of this Section, with respect to the provisions for special flood hazard reduction, will be reviewed **as-a-~~under~~** Type 3 **~~decision-procedure~~** as specified in SDC **5.1.405 to 5.1.455.1-135**.

3.3.445 Periodic Floodplain Inspection, Enforcement of Requirements and Penalties

No amendments to this section

3.3.500 Hillside Development Overlay District

Subsections:

- 3.3-505 Purpose
- 3.3-510 Applicability
- 3.3-515 Review
- 3.3-520 Development Density and Options
- 3.3-525 Street Grade Standards
- 3.3-530 Reports Required
- 3.3-535 Modification of Standards
- 3.3-540 Fire Protection Requirements

3.3-505 Purpose

3.3.505	Purpose
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No amendments to this section.

3.3.510	Applicability
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No amendments to this section.

3.3.515	Review
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No amendments to this section.

3.3.520	Development Density and Options
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A. All residential development within the HD Overlay District is subject to the maximum development density requirements of this section, including, but not limited to, the development of a detached single unit dwelling, duplex, middle housing, or multiple unit housing.

BA. Where the average slope of the portion of the development area below 670 feet in elevation is less than 15 percent, the number of dwelling units allowed must be within the net density range provided below, calculated in conformance with SDC 3.2.235.

For the purposes of this section, -of calculating the allowed number of dwelling units in the development area below 670 feet in elevation, the “average slope” as is defined below may be used as follows:

$$S = \frac{0.00229 \ I \ L}{A}$$

Where:

S = Average % of slope for the area.

I = Contour Interval (not greater than 10 feet).

L = Summation of length of the contour lines within the area.

A = Area.

Where the average slope of the portion of the development area below 670 feet in elevation is less than 15 percent, the number of dwelling units allowed shall be as provided in Section 3.2-205(A).

CB. Where the average slope of the development area exceeds 15% and/or is above 670 feet in elevation, an applicant may develop under Option "A," Option "B," or a combination of both, in conformance with this section. The developer has 2 options for the development of steeply sloped land. Option "A," is designed to correlate minimum lot/parcel sizes to the average slope of the development area. Option "B," is designed to allow for a density transfer bonus to stimulate development on those portions of the development area where the slope of the land is less than 15 percent. A combination of Options "A" and "B" may be used.

1. OPTION "A"—AVERAGE SLOPE—MINIMUM LOT/PARCEL SIZE. The site development requirements of the R-1 land use district apply, with the exception of the minimum lot/parcel size and duplex standards. Determination of minimum lot/parcel size where the slope is 15 percent or greater is a 3-step process.

a. Step A-1. Determine the area of the lot/parcel where the slope of the land is:

- i. Less than 15 percent.
- ii. From 15 percent to 35 percent.
- iii. Greater than 35 percent.

Use the following formula to determine the % of slope:

$$\frac{\text{Vertical distance between contours}}{\text{Horizontal distance between contours}} = \frac{V \times 100}{H} = \% \text{ slope}$$

Indicate the portions of the development area that are less than 15 percent; from 15 percent to 35 percent; and greater than 35 percent then use a planimeter or other technology acceptable to the City Engineer to determine the land area of each category.

b. Step A-2. Determine the average slope of the portion of the development area where the slope of land is from 15 percent to 35 percent by using the following formula:

$$S = \frac{0.00229 \sum L}{A}$$

Where:

S = Average percent of slope for the area where the slope ranges from 15 percent to 35 percent.

I = Contour interval. (Not greater than 10 feet).

L = Summation of the length of the contour lines within the area where the slope is from 15 percent to 35 percent.

A = Area in acres of the portion of the parcel where the slope is from 15 percent to 35 percent.

- c. Step A-3. Determine the minimum lot/parcel size for the portion of the development area where the slope of the land is greater than 15 percent by using the following Table:

Table 3.3-1

Average Slope	Minimum Lot/Parcel Size Per Dwelling Unit	Minimum Per Lot/Parcel Frontage(1)*
Less than 15 % and below 670 feet	See the applicable residential district density standards & minimum lot size lot/parcel size and frontage requirements in SDC Section 3.2-.215.	
Less than 15% on wooded lots(2)**	10,000 sq. ft. per unit	60 ft.
15%—25%	10,000 sq. ft. per unit	90 ft.
25%—35%	20,000 sq. ft. per unit	150 ft.
Over 35%	40,000 sq. ft. per unit	200 ft.

(1)* Panhandles are permitted only when requirements of this Section pertaining to fire protection and lot/parcel size are met and the lot/parcel cannot be served with a public street. Minimum frontage standards for all other lots/parcels may be amended by the Director when it is found that the topography or location of natural features prevent achieving the standard. Cul-de-sac frontages are as specified in SDC Section 3.2-215.

(2)** A Lot/parcel that is 10,000 square feet or larger, above 670 feet in elevation, which contains more than 5 trees 8 inches or greater dbh (See also Chapter 6).

2. OPTION “B” DENSITY TRANSFER BONUS. In order to promote the preservation of natural slopes greater than 25 percent, and encourage solar access, development density transfer is encouraged when dividing land with slopes greater than 25 percent. The density transfer is only feasible where there are sizable portions of the development area which have slopes less than 25 percent. Determination of the density transfer bonus is a 4 step process:

- a. Step B-1. Determine the area of the parcel where the average slope of the land is:
- i. Less than 15 percent.

- ii. From 15 percent to 25 percent.
 - iii. From 25 percent to 35 percent.
 - iv. Greater than 35 percent.
- b. Step B-2. Determine the average slope of the area of the parcel where the average slope of the land is greater than 15 percent by using the formula identified in Option A, Step A-2.
- c. Step B-3. Determine the number of potential lots/parcels for the total development area which could have been permitted, for the portion of the parcel where the average slope is greater than 15 percent, if the average slope option had been considered by using Table 3.3-1 in Option "A," Step A-3.
- d. Step B-4. Multiply the number of potential lots/parcels by 1.2 to determine the density that may be transferred to those sections of the development area where the slopes are less than 25 percent. In no case shall the density of the developed portion of the site exceed 8 dwelling units per developable acre, (i.e., excluding streets and open space). Land of greater than 15 percent average slope used to calculate a density transfer bonus shall be maintained as permanent open space or dedicated for park use. Modification of standards as specified in **SDC-Section-3.3-535** may be applied to the entire development area.

3.3.525	Street Grade Standards
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No amendments to this section.

3.3.530	Reports Required
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No amendments to this section.

3.3.535	Modification of Standards
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No amendments to this section.

3.3.540	Fire Protection Requirements
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No amendments to this section.

3.3.600 Reserved for Future Use *No amendments.*

3.3.700 Reserved for Future Use *No amendments.*

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
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No amendments to this section.

3.3-810	Applicability
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No amendments to this section.

3.3-815	Schedule of Use Categories when there is an Underlying Residential, Commercial, or Industrial District
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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 SECTION 3.3-810B., URBAN USES (e.g., multiple-unit housing family 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 Section 4.7-100.

“D” = DISCRETIONARY USE subject to review and analysis under Type III procedure (Section DC 5.9-100) at the Planning Commission or Hearings Official level.

“N” = NOT PERMITTED

* = SITE PLAN REVIEW REQUIRED

Use Categories/Uses	Underlying Land use Zoning District		
	Residential	Commercial	Industrial
Agricultural uses and structures	P	P	P
Child care facility (Section 4.7-125)	S	N	N
Detached single-family unit dwellings, and manufactured homes, duplexes and accessory dwelling units (SD Section 3.3-825)	P	N	N
Home Business occupations (SD Section 4.7-3165)	S	S	S

Neighborhood parks that do not require urban services (SDSection 4.7-200)	S*	N	N
Partitions (SDSection 3.3-825E)	P	N	N
Property line adjustments	P	N	N
High impact facilities (SDSection 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 (SDSection 4.8-125)	P	P	P
Tree felling (SDSection 5.19-100)	P	P	P
R.V. parks and campgrounds (SDSection 4.7-220D)	S*	N	N
RV parks and campgrounds that do not require urban services (SDSection 4.7-220D)	N	D*	D*
Expansion of non-conforming uses existing on the effective date of Lane County's application (on either the I/CU or I/U District to the property (SDSection 3.3-385F)	N	D*	D*
Expansion or replacement of lawful uses permitted in the underlying commercial or industrial district (SDSection 3.3-825F)	N	P*	P*
Expansion or replacement of lawful discretionary uses in the underlying land use zoning district (Section 3.3-825F)	N	D*	D*
New permitted and specific development standards in the underlying land use zoning district within existing structures (SDSection 3.3-825F)	N	P*	P*
Manufactured home (night watch person) or manufactured unit (office) in an industrial district (SDSections 4.7-185 and 4.7-170)	N	N	S*
Certain wireless telecommunications systems facilities	See SectionDC 4.3-145	See SectionDC 4.3-145	See SectionDC 4.3-145
Linear park	P	P	P

3.3-820	Review
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- A. The siting of single-unit family residences dwelling detached, duplexes, and accessory dwelling units in the UF-10 Overlay District that require a Future Development Plan as specified in SectionDC 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 zoning district (See SectionDC 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.

3.3-825	Additional Provisions
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No amendments to subsections A-C and E-G.

D. Siting of Residential Uses. Detached single-family unit dwellings, duplexes, and accessory dwelling units are permitted in the R-1 base zone only, and shall 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. ~~In order to achieve ultimate densities provided in the Metro Plan, t~~The siting of single-unit dwellings~~family homes, duplexes~~ and accessory dwelling units on ~~any lot/parcel designated MDR or HDR, or~~ any lot/parcel 5 acres or more in size and ~~designated LDR zoned R-1, shall~~ requires approval of a Future Development Plan as specified in ~~Section 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 zoning district, One or two accessory dwelling units are permitted~~may be built on medium and high density zoned parcels that, irrespective of the parcel size, could provided that the property can in the future~~ meet the necessary densities for applicable district in the future as shown on a Future Development Plan as specified in SDC 5.12.120(E).

3.3.900 Historic Overlay District

Subsections:

- 3.3.905 Purpose
- 3.3.910 Applicability
- 3.3.915 Review
- 3.3.920 Establishment of the Historic Landmark Inventory
- 3.3.925 Removal of Individual Historic Landmark Sites and Structures from the Historic Landmark Inventory
- 3.3.930 Establishment and Modification of Historic Landmark Districts
- 3.3.935 Schedule of Use Categories
- 3.3.940 Development Standards
- 3.3.945 Major and Minor Alteration Standards
- 3.3.950 Demolition Standards

3.3.905 Purpose

No amendments to this section.

3.3.910 Applicability

No amendments to this section.

3.3.915 Review

No amendments to this section.

3.3.920 Establishment of Historic Landmark Inventory

No amendments to this section.

3.3.925 Removal of Individual Historic Landmark Sites and Structures from the Historic Landmark Inventory
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No amendments to this section.

3.3.930 Establishment and Modification of Historic Landmark Districts
--

No amendments to this section.

3.3.935 Schedule of Use Categories

No amendments to this section.

3.3.940 Development Standards

No amendments to subsection A.

B. Accessory Dwelling Units. To protect the historic character of the Washburne Historic Landmark District or an individual Historic Landmark Structure, the following standards apply to accessory dwelling units in residential districts:

1. Accessory dwelling units must meet the requirements in **Sections 5.5-105 through 5.5-140 of this CodeSDC 3.2.275**, except where they conflict with the standards of the Historic Overlay District.

2. Type 2 manufactured homes shall not be used as an accessory dwelling unit.

3.3.945 Major and Minor Alteration Standards

No amendments to this section.

3.3.950 Demolition Standards

No amendments to this section.

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 zoning-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 Section DC 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~~ection 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-~~family~~~~unit~~ dwellings ~~units~~ for which building permits were filed prior to the designation of an area for nodal development are exempt from ~~SDC~~ection 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~~ ~~family~~ use shall also be allowed.
- C. Review Procedure. All multiple ~~unit housing-unit residential~~, commercial and industrial development proposals within the ND Overlay District are reviewed under Type ~~2H~~ procedure.

3.3-1010	Permitted and Prohibited Uses
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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.

<i>Allowed Use Categories</i>	<i>Base Zone</i>
Those uses allowed within Mixed-Use Commercial MUC District in SDC ection 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-2MDR , R-3HDR , MUR
Those uses allowed within the Low-Density Residential R-1 zone as described in 3.2-210	LDRR-1

No amendments to subsection B.

3.3-1015 Location Standards

No amendments to this section.

3.3-1020 Minimum Density and General Development Standards

The General Development Standards for Mixed-Use described in [Section DC 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 [Section DC 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 [LDRR-1](#), new subdivisions shall achieve a minimum residential density of 6 units per net acre. Minimum residential density in [R-2MDR](#) or MUR shall be 12 units per net acre; in [R-3HDR](#) 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 LDRR-1.

3.3-1025	Specific Design Standards
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A. Specific Development Standards for ~~Single-family and Multi-unit~~ Residential Uses.

1. ~~Detached Single-family unit dwelling, detached, and Middle Housing, Two-unit Attached Single-family, and Duplexes~~

- 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

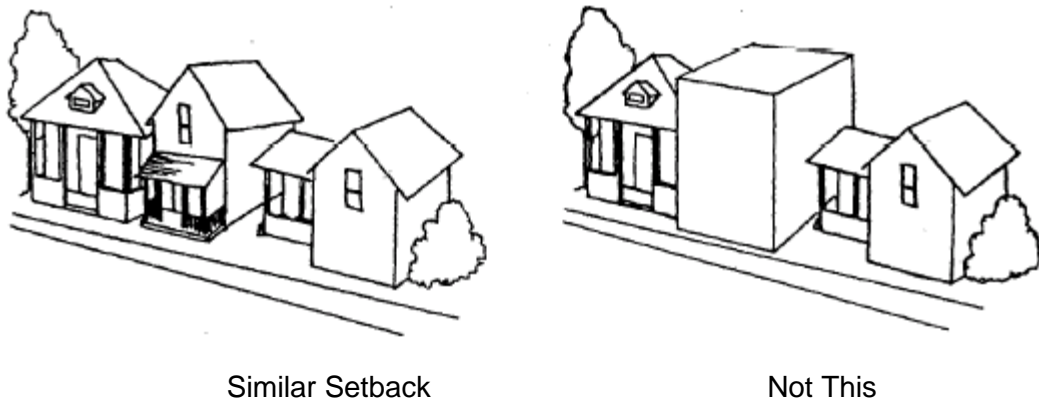
features are expressly required, the inclusion of as many as possible is strongly encouraged.

- 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 ~~detached single-family unit dwelling, detached, and middle housing~~~~two-unit attached single-family unit, and duplexes~~ 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-~~family unit residence~~~~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-~~family unit residence~~~~detached dwelling shall must~~ be used. "Similar" means the setback is within 5 feet of the setback of the nearest single-~~family unit residence~~~~detached dwelling~~. For example, if the existing single-~~family unit residence~~~~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-~~family unit residences~~~~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



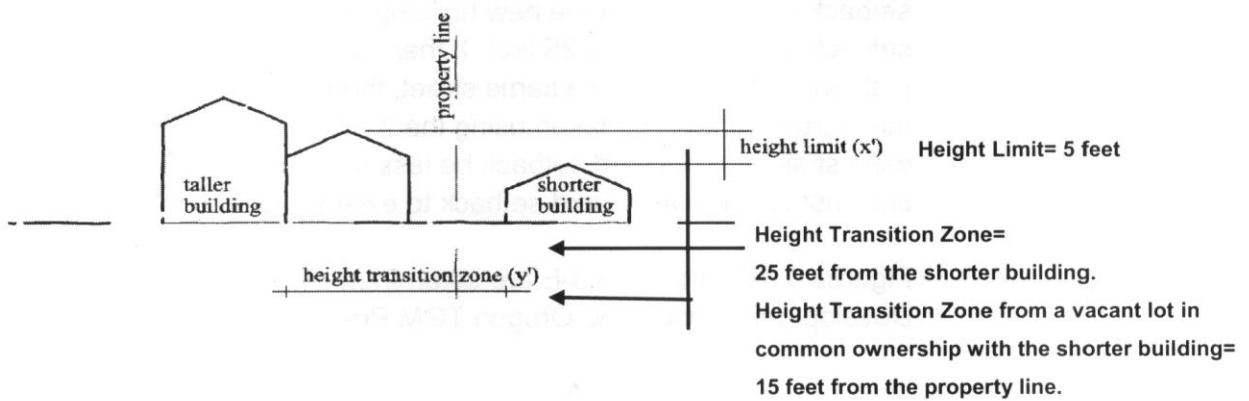
Similar Setback

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 low density residential development~~ 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



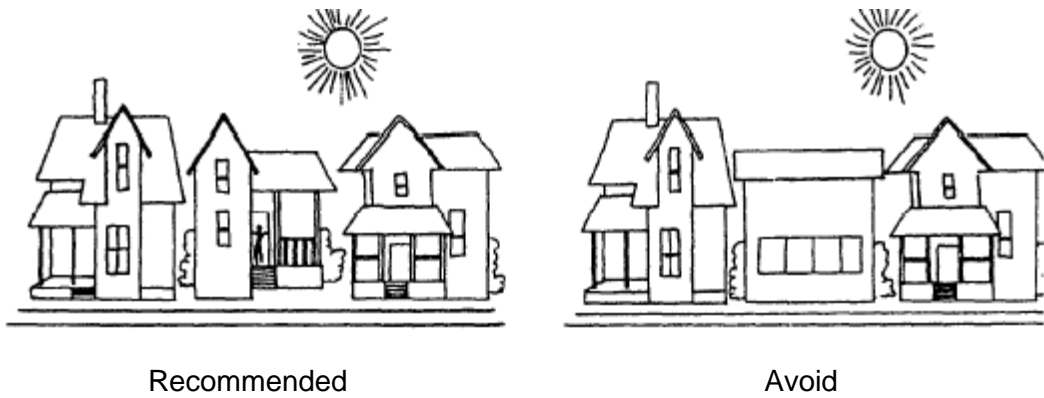
- bb.** Massing. Break up uninteresting boxlike forms into smaller, varied masses. Avoid single monolithic forms that are not relieved by variations in massing.

Figure 3.3-D



- 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



2. ~~Multiple Unit Housing -unit Residential Uses (including, but not limited to: attached single-unit family dwellings 3 units or greater, town-homes, row-houses, triplexes, 4-plexes, apartments)~~

~~Multi-unit residential dwellings shall~~must comply with the design standards specified in ~~Section DC 3.2-2404.7.380 (or alternative standards as approved under 4.7.385 or 4.7.390)~~ and with Section DC 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 ~~Section DC 3.2-630.~~

1. Commercial and Civic Uses. Commercial uses shall comply with the special development standards specified in ~~Section DC 3.2-630A.~~
2. Light Industrial and Campus Industrial uses. Industrial uses shall comply with the development standards specified in ~~Section DC 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 ~~SDCection~~ of 3.3-1025 Development Standards For Single-~~family-unit~~ And Multi-unit Residential Uses apply. If the dominant use is commercial, ~~SDCection~~ 3.3-1025A. Development Standards for Commercial and Civic Uses apply. If the dominant use is industrial, ~~SDCection~~ 3.3.105B. Development Standards for Light Industrial and Special Light Industrial Uses apply.

3.3.1100 Hospital Support Overlay District

Subsections:

- 3.3.1105 Purpose**
- 3.3.1110 Applicability**
- 3.3.1115 Review**
- 3.3.1120 Permitted or Discretionary Uses**
- 3.3.1125 Design Standards**

No amendments to these sections.

3.4.100 Plan Districts

No amendments to this section.

3.4.200

Glenwood Riverfront Mixed-Use Plan District

Subsections:

- 3.4.205 Purpose
- 3.4.210 Applicability
- 3.4.215 Review
- 3.4.220 Non-Conforming Uses
- 3.4.225 Conflicts
- 3.4-230 Glenwood Riverfront Mixed-Use Plan District Modifications
- 3.4-235 Design Standards Alternatives/Exemptions from Design Standards
- 3.4-240 Phased Development
- 3.4-245 Land Use Designations, Zoning District Descriptions and Applicable Overlay Districts
- 3.4-250 Schedule of Use Categories
- 3.4-255 Prohibited Uses
- 3.4-260 Use Interpretations
- 3.4-265 Base Zone Development Standards
- 3.4-270 Public and Private Development Standards
- 3.4-275 Building Design Standards
- 3.4-280 Willamette Greenway Development Standards

3.4.205	Purpose
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No amendments to this section.

3.4.210	Applicability
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No amendments to this section.

3.4.215	Review
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A. Any proposed development within the Glenwood Riverfront shall require a Development Issues Meeting or a Pre-Application **Report Meeting** as specified in **Section 5.1-120SDC 5.1.210(A)(1)-(2)**.

B. All required applications in the Glenwood Riverfront Mixed-Use Plan District shall be reviewed as specified in Chapter 5, including, but not limited to, Annexations; Master Plans; the Willamette Greenway Overlay District; the Urbanizable Fringe Overlay District; the Floodplain Overlay District; the Hillside Development Overlay District; the Historic Overlay District, as applicable; Site Plan Review; and Land Divisions.

1. The development and design standards specified in **Sections-SDC 3.4-270 and 3.4-275** shall supersede the Site Plan Review submittal requirements for the applicable topics specified in **Section 5.17-120SDC 5.17.120** and/or the Master Plan submittal requirements specified in **Section-SDC 5.13-120**.

2. Land divisions shall be prohibited on lots/parcels larger than 1 acre and designated and zoned Office Mixed-Use or Commercial Mixed-Use, or on lots/parcels larger than 20 acres and designated and zoned Employment Mixed-Use until Final Site Plan Review or Final Master Plan approval has been granted by the City.

No amendments to subsections C-D.

3.4.220	Non-Conforming Use
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No amendments to this section.

3.4.225	Conflicts
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No amendments to this section.

3.4.230	Glenwood Riverfront Mixed-Use Plan District Modifications
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No amendments to preface and subsection A.

B. A Major Glenwood Riverfront Mixed-Use Plan District modification shall be subject to a public hearing and decision under a Type III review procedure, which can be jointly processed with a Master Plan application. Major Modifications are those that result in any of the following:

1. A change of more than 20 percent to a quantified building design standard as specified in Section 3.4-275.
2. A change that requires a street, mid-block connector, multi-use path or other transportation facility to be shifted, provided the change maintains the connectivity requirements established by the Glenwood Refinement Plan Transportation Chapter and the provision for public utilities established by the Public Facilities Chapter policies and implementation strategies, and does not impact the integrity of a Subarea.
3. A modification not specifically listed under the minor modification categories specified in Subsection 3.4-230A. and the major modification categories specified in this Subsection.

EXCEPTION: Any modification to the street grid that necessitates a street or other transportation facility to be eliminated (unless permitted as specified in the Glenwood Refinement Plan, Transportation Chapter, Franklin Riverfront Local Street Network), a modification that proposes to eliminate or change the minimum width or length of one or both of the park blocks unless as provided in Subsection 43.4-270J.4.b., or other proposal that is not consistent with applicable Glenwood Refinement Plan policies and/or implementation strategies shall require an amendment of the Glenwood Refinement Plan as well as applicable Section of the Glenwood Riverfront Mixed-Use Plan District (Section 3.4-200) as specified in Section 5.6-100.

4. An alternative to a development standard specified in Section 3.4-270 or building design standard specified in Section 3.4-275. In this case, the applicant shall include

findings demonstrating compliance with the objective of the applicable development or design standard at the time of the **Pre-Submittal Meeting Application Completeness Check Meeting** required in **Subsection 5.1-120 SDC 5.1.210(A)(3)**.

C. The Director may require a peer review to assist with the evaluation of proposals that seek major modifications to the Glenwood Riverfront Mixed-Use Plan District Plan development and/or building design standards or a Glenwood Refinement Plan amendment when:

1. Springfield staff does not have the expertise to evaluate a required technical report, including, but not limited to, acoustical analyses; floodplain mapping; transportation demand management and/or geotechnical engineering.
2. The applicant's findings do not demonstrate compliance with the objective of the applicable development or design standard as required in Subsection 3.4-230B.4.

D. Peer review is a process used to review work by other professionals in the same field in order to make an impartial evaluation of a required technical report or a proposed alternative development or building design standard submitted by the applicant. The intent is to allow the Planning Commission or other Approval Authority to make an informed decision on technical report methodology or whether a proposed alternative standard can be utilized. Peer review is performed by firms employing engineers, planners, and other professionals, as necessary. Peer review shall be at the applicant's expense. Any required peer review shall be submitted at the time of the **Application Completeness Check Meeting Pre-Submittal Meeting** required in **SDC 5.1.210(A)(3) Subsection 5.1-120C**. The Director shall choose the peer review firm based upon the following criteria:

1. A description of the firm's history, size and professional capabilities to undertake the project in a timely manner;
2. An outline of the firm's experience with regard to the specific subject requiring peer review;
3. The professional expertise of the key personnel conducting the peer review;
4. The proposed format for the presentation of the peer review and recommendations;
5. The time schedule to perform the peer review; and
6. The submittal of 3 separate professional references with persons who are familiar with the work of the firm. References will be contacted in person, by phone and/or by written correspondence as to the firm's past performance.

No amendments to subsection E.

3.4.235	Design Standards Alternatives/Exemptions from Design Standards
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No amendments to subsection A.

- B.** The developer shall submit a request in writing to the Director for a development/design exemption or alternative development/design proposal at the time of application for a Development Issues Meeting or Pre-Application Report, as specified in ~~Subsections 5.1-120A, and B~~SDC 5.1.210(A)(1)-(2). The request shall be revised as necessary and submitted with the ~~Pre-Submittal~~Application Completeness Check Meeting ~~application~~, as specified in ~~Subsection 5.1-120C.~~SDC 5.1.210(A)(3), to allow the City sufficient time for review and consideration. If the applicant desires to proceed with the development/design exemption or alternative development/design proposal, at the ~~Pre-Submittal Application Completeness Check~~ Meeting the Director shall reclassify the Site Plan Review or Master Plan application from a Type ~~II-2~~ procedure to a Type ~~III-3~~ review procedure as specified in ~~Section 5.1-130~~SDC 5.1.415(B) and Subsection ~~5.13-115(A-)~~(1). It shall be the developer's responsibility to make the case for a development/design exemption or alternative development/design proposal as part of the formal Site Plan Review and/or Master Plan application submittal. The development/design exemption or alternative development/design proposal may require a peer review, at the applicant's expense, as specified in Section ~~3.4-230(C), and (D).~~

3.4.240	Phased Development
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No amendments to this section.

3.4.245	Land Use Designations, Zoning District Descriptions and Applicable Overlay Districts
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No amendments to this section.

3.4.255	Prohibited Uses
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No amendments to this section.

3.4.260	Use Interpretations
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No amendments to this section.

3.4.265	Base Zone Development Standards
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No amendments to this section.

3.4.270	Public and Private Development Standards
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No amendments to subsections A-F.

Subsection G(7)(b)(i) is amended as follows with no other amendments to subsection G:

- b.** Options available to help meet parking maximums include:
 - i.** A legally-binding shared parking agreement may be submitted as specified in Subsection 4.6-110 ~~(F)~~E, where multiple uses or multiple developments share one or more parking facilities, and peak parking

demand occurs during different times of the day. An example of this option is office development with nearby residential development.

No amendments to subsections H-I.

J. Public Parks and Open Space.

- 1.** Public park and open space facilities shall be as described in the Glenwood Refinement Plan Open Space and Public Facilities and Services Chapters.
- 2.** Public park and open space policies and implementation strategies shall be as specified in Appendix 3.
- 3.** Public park and open space facilities shall be designed and constructed as specified in the Glenwood Refinement Plan and shall be consistent with Willamalane Park and Recreation District design and construction standards.
- 4.** The Glenwood Refinement Plan establishes 2 public open space areas in the Glenwood Riverfront, a riverfront linear park and multi-use path and the park blocks:
 - a.** The riverfront linear park and multi-use path will follow the Willamette River through Subareas A, B, C and D along the entire Glenwood Riverfront within the Willamette Greenway (WG) Overlay District Greenway Setback Line/Riparian Area boundary. The WG Overlay District is a continuous area along the Willamette River measured 150 feet from the ordinary low water mark. Within the Willamette Greenway is the Greenway Setback Line that is measured 75 feet from the top of bank and contiguous with the 75-foot-wide Water Quality Limited Watercourses riparian setback. Development and uses riverward of the Greenway Setback Line shall be water-dependent and water-related. Development and uses landward of the Greenway Setback Line to the 150-foot WG Overlay District boundary shall be as permitted in the underlying zoning district only as specified in Section 3.4-280. In addition to Site Plan Review, development within the WG Overlay District will require Type III review procedure. Riparian and wetland areas in the Glenwood Riverfront shall be protected as specified in Sections 4.7-115 and 4.7-117. Access to the riverfront linear park and the Willamette River shall be as follows:
 - i.** No development shall restrict public access to the riverfront linear park.
 - ii.** Required public access to the Willamette River and the riverfront linear park shall be in the vicinity of the intersections of the north-south streets and the park blocks with the riverfront street in the Franklin Riverfront and no more than one-half mile apart in the McVay Riverfront. Amenities including, but not limited to, benches and seating areas along the multi-use path, shall be required in the vicinity of public access. The

developer may opt to provide additional river access to enhance the development area.

b. Park Blocks in the Franklin Riverfront in Subarea A. The design of the north-south park blocks requires a minimum width of approximately 150 feet, measured from the face of curb to face of curb in order to provide an area needed to support both passive and active park uses and stormwater management for nearby development and the public street system. The maximum length of individual park blocks from Franklin Boulevard to the Willamette River will depend upon the block length of a particular development, which may range from 250 to 350 feet.

EXCEPTION: The minimum park block width may be reduced without the need for a modification, as specified in Section 3.4-230B.3., if the City Engineer and Willamalane Superintendent determine that the recreation, transportation, and stormwater management functions of the park blocks and objectives of park block policies can be met with a reduced width upon consulting the *Engineering Design Standards and Procedures Manual*, the Glenwood Refinement Plan, Willamalane Park and Recreation Comprehensive Plan, or other applicable technical supplement. The discussion regarding the reduction of the minimum park block width can occur at the Development Issues meeting specified in **Subsection-SDC 5.1.210(A)(1)-120A**; or the Pre-Application **Report Meeting** specified in **Subsection 5.4-120B-SDC 5.1.210(A)(2)**; and/or the **Pre-Submittal Application Completeness Check** Meeting specified in **Subsection 5.1-120GSDC 5.1.210(A)(3)**.

No amendments to subsections K-M.

3.4.275	Building Design Standards
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No amendments to this section.

3.4.280	Willamette Greenway Development Standards
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No amendments to subsections A-F.

G. Review. Any change, intensification of use, or development, as defined in **Subsection-SDC 3.4-280G(C)**, within the Glenwood Riverfront portion of the WG Overlay District, shall be reviewed under Type **3 III-Discretionary Use** procedure in accordance with criteria specified in: **Subsection-SDC 3.4-280(L)**; the Site Plan Review process as specified in **Section-SDC 5.17-.100**; the Land Division process specified in **Section-SDC 5.12-.100**, as applicable; any additional reviews required by this Code; and the standards of this Section.

- 1.** All applicable concurrent applications, regardless of their typical level of review, shall be elevated to a Type **III-3** review procedure.
- 2.** No development shall occur within the Glenwood Riverfront portion of the WG Overlay District until the Approval Authority approves all applications required in this Section.

No amendments to subsections H-I.

J. Application Submittal.

1. The required Discretionary Use and Site Plan Review applications shall comply with the submittal requirements of this ~~Section~~ section SDC 3.4.280 and ~~Section 5.17-120 SDC 5.17.115~~, as applicable. Where there is a conflict between the submittal requirements of this Section and the submittal requirements of other ~~Sections~~ sections of this Code, the submittal requirements of this ~~Section~~ section 3.4.280 shall prevail.

2. A prerequisite to the filing of a WG Overlay District permit in the Glenwood Riverfront shall be a Development Issues Meeting as specified in ~~Subsection 5.1-120ASDC 5.1.210(A)(1)~~, or a Pre-Application ~~Report Meeting~~ as specified ~~Subsection 5.1-120BSDC 5.1.210(A)(2)~~. Any intensification, change of use or development in the Glenwood Riverfront portion of the WG Overlay District shall require the following:

3. Written Materials.

a. A narrative that explains the proposed development and addresses the development standards in ~~Subsection SDC 3.4-280(J)~~, and the criteria in ~~Subsection SDC 3.4-280(L)~~.

b. A narrative stating the applicant has applied for any applicable State and/or Federal permits.

c. A narrative with drawings and/or photos of the proposed development, as it will appear when completed, and as viewed from the river.

4. A survey prepared by a licensed Professional Land Surveyor or Engineer showing the location of the ordinary low water line, top of bank, the Greenway Setback Line and the outer boundary of the WG Overlay District.

5. Any additional information required by this Code or the Springfield *Engineering Design Standards and Procedures Manual* that may be necessary to demonstrate compliance with this Section.

K. Additional Notice. In addition to the notice requirements specified in ~~SDC 5.1.425 to 5.1.440~~ ~~Section 5.2-115~~, notice shall be given to the Parks and Recreation Division of the Oregon Department of Transportation by immediately forwarding a copy of the application by certified mail, return receipt requested.

No amendments to subsections H-I.

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
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No amendment to this section.

3.4-310	Development Area Plan and Design Standards
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No amendments to this section.

3.4-315	Conceptual Development Plan
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No amendments to this section.

3.4-320	Schedule of Use Categories
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- 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 ~~Section SDC~~ 4.7-100.

“D” = **DISCRETIONARY USE** subject to review and analysis under Type ~~III-3~~ procedure (~~Section SDC~~ 5.9-100) at the Planning Commission or Hearings Official level.

“N” = **NOT PERMITTED**

SITE PLAN REVIEW ~~SHALL BE~~ REQUIRED, unless exempted elsewhere in this Code.

<i>Use Categories/Uses</i>	<i>BKMU District</i>
Residential Uses	
Cluster Subdivisions (Section 3.2-230)	P
Condominiums (Section 4.7-130)	S
Multiple uUnit dwellings Housing (Section SDC 4.7-120D, 4.7.375-4.7.)	S

Use Categories/Uses	BKMU District
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 Section 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
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

Use Categories/Uses	BKMU District
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 SDSection 4.3-145
<i>Eating and Drinking Establishments</i>	
Cocktail lounges	P
Delicatessens	P
Sit down restaurants	P
Taverns	P
<i>Recreational Facilities (Section-SDC 4.7-205)</i>	
Amusement park	P
Arcades	P
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

<i>Use Categories/Uses</i>	<i>BKMU District</i>
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
<i>Retail Sales</i>	
Antiques	P
Apparel	P
Art galleries and museums	P
Art supplies	P
Auction / flea markets	P
Automobiles	N
Bakeries	P
Bicycles	P
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

<i>Use Categories/Uses</i>	<i>BKMU District</i>
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
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

Use Categories/Uses	BKMU District
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	
Bed and breakfast (Section 4.7-120)	S
Emergency shelter / facilities	P
Hotels	P
Motels	P
RV parks	P
Youth hostels	P
Transportation Facilities (Section-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
Plumbing and heating supplies and contractors	P
Unfinished furniture	P
Warehouse/commercial uses engaged primarily in the wholesaling of materials to the construction industry (Section-SDC 4.7-245)	S
Wholesale trade, warehousing, distribution and storage	P
Manufacture and/or Assembly of:	
Appliance	P

<i>Use Categories/Uses</i>	<i>BKMU District</i>
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
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
<i>Other Primary Industrial Uses (SDCeetion 4.7-245)</i>	
Business, labor, scientific and professional organizations	P

Use Categories/Uses	BKMU District
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 (SDCection 4.7-200)	
Pocket/neighborhood parks	S
Community parks	S
Public Utility Facilities	
Communications towers, transmitters and relays	D
High impact facilities (SDCection 4.7-160)	S
Low impact facilities	P
Fish hatcheries	P

3.4-325 Base Zone Development Standards

No amendments to subsections A-C and E

D. There shall be no building height standards in the BKMU Plan District unless abutting a ~~R-2~~ **Medium Density Residential (MDR)** use. In this case, ~~one of~~ the following building height limitations applies:

~~1. When abutting an MDR use to the north, the maximum building height shall be defined by the Maximum Shade Point Height requirement of Section 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.~~

2. When abutting an **MDR-R-2** use ~~to the east, west and south~~, the building height limitation shall be no greater than that permitted in ~~the MDR use~~ **R-2** 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.

~~3.5.100 Refinement Plan Policies—Opus (Reserved)~~

This reserved section is removed.

4.1.100 Infrastructure Standards – Reference Standards

Subsections:

- 4.1-105 Purpose**
- 4.1-110 Applicable Documents**

No amendments to these sections.

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**

Amendments to sections SDC 4.2.105 through 4.2.160 are provided in Exhibit B.

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**

Amendments to sections SDC 4.3.105 through 4.3.140 are provided in Exhibit B.

4.3.145 Wireless Telecommunication System (WTS) Facilities

No amendments to subsections A-C.

- (D) **Exemptions.** The following ~~are shall be considered~~ 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 **Subsection ~~SDC 4.3.145(D)(-2)(-a)~~** will be treated as new construction, requiring Type **1** or **3** review as specified in **Subsection ~~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 Refinement-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 ~~shall~~ 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~~1 Review. Staff has the authority to approve new co-locations, equipment replacement, and applications for low visibility and stealth WTS facilities.
- (2) Type ~~3~~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 ~~3~~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 ~~shall~~must not exceed the height limit of the base zone and ~~shall~~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 [Subsections 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 ~~single-family and or multi-family~~ 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 ~~Subsection-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.

(F) 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) ~~shall not:~~

-
- 1) "unreasonably discriminate among providers of functionally equivalent services;" nor (2)
-
- 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 are~~shall be~~ allowed as an exception to the standards.

- (1) Design for Co-Location. All new towers ~~shall~~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 ~~shall~~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 shall must demonstrate that the gap in service cannot be closed by upgrading other existing facilities. In doing so, evidence shall 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 shall 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 shall 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. ~~Subsection 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. ~~Subsection 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.-24 lists the type of WTS facilities allowed in each of Springfield's zoning districts.

Table 4.3.-24

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 Low Density Residential <u>R-1 Residential</u> Medium Density Residential <u>R-2 Residential</u> High Density Residential <u>R-3 Residential</u> 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.

~~EXCEPTION:~~ However, ~~T~~he 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 ~~Subsections 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 ~~shall~~ 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 ~~shall be~~ 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 ~~shall be~~ 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 ~~Section SDC 3.3-~~900.
- (10) Equipment Location. The following location standards ~~shall~~ apply to WTS facilities, except for small wireless facilities:
- (a) No WTS facility ~~shall~~ may be located in a front, rear, or side yard building setback in any base zone and no portion of any antenna array ~~shall~~ may extend beyond the property lines;

- (b) Where there is no building, the WTS facility ~~shall~~ must be located at least 30 feet from a property line abutting a street;
 - (c) For guyed WTS towers, all guy anchors ~~shall~~ 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 ~~shall require~~ Discretionary Use approval through a Type ~~3~~ review process, subject to the approval criteria specified in ~~Subsection SDC 4.3.145(I)~~.
- (12) Accessory Building Size. All accessory buildings and structures built to contain equipment accessory to a WTS facility ~~shall can~~ not 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 ~~Discretionary Use~~ Type 3 process.
- (13) Visual Impact. Except for small wireless facilities, which must meet the requirements of Subsection F.28, all WTS facilities ~~shall~~ must be designed to minimize the visual impact to the greatest extent practicable by means of placement, screening, landscaping, and camouflage. All facilities ~~shall also~~ must be designed to be compatible with existing architectural elements, building materials, and other site characteristics. The applicant ~~shall~~ must use the least visible antennas reasonably available to accomplish the coverage objectives. All high visibility and moderate visibility facilities ~~shall~~ 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 ~~shall~~ must be nonreflective and chosen to minimize visibility. Facilities, including support equipment and buildings, ~~shall~~ 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 ~~shall~~ must be designed to visually and operationally blend into the surrounding area in a manner consistent with existing development on adjacent properties. The facility ~~shall also~~ must be appropriate for the specific site. In other words, it ~~shall~~ must not “stand out” from its surrounding environment.
- (16) Façade-Mounted Antenna. Façade-mounted antennas ~~shall~~ must be architecturally integrated into the building design and otherwise made as unobtrusive as possible. If possible, antennas ~~shall~~ must be located entirely within an existing or newly created architectural feature so as to be completely screened from view. Façade-mounted antennas ~~shall~~ must not extend more than 2 feet out from the building face.

- (17) Roof-Mounted Antenna. Roof-mounted antennas ~~shall~~ must be constructed at the minimum height possible to serve the operator's service area and ~~shall~~ 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 ~~shall~~ must submit evidence, e.g., photos, sufficient to prove that the facility is in substantial conformance with photo simulations provided with the initial application. ~~Nonconformance shall~~ 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 notifying the applicant.
- (19) Noise. Noise from any equipment supporting the WTS facility ~~shall~~ 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 ~~shall~~ 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 ~~shall~~ 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 ~~shall~~ may occur as a result of the installation of any WTS facility.
- (23) Sidewalks and Pathways. Cabinets and other equipment ~~shall~~ must not impair pedestrian use of sidewalks or other pedestrian paths or bikeways on public or private land.
- (24) Lighting. WTS facilities ~~shall~~ 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 ~~shall~~ will review any available alternatives and approve the design with the least visual impact. All other site lighting for security and maintenance purposes ~~shall~~ must be shielded and directed downward, and ~~must~~ shall comply with the outdoor lighting standards in ~~Section 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, ~~shall~~must be provided in the landscape setback. Shrubs ~~shall~~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 ~~shall~~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 ~~Section SDC 4.4.-100~~ shall 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 ~~shall~~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 ~~cell~~ 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, EXCEPTION: mMultiple 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.

EXCEPTION: ~~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 ~~shall~~must provide the following reports, documents or documentation:

(1) Submittal Requirements for Low Visibility and Stealth Facilities (Type ~~1~~1 review). All applications for low visibility and stealth WTS facilities ~~shall~~must submit the following reports and documentation:

(a) Narrative. The application ~~shall~~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 ~~shall~~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 ~~shall~~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 ~~shall~~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 ~~shall~~must be provided demonstrating at least one of the following deficiencies, except for small wireless facilities which must meet the requirements in ~~subsection SDC 4.3-145(-F)(-28)(-k) of this Code~~, 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 ~~3H~~ Review). Applications for moderate and high visibility WTS facilities ~~shall require all of~~ must include all the required materials for low visibility and stealth WTS facilities specified in ~~Subsection SDC 4.3.145(G)(-1)~~. In addition to the applicable ~~Site Plan and Discretionary Use~~ Type 2 or Type 3 application requirements, WTS applications ~~shall require the applicant to address~~ 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 ~~shall~~ 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 ~~shall~~ must include a discussion of the physical constraints, e.g., topographical features, making the additional height necessary. The narrative ~~shall~~ 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 [Subsection SDC 4.3.145\(G\)\(1\)\(c\)G.4.c.](#), the applicant shall 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 shall 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 shall 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 shall 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 shall must be placed underground.
 - (k) Alternative Site Analysis. The applicant shall 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 shall 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 shall 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 shall must include photo simulations and other information necessary to determine visual impact of the facility as seen from multiple directions. The applicant shall 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 shall must be performed by a qualified professional with expertise pertinent to the scope of the service requested.
 - (b) The scope of the independent consultation shall 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 shall be is to verify that the applicant's proposal is safe and is the least impactful alternative for closing the service gap.
 - (c) The applicant shall 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 Subsection-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, ~~defined in Subsection E., require~~ are reviewed through a Type III-3 procedure ~~Planning Commission or Hearings Official review.~~ Low visibility or stealth facilities, and the co-location of new equipment of existing facilities are allowed under a Type 1 procedure ~~staff review~~ 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 ~~Subsection SDC 5.1.-120(A).~~ is required only for high and moderate visibility WTS facility applications. Applicable development standards as specified in ~~Subsection SDC 4.3.145(F).~~ and submittal requirements as specified in ~~Subsection SDC 4.3.145(G).~~, will be discussed at the DIM.
- (2) Type 1 ~~Review Process~~. 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 ~~Subsection 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 ~~shall~~ must be placed on the top of any one facility without a Type ~~III-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 ~~shall~~ 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 ~~shall~~must be reviewed under a Type ~~III-3~~3 process. 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 ~~shall~~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 ~~Subsection SDC 4.3.145(F)(28)F-28~~.
- (g) Co-location of antennas or arrays on existing WTS facilities.
- (h) The Director will use the applicable criteria specified in ~~Subsection SDC 4.3.145(I)~~ to evaluate the proposal.
- (3) Type ~~III-3~~3 Review Process. ~~The Planning Commission or Hearings Official review and approve a Discretionary Use A Type 3 application, and a concurrently 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 ~~Subsections SDC 4.3.145(H)(-2)~~ and (3).
 - (c) The ~~Planning Commission or Hearings Official Approval Authority~~ will use the applicable criteria specified in ~~Subsection 4.3.145(I), in place of the Discretionary Use criteria in Section 5.9-120 to evaluate the proposal.~~

~~(4)~~—Council Notification and Possible Review.

A briefing memorandum ~~shall~~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 ~~shall be is~~ the Approval Authority ~~and will use the applicable criteria specified in Subsection I, in place of the Discretionary Use criteria in Section 5.9-120 to evaluate the proposal.~~

~~(a) By agreement with Lane County, the Hearings Official shall be the Approval Authority for applications outside of the city limits but inside of the Springfield Urban Growth Boundary. The Hearings Official will use the applicable criteria specified in Subsection I. in place of the Discretionary Use criteria in Section 5.9-120 to evaluate the proposal.~~

(I) Approval Criteria.

(1) Low Visibility and Stealth WTS Facility Applications. The Director ~~shall~~ must approve the low visibility and stealth WTS facility applications upon a determination that the applicable standards specified in ~~Subsection SDC 4.3.145(F).~~ and the submittal requirements specified in ~~Subsection SDC 4.3.145(G).~~ are met.

(2) Moderate and High Visibility WTS Facility Applications. The Approval Authority ~~shall~~ must approve moderate visibility and high visibility WTS facility applications upon a determination that the applicable standards ~~specified in Subsection SDC 4.3.145(F).~~ and the submittal requirements ~~specified in Subsection SDC 4.3.145(G).~~ are met. ~~Through the Discretionary Use review, t~~The Approval Authority ~~shall~~ 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 ~~Subsection SDC 4.3.145(J).~~

(J) Conditions of Approval. For Type ~~H-3~~ applications, the Approval Authority may impose any reasonable conditions deemed necessary to achieve compliance with the approval criteria ~~as allowed by Section 5.9-125.~~

(K) Maintenance. The property owner and the carrier in charge of the WTS facility and tower ~~shall~~ must maintain all equipment and structures, landscaping, driveways and mitigating measures as approved. Additionally:

(1) All WTS facilities ~~shall~~ 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 ~~shall~~ must display a legible operator's contact number for reporting maintenance problems.

(L) Inspections.

(1) The City ~~shall have~~ 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 ~~shall~~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 ~~shall~~must notify the City of their intentions no less than 60 days prior to the final day of use.

(3) WTS facilities ~~shall be~~are considered abandoned 90 days following the final day of use or operation.

(4) All abandoned WTS facilities ~~shall~~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 ~~shall~~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.

4.4.100 Landscaping, Screening and Fence Standards

Subsections:

- 4.4-105 Landscaping**
- 4.4-110 Screening**
- 4.4-115 Fences**

Amendments to sections SDC 4.3.105 through 4.3.140 are provided in Exhibit B.

4.5.100 On-Site Lighting Standards

Subsections:

- 4.5.105 Purpose and Applicability**
- 4.5.110 Illumination and Height**

Amendments to sections SDC 4.5.105 through 4.5.110 are provided in Exhibit B.

4.6.100 Motor Vehicle Parking, Loading, and Bicycle Parking Standards

- 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**

Amendments to sections SDC 4.6.105 through 4.6.155 are provided in Exhibit B.

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

~~4.7-120~~ Bed and Breakfast Facilities

~~4.7-125~~ Child Care Facilities

~~4.7-130~~ Churches

~~4.7-135~~ Condominiums

~~4.7-140~~ Siting Duplexes in All Residential Districts

~~4.7-142~~ Design Standards for Duplexes and Attached Single-Family Dwellings

4.7-145 Eating and Drinking Establishments

4.7-150 Garden Supply and Feed Stores

~~4.7-155~~ Group Care Facilities

4.7-160 High Impact Public Facilities

~~4.7-165~~ Home Occupations

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

~~4.7-215~~ Rooming and Boarding Houses

~~4.7-220~~ RV Park Standards

4.7-225 RVs as a Residential Use in Manufactured Dwelling Parks in Glenwood

4.7-230 Secondary Retail Sales in the GO District

~~4.7-233~~ Small Lot Residential District Development Standards

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 section is renumbered SDC 4.7.360 and amended as provided in Exhibit A.

4.7-110 Animal Overnight Accommodations

No amendments to this section.

4.7-115 Auto, Manufactured Dwelling, RV, Boat, Motorcycle and Truck Sales, Service and Rentals

No amendments to this section.

~~**4.7-120 Bed and Breakfast Facilities**~~

This section is renumbered SDC 4.7.355 and amended as provided in Exhibit A.

~~**4.7-125 Child Care Facilities**~~

This section is repealed.

~~**4.7-130 Churches**~~

This section is renumbered SDC 4.7.370 and amended as provided in Exhibit A.

~~**4.7-135 Condominiums**~~

This section is repealed.

~~**4.7-140 Siting Duplexes in All Residential Districts**~~

This section is repealed. See Exhibit A for standards applicable to duplexes and attached units.

~~**4.7-142 Design Standards for Duplexes and Attached Single-Family Dwellings**~~

This section is repealed. See Exhibit A for standards applicable to duplexes and attached units.

4.7-145 Eating and Drinking Establishments

No amendments to this section.

4.7-150 Garden Supply and Feed Stores

No amendments to this section.

~~**4.7-155 Group Care Facilities**~~

This section is renumbered SDC 4.7.350 and amended as provided in Exhibit A.

4.7-160 High Impact Public Facilities

- A. ~~The facility shall~~ A high impact public facility may be approved subject to Site Plan Review when the facility is ~~be~~ 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 ~~or be approved~~ in accordance with a Type ~~3III~~ review procedure ~~(Discretionary Use)~~.

- B. The facility shall be screened as specified in ~~Section~~SDC 4.4-100.
- C. In residential districts, a minimum of 25 percent of the lot/parcel shall be landscaped.

~~4.7-165~~ Home Occupations

This section is renumbered 4.7.365 and amended as provided in Exhibit A.

4.7-170 Manufactured Dwelling as a Permanent Office

No amendments to this section.

4.7-175 Manufacturing as a Secondary Use in Commercial Districts

No amendments to this section.

4.7-177 Marijuana Uses

No amendments to subsections A-C and E-G.

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 ~~Retail Outlet~~ 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.

4.7-180 Mixed Use Districts

No amendments to this section.

4.7-185 Night Watchman's Quarters

No amendments to this section.

4.7-190 Professional Offices

No amendments to this section.

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 ~~Section~~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 shall must be approved in accordance with a through a Type ~~III~~3-review procedure concurrently with the (a Type II Site Plan application raised to a Type III review as specified in SectionSDC 5.1-130) concurrently with the Site Plan application. The~~In addition to the~~ Site Plan approval criteria, the Type 3 application shall must also address the standards specified in ~~Subsections-SDC 4.7.195(A)(2)-~~ through ~~(11)-~~, below.
EXCEPTION: Public/Private Elementary/Middle Schools in the PLO District are reviewed under through a Type ~~2H~~ Reviewprocedure.
 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 ~~Section~~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
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No amendments to this section.

4.7-203	Public Land and Open Space
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No amendments to this section.

4.7-205	Recreational Facilities
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No amendments to this section.

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 family~~ 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 ~~family-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 ~~SectionSDC~~ 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 ~~SectionSDC~~ 3.2-200 apply.

~~4.7-215 Rooming and Boarding Houses~~

This section is renumbered SDC 4.7.355 and amended as provided in Exhibit A.

4.7-220 RV Park Standards

No amendments to this section.

4.7-225 RVs as a Residential Use in Manufactured Dwelling Parks in Glenwood

No amendments to this section.

4.7-230 Secondary Retail Sales in the GO District

No amendments to this section.

~~4.7-233 Small Lot Residential District Development Standards~~

This section is repealed. See SDC 3.2.200 in Exhibit A for lot standards in residential districts.

4.7-235 Small Scale Repair and Maintenance Services

No amendments to this section.

4.7-240 Transportation Facilities—Transit Stations, Heliports and Helistops

No amendments to this section.

4.7-245 Warehouse Commercial Retail and Wholesale

No amendments to this section.

4.7-250 Wellness Centers in the PLO District

No amendments to this section.

4.8.100 Temporary Use Standards

Subsections:

- 4.8.105 Manufactured Dwelling as a Temporary Residence After a Disaster**
- 4.8.110 Manufactured Dwelling as a Construction Office**
- 4.8.115 Manufactured Dwelling as a Sales Office on a Manufactured Dwelling Sales Lot**
- 4.8.120 Manufactured Dwelling as a Temporary Office Prior to the Construction of a Permanent Office**
- 4.8.125 Sales/Display of Produce Grown on the Property**
- 4.8.130 Residential Dwelling as a Sales Office in a Subdivision**

No amendments to these sections.

5.1.100 The Development Review Process and Applications

SDC 5.1-105 through 5.1-145 are repealed and replaced by SDC 5.1.100 through 5.1.1300 adopted as provided in Exhibit B.

5.2-100 ~~Public Hearings Process~~ Hearings Rules of Procedure

Subsections:

~~5.2-105 Purpose~~

~~5.2-110 Hearing Body Jurisdiction~~

~~5.2-115 Notice~~

5.2-120 General Rules of Conduct ~~Procedure~~

~~5.2-125 Conflicts, Disclosure and Challenge for Bias~~

5.2-130 Duties of the Presiding Officer

5.2-135 Order of Procedure

~~5.2-140 Burden of Proof~~

~~5.2-145 Record of Proceedings, Evidence and Summary of Testimony~~

5.2-150 Amendments and Suspensions of Rules

~~5.2-155 Finality of Decision~~

5.2-115 ~~Notice~~

This section is repealed.

See SDC 5.1.100 et seq in Exhibit B for notice requirements by decision type.

5.2-120 General Rules of Conduct ~~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.

~~A. Affected parties are entitled to an opportunity to be heard, to present and rebut evidence before an impartial hearing body, to have the proceedings recorded, and to have a decision based on evidence supported by findings as part of the record.~~

~~B. No person shall be disorderly, abusive or disruptive during the hearing.~~

~~C. No person shall testify without first receiving recognition from the presiding officer and stating their full name and residence address.~~

~~D. No person shall present irrelevant, immaterial, or repetitious testimony or evidence.~~

~~E. There shall be no audience demonstrations for example: applause, cheering, booing, display of signs, or other conduct disruptive of the hearing. This conduct may be cause for immediate termination of the hearing by the hearing body.~~

5.2-125 Conflicts, Disclosure, and Challenge for Bias

This section is repealed.

See SDC 5.1.500 in Exhibit B for quasi-judicial hearing requirements.

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~~ial~~ is considered to be a presiding officer. ~~In the absence of the Hearings Official, a substitute shall preside.~~ A presiding officer ~~shall have~~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 ~~Section 5.2-125~~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.

~~A. Open Public Hearing. The presiding officer shall commence the public hearing by summarizing the rules of conduct and include the following:~~

- ~~1. The nature of the application and the proposed use;~~
- ~~2. The applicable approval criteria;~~

~~3. The order of procedure;~~

~~4. That the testimony and evidence shall be directed toward the approval criteria specified in Subsection 2., above or other applicable criteria from other planning documents which the person believes apply to the decision;~~

~~5. That failure to raise an issue by the close of the record at or following the final evidentiary hearing with sufficient specificity to afford the Approval Authority and the parties an opportunity to respond to the issue precludes appeal to the Oregon Land Use Board of Appeals based on that issue; and~~

~~6. That, unless there is a continuance, if a participant so requests before the conclusion of the first evidentiary hearing, the record shall remain open for at least 7 days after the hearing. An extension to allow the record to remain open shall not be subject to the limitations of ORS 227.178.~~

~~B. Disclosure of Conflicts and Ex parte Conflicts, if any. Inquire of the body whether any member wishes to abstain from participation in the hearing. Any member announcing their abstention shall not participate in the hearing, discussion of the question, or vote on the question. The abstention shall not prohibit the member from speaking from the floor in favor of, or in opposition to the proposal as a member of the public. Any member whose participation has been challenged by allegation of bias, prejudgment, personal interest, or partiality, or who has been subject to significant ex parte or pre-hearing contact from proponents or opponents, may make a statement in response or an explanation for the record and their decision to abstain or not. Unless the member allows, this statement shall not be subject to cross examination, but is subject to rebuttal by any person.~~

~~C. Inquire whether there are any objections to jurisdiction of the hearing body to hear the matter, and if objections are received, conduct further inquiry as necessary to determine the question. The presiding officer shall terminate the hearing if the inquiry results in substantial evidence that the hearing body lacks jurisdiction, (e.g., the necessary procedural requirements for an Ordinance have not been met). Any matter terminated may, if the defect can be remedied, be rescheduled by the hearing body.~~

~~D. Staff Report. Request staff to summarize the nature of the proposal, explain any graphic or pictorial displays which are a part of the record, and provide any other information as may be requested by the hearing body, including any written received correspondence. The staff report and any testimony will be part of the public record.~~

~~E. Request the representative of the Planning Commission or the Historical Commission to summarize the reasoning in support of their recommendation.~~

~~F. Applicant Testimony.~~

- ~~1. The applicant shall testify on their own behalf, or by their representative.~~
- ~~2. Upon failure of the applicant or their representative to appear at the hearing, or upon their express waiver of presenting testimony and evidence, the hearing body shall consider the written application, plus staff materials, as presenting the applicant's case.~~
- ~~G. Testimony by Those in Favor.~~
- ~~H. Testimony by Those Neutral.~~
- ~~I. Testimony by Those Opposed.~~
- ~~J. Staff Summary. City staff members and representatives of other public agencies shall be afforded an opportunity to make presentations, following a summation by staff, as necessary.~~
- ~~K. Rebuttal by Applicant. Allow the applicant to offer rebuttal evidence and testimony and the opponent to respond to any new information presented by the applicant for the first time in rebuttal. The scope and extent of rebuttal shall be determined by the presiding officer.~~
- ~~L. Questions. In addition to the direct questions presented by members, direct questions of persons testifying be allowed by the presiding officer upon request by any person present. Persons having questions should state the questions and to whom the questions are addressed during their own presentation. Reply by the person to whom the questions are addressed may be made during the rebuttal period or as determined by the presiding officer.~~
- ~~M. Close Public Hearing.~~
- ~~N. Discussion of Policy Issues and Compliance with Adopted Plans, which may include questions of staff or the public.~~
- ~~O. Decision regarding approval, continuance and reopening of the record. The presiding officer shall conclude the public hearing and the hearing body shall deliberate on the proposal. The hearing body shall either make its decision and state its findings, which may incorporate findings proposed by the applicant, opponents, the staff, or the Planning Commission; or may continue its deliberations to a subsequent meeting, the time and place of which shall be announced; or, if requested by a party before the conclusion of the hearing, shall leave the record open for at least 7 days.~~
- ~~P. Continuance Procedures.~~
 - ~~1. Upon its own motion, the Planning Commission, Hearings Official or the City Council may order a continuance if the public hearing is not closed on the scheduled date or for other reasons. Unless waived by the applicant, any continuance shall be subject to the limits of the 120 Calendar Day Review Period as specified by ORS 227.178. At the time the continuance is~~

~~granted, the time and place to which the hearing is continued will be announced. No further public notice under Section 5.2-115 will be required.~~

~~2. In the event that the applicant requests the continuance, the applicant shall stipulate in writing, consent to the extension of the 120 Calendar Day Review Period as specified by ORS 227.178, and waive any rights that may accrue to the applicant as a result of the 120 Calendar Day Review Period being extended.~~

~~Q. Participant request for Open Record. Unless there is a continuance as specified in Subsection P., above, if requested by a participant before the conclusion of the initial evidentiary hearing, the record shall remain open for at least 7 days after the hearing. This extension shall not be subject to the limitation of ORS 227.178.~~

~~R. Reopening the Record. When the Planning Commission, Hearings Official or City Council reopens a record to admit new evidence or testimony, any person may raise new issues, which relate to the new evidence, testimony or criteria for decision-making that apply to the particular application.~~

5.2-140 Burden of Proof

This section is repealed.

See SDC 5.1 in Exhibit B for burden of proof by decision type.

5.2-145 Record of Proceedings, Evidence and Summary of Testimony

All Public Hearings ~~Shall~~ must be ~~r~~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 ~~or repealed~~ at any hearing by majority vote of those members present and voting.

5.2-155 Finality of Decision

This section is repealed.

See SDC 5.1 in Exhibit B for finality of decision by decision type.

5.3-100 Appeals Reserved

*SDC 5.3.100 et seq are repealed and this section is reserved for future use.
See SDC 5.1.800 et seq in Exhibit B for “Appeals.”*

5.4-100 Development Applications Reserved

*SDC 5.4.100 et seq are repealed and this section is reserved for future use.
See SDC 5.1.1300 in Exhibit B for “Summary of Application Types,” and SDC 5.1.100 et seq in Exhibit B for application submittal requirements and completeness time lines.*

5.5-100 Accessory Dwelling Units Reserved

SDC 5.5.105 to 5.5.145 are renumbered SDC 3.2.275 and amended as provided in Exhibit A. This section SDC 5.5.100 is reserved for future use.

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

No amendments to this section.

5.6-110 Review

No amendments to this section.

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 **and Springfield Comprehensive 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.

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

No amendments to this section.

5.7-110 Applicability

No amendments to this section.

5.7-113 Definitions

No amendments to this section.

5.7-115 Review

No amendments to this section.

5.7-120 Development Issues Meeting

No amendments to this section.

5.7-125 Annexation Initiation and Application Submittal

No amendments to this section.

5.7-130 Notice

No amendments to this section.

5.7-135 Recommendation to City Council

No amendments to this section.

5.7-140 Criteria

No amendments to this section.

5.7-145 City Council Decision

No amendments to this section.

5.7-150 Zoning

Currently, all unincorporated land within the City's urban growth boundary is zoned in compliance with the land use zoning 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 Section 3.3-800. Upon approval of the annexation by the City Council:

No amendments to subsections A-C.

5.7-155 Effective Date and Notice of Approved Annexation

No amendments to this section.

5.7-160 Withdrawal from Special Service Districts

No amendments to this section.

5.7-165 Appeals

Appeals of the City Council decision shall be to the Land Use Board of Appeals, as specified in Section 5.1-140GSDC 5.1.800.

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

No amendments to this section.

5.8-110 Review

No amendments to this section.

5.8-120 Continuance

No amendments to this section.

5.8-125 Expansion or Modification

No amendments to preface or to subsections A and B.

C. EXCEPTIONS: 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 **Section** SDC 5.8-120C.

5.8-130 Abandonment

No amendments to this section.

5.8-135 Lots of Record

No amendments to this section.

5.8-140 Exemptions

No amendments to this section.

5.8-145 Vested Rights—Completion of a Non-Conforming Building or Structure

No amendments to this section.

5.8-150 Ballot Measure 37 Demands

No amendments to this section.

5.9-100

Discretionary Uses

Subsections:

5.9-105	Purpose
5.9-110	Siting of Schools Repealed
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 ~~a case-by-case review and analysis at the Planning Commission or Hearings Official level~~. 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.

~~5.9-110 Siting of Schools~~

This section is repealed as it is duplicative of existing SDC 4.7.195.

5.9-115 Review

- A. New Discretionary Uses are reviewed under Type ~~III-3~~ procedure. ~~Typically, a Discretionary Use application is reviewed~~ concurrently with or prior to a Site Plan or Minimum Development Standards application, as applicable. ~~However, upon request from the applicant, the Director may allow the Discretionary Use application to be processed first. 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, ~~and~~ alterations, and modifications are reviewed under:
1. Type ~~1I~~ or Type ~~2II~~ Site Plan Modification or Minimum Development Standards procedures, as specified in Section 5.17-145 as applicable, if the request does not alter any condition of approval or site development requirement of the original Discretionary Use approval, if the Director determines that there ~~will be no adverse impact on adjoining land uses~~; or
 2. Type ~~3III~~ 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 ~~re~~ may ~~be an~~ adversely impact ~~on~~ adjoining land uses.

5.9-120	Criteria
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A Discretionary Use may be approved only if the Approval Authority Planning Commission or Hearings Official 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:

No amendments to subsections A-C, subsection D is repealed.

~~D. — Applicable Discretionary Use criteria in other Sections of this Code:~~

- ~~1. — Wireless telecommunications systems facilities requiring Discretionary Use approval are exempt from Subsections A.—C., above but shall comply with the approval criteria specified in Section 4.3-145.~~
- ~~2. — Alternative design standards for multifamily development are exempt from Subsections A.—C., above but shall comply with the approval criteria specified in Section 3.2-245.~~
- ~~3. — Fences requiring Discretionary Use approval are exempt from Subsections A.—C., above but shall comply with the approval criteria specified in Section 4.4-115C.~~
- ~~4. — The siting of public elementary, middle and high schools requiring Discretionary Use approval is exempt from Subsections A.—C., above but shall comply with the approval criteria specified in Section 4.7-195.~~

5.9-125	Conditions
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No amendments to this section.

5.10-100

Emergency Medical Hardship

5.10-105	General
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No amendments to subsection A.

B. Applicability. The Emergency Medical Hardship process is permitted only on lots/parcels designated Low Density Residential (LDR) and zoned ~~LDR-R-1~~ within the city limits or ~~LDRR-1~~/UF-10 within the City's urban service area.

No amendments to subsections C-H.

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 3III and Type 4IV Procedure
5.11-135	Effect of a Decision

5.11-105 Purpose

No amendments to this section.

5.11-110 Authority

No amendments to this section.

5.11-115 Review

No amendments to this section.

5.11-120 Interpretation of New Uses

No amendments to this section.

5.11-125 Interpretation of Terms or Phrases

No amendments to this section.

5.11-130 Interpretations Reviewed Under Type ~~3III~~ and Type ~~4IV~~ Procedure

No amendments to subsections A and C.

- B.** The Planning Commission or Hearings Office~~erial~~, 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.

5.11-135 Effect of a Decision

No amendments to this section.

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

No amendments to this section.

5.12-110 Tentative Plan Review

No amendments to this section.

5.12-115 Tentative Plan—General

No amendments to preface or subsections A-C.

D. ~~Block length for local streets is as specified in Section 4.2-115.~~ 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 ~~Pre-Submittal Meeting~~ Application Completeness Check Meeting, may waive any submittal requirements that can be addressed as part of a future development application.

No amendments to subsection A-B

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 Section 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.

No amendments to subsections D-E.

Subsection F(13) related to cluster subdivisions is deleted; no other amendments to F.

~~13. Cluster Subdivisions shall also address the design standards specified in Section 3.2-230;~~

5.12-125 Tentative Plan Criteria

No amendments to preface, subsections A-B or D-J.

- 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 ~~Public Works~~ Director or a utility provider shall determine capacity issues.

5.12-130 Tentative Plan Conditions

*No amendments to preface, subsections A-P, and subsection R.
Subsection Q regarding cluster subdivisions is deleted in its entirety.*

5.12-135 Plat Review

No amendments to this section.

5.12-140 Plat Submittal Requirements

No amendments to this section.

5.12-145 Plat Criteria

No amendments to this section.

5.12-150 Plat—Recording at Lane County and City Development Approval

No amendments to this section.

5.12-155 Major or Minor Replat—General

No amendments to this section.

5.12-160 Major or Minor Replat Review

No amendments to this section.

5.12-165 Major or Minor Replat—Application Processing

No amendments to preface and subsections A-B.

- C. If the existing land division abuts the riparian area of a Water Quality Limited Watercourse (WQLW), as shown on the WQLW Map ~~on file in the Development Services Department~~, the water quality protection specified in ~~Section SDC~~ 4.3-115 shall not apply to the Tentative Plan where that Plan includes one or more existing single-unit family detached dwellings or duplexes-middle housing in the ~~Low Density Residential R-1~~ District on lots/parcels 10,000 square feet in size or less. However, the water quality protection specified in ~~Section 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 family dwellings or duplexes-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

No amendments to this section.

5.13-110 Applicability

No amendments to this section.

5.13-115 Preliminary Master Plan—Review

No amendments to this section.

5.13-116 Preliminary Master Plan—Application Concurrency

No amendments to this section.

5.13-117 Preliminary Master Plan—Neighborhood Meeting

No amendments to this section.

5.13-120 Preliminary Master Plan—Submittal Requirements

No amendments to subsection A

- 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 Services and Public Works Department;
 4. Physical features including, but not limited to significant clusters of trees and shrubs, wetlands as specified in SDC Section 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 Services 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.

No amendments to subsections D-H.

- 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 dwellingfamily 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.

No amendments to subsections J-K.

- L. A Traffic Impact Study, as specified in SDC Section 4.2-105A.4., the scope of which may be established by the ~~Public Works~~ 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.

No amendments to subsections M-R

5.13-125	Preliminary Master Plan—Criteria
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No amendments to preface and subsections A-E.

- 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 ~~Public Works~~ 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.

No amendments to G-I.

5.13-130 Preliminary Master Plan—Conditions

No amendments to this section.

5.13-131 Final Master Plan—Review

No amendments to this section.

5.13-132 Final Master Plan—Submittal Requirements

No amendments to this section.

5.13-133 Final Master Plan—Criteria, Recordation and Effective Date

No amendments to this section.

5.13-134 Final Master Plan—Phasing Implementation

No amendments to this section.

5.13-135 Final Master Plan—Modifications

No amendments to preface and subsection A.

- B.** The following modifications to the Final Master Plan shall be processed under Type ~~2H~~ procedure, unless the Director determines that the proposed modification should be reviewed as a Type ~~3H~~ 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 church~~ 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~~Subsection 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.

No amendments to subsections C-G.

5.13-140	Final Master Plan—Assurance to the Applicant and City Disclaimers
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No amendments to this section.

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**

No amendments to these sections.

5.15-100 Minimum Development Standards (MDS)

SDC 5.1-105 through 5.1-125 are repealed and replaced by SDC 5.15.105 through 5.15.130 adopted as provided in Exhibit B.

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**

No amendments to these sections.

5.17-100 Site Plan Review

SDC 5.17-105 through 5.17-155 are repealed and replaced by SDC 5.17.105 through 5.17.135 adopted as provided in Exhibit B.

5.18-100 Solar Access Protection

Subsections:

5.18-105	Purpose <u>and Applicability</u>
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 zoning districts. Only lots/parcels located in R-1-LDR and R-2-MDR 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

No amendments to this section.

5.18-115 Submittal Requirements

An application for the Solar Access Protection application shall-must include:

- (A) ~~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) ~~B.~~—The hours and months for which solar access is sought.
- (C) ~~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) ~~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) ~~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.~~—~~Demonstrate that the solar energy system feature will not be shaded under the provisions of the solar setback standards as specified in Section 3.2-215.~~
- ~~G.~~—~~Demonstrate that the solar energy system feature is installed or a written commitment to install the proposed solar energy system within 1 year of the effective date of the permit.~~
- (F) ~~H.~~—A solar envelope ~~access height limit~~ for each lot/parcel that would be subject to the proposed application restricted by the Solar Access Protection.
- (G) ~~I.~~—The names and addresses of all owners and registered lessees of properties that will be subject to the proposed application would be restricted by the Solar Access Protection.

5.18-120	Criteria
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The Director shall approve, approve with conditions or deny the request based on the following criteria:

- (A) ~~A.~~—The Solar Access Protection will provide solar energy system shall have 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 ~~shall 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 that defined by the solar heating hours provided under the solar setback standard in Section 3.2-215.~~

- ~~(B) B.~~ The solar energy system ~~shall~~ must not be shaded ~~under the solar setback standard as specified in Section 3.2-215~~ 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.
- ~~(B)(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
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Upon approval of the Solar Access Protection application, the Director shall:

- (A) ~~A. Record File with the Lane County Clerk, on a form as may be required by State law,~~ the Solar Access Protection approval including any exemptions to or limits on the solar access protected, ~~pPlot pPlan, sunchart and solar envelopes~~ as required by ORS 105.895; and
- (B) ~~B. Send notice~~ a Notice of Decision to each property owner and occupant affected by the Solar Access Protection ~~approval~~ stating that whether the Solar Access Protection ~~it~~ 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
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- (A) ~~A.~~ The effective date of the Solar Access Protection approval shall be the date that the ~~Director grants approval~~ 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. ~~or upon approval, unless the vegetation is specifically exempted by the approval or by this regulation, or is maintained and trimmed in a manner that complies with the approval.~~

- (B) ~~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~~District~~ 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
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The Director ~~shall~~ 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 ~~shall~~ must send a Notice of Termination to the permittee or their successor-holder, the owners of all properties affected-restricted by the Solar Access Protection approval, and must record the Notice of Termination with Lane County Deeds and Records and the Lane County Clerk a Notice of Termination.

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

No amendments to this section.

5.19-110 Applicability

No amendments to this section.

5.19-115 Review

No amendments to this section.

5.19-120 Submittal Requirements

No amendments to this section.

5.19-125 Criteria

The Director, in consultation with the ~~Public Works Director and~~ Fire Chief shall approve, approve with conditions or deny the request based on the following criteria:

No amendments to subsections A-H.

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 ~~or the Public Works 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.

5.20-100

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-Land Use District of Vacated Right-of-Way

5.20-105	Purpose
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No amendments to this section.

5.20-110	Applicability
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No amendments to this section.

5.20-115	Review
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No amendments to this section.

5.20-120	Submittal Requirements
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No amendments to this section.

5.20-125	Notice
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No amendments to this section.

5.20-130	Criteria
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No amendments to this section.

5.20-135	Conditions
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No amendments to this section.

5.20-140	Land Use District Zoning of Vacated Right-of-Way
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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-land use district** of the abutting property, without the need of a separate Zoning Map amendment.

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

No amendments to this section.

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 [SDCSection 3.3-430](#).
- B. ~~Multiple Unit Housing~~ ~~family dwelling-unit~~ Variances, which are processed using criteria specified in [SDCSection 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 zoning](#), 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

No amendments to this section.

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 zoning district;
 3. Building height;
 4. Lot/parcel coverage outside of the HD Overlay District as described in SDC Section 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 Section 5.11-100.
- D.** The Director ~~shall~~ 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. The request shall not unreasonably limit solar access standards for abutting properties. In order to meet this criterion, the Director may require that the building or structure be placed as close to the south property line as possible;~~
 - 76.** In addition to the applicable approval criteria specified in Subsections 1. through 56., 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 Section 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
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Major Variances involve discretionary decision-making and apply to those Variances that are not Minor Variances as specified in SDC Section 5.21-125. The Approval Authority may approve or approve with conditions a Major Variance on finding that all of the following approval criteria are satisfied, otherwise the request will be denied:

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

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

5.21-135 Conditions

No amendments to this 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

No amendments to this section.

5.22-110 Review

No amendments to this section.

5.22-115 Criteria

- A. Quasi-judicial Zoning Map Amendments. The Planning Commission or Hearings ~~Officer~~Official 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~~Official 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 ~~4V~~ Review. The Planning Commission or Hearings ~~Officer~~ial 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 Section 5.14-100** **when involving a Metro Plan Diagram amendment**; and

5. b. Compliancey with Oregon Administrative Rule (OAR) 660-012-0060, where applicable.

5.22-120 Conditions

No amendments to this section.

5.22-125 Mobile Home Park Notice
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No amendments to this section.