

## **Section 5.15.100 Minimum Development Standards (MDS)**

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### **5.15.105 Purpose**

**(A)** The purpose of Minimum Development Standards (MDS) review is to:

- (1)** Minimize development review for minor development, additions, expansions, or changes of use;
- (2)** Ensure compliance with applicable development standards; and
- (3)** Protect the public health, safety, and welfare.

### **5.15.110 Applicability**

**(A)** The MDS review process applies to Commercial, Industrial, R2, R3, and Public Land and Open Space land use districts.

If an application triggers the need for a Traffic Impact Study (TIS) as specified in SDC 4.2.105(B), then the application does not qualify for an MDS and must be processed through a Site Plan Review process.

A proposal for developments in commercial, industrial, R-2, or R-3 land use districts where the development is within 150-feet of a locally significant wetland or riparian area is not eligible for the MDS process. Site Plan Review is required according to SDC 4.3.117(D) in these cases.

Minimum Development Standards review procedures are applied subject to applicability and locational standards.

**(1)** The MDS process is used for:

- (a)** New construction on a vacant development site where the new construction does not exceed 50,000 square feet of impervious area;
- (b)** Addition or expansion on a development site where the addition or expansion does not exceed 50 percent of the existing building area or up to 50,000 square feet of new impervious area or new gross floor area, whichever is less.
- (c)** An outdoor use or parking area expansion of up to 50 percent of the existing outdoor use area or parking area or up to 5,000 square feet of new outdoor use area or parking area, whichever is less;

- (d) A change in land use category or building occupancy of a structure or property that requires new additional parking spaces; or
  - (e) Relocating or reconfiguring an existing driveway that does not increase a nonconformity or create a nonconformity.
- (B) MDS provisions only apply to properties located within Springfield's land use jurisdiction. Development proposals that do not conform to the MDS applicability standards require Site Plan Review according to SDC 5.17.
  - (C) An MDS application may be submitted concurrently with a complete Building Permit application; the applicant assumes all liability and responsibility if concurrent reviews necessitate the revision of either permit in response to review.
  - (D) Where there is an MDS application for addition, expansion, or change of use category for a building or property containing multiple uses, the entire property may be brought into compliance with the standards specified in SDC 5.15.125, or the application may request that required improvements be reviewed, approved, and installed in proportion to the relative impacts of the businesses on the property.

#### 5.15.115 Submittal Standards

Application materials must be submitted as required below in addition to the requirements in SDC 5.4.105. Applications that do not include all the following requirements will be deemed incomplete.

- (A) The required plans that must be submitted with an MDS application as specified below must be prepared by a design professional, licensed in the state of Oregon, when required by state law, such as:
  - (1) engineer;
  - (2) architect;
  - (3) landscape architect;
  - (4) land surveyor; or
  - (5) Other qualified professional as determined by the Director.
- (B) An MDS application must include the following information:
  - (1) **Existing Conditions Plan.** The applicant must submit an Existing Conditions Plan that meets the following standards:
    - (a) The plan must provide the name, location, and dimensions of all existing site features including, but not limited to, significant stands of trees, watercourses shown on the Water Quality Limited Watercourse Map and their riparian areas, wetlands, flood designations and slopes.
    - (b) Be drawn to scale. Scale must be indicated and provided on the Plan.
    - (c) The Plan must show all the existing improvements.

- (d) Show the entire property, including property lines, gross area, and dimensions.
  - (e) Include labels of all elements on the Plan. Include a legend or key.
  - (f) Show setbacks of all existing structures and dimensions.
  - (g) Show existing landscaped areas and dimensions.
  - (h) Show existing landscaping including irrigation and street trees.
  - (i) Show existing fencing.
  - (j) Show the waste storage location and enclosure, including dimensions and connection to sanitary sewer as applicable.
  - (k) Show the bicycle parking spaces including the number and location with dimensions and indicate the type of bicycle parking rack.
  - (l) Show the parking and vehicle circulation areas including the location, dimensions, number of spaces, typical striping, compact and disabled spaces, and aisles.
  - (m) Show the access to the public right of way including the dimensions of the existing curb cuts and any curb cuts to be closed.
  - (n) Show pedestrian facilities including any existing sidewalks.
  - (o) Show any existing streetlight locations and type.
  - (p) Show any existing on-site lighting.
  - (q) Show connections to utilities including any existing easements, location and size of connection points.
- (2) **Site Plan.** The applicant must submit a Site Plan that meets the following standards:
- (a) Be drawn to scale. Scale must be indicated and provided on the Plan.
  - (b) The Plan must show all the proposed improvements.
  - (c) Show the entire property, including property lines, gross area, and dimensions.
  - (d) Include labels of all elements on the Plan. Include a legend or key.
  - (e) Show setbacks of all proposed structures and dimensions.
  - (f) Show proposed landscaped areas and dimensions.
  - (g) Show proposed landscaping including irrigation and street trees.
  - (h) Show proposed fencing.

- (i) Show the waste storage location and enclosure, including dimensions and connection to sanitary sewer as applicable.
  - (j) Show the bicycle parking spaces including the number and location with dimensions and indicate the type of bicycle parking rack.
  - (k) Show the parking and vehicle circulation areas including the location, dimensions, number of spaces, typical striping, compact and disabled spaces, and aisles.
  - (l) Show the access to the public right of way including the dimensions of the existing and proposed curb cuts and any curb cuts to be closed.
  - (m) Show pedestrian facilities including any proposed sidewalks.
  - (n) Show any existing and proposed streetlight locations and type.
  - (o) Show any existing and proposed on-site lighting.
  - (p) Show connections to utilities including any existing and proposed easements, location, and size of connection points.
- (3) **Utilities Improvement Plan.** The applicant must submit a Utilities Improvement Plan meeting the following standards:
- (a) Show the location and width of all existing and proposed easements.
  - (b) Show the location and dimensions of all existing and proposed rights-of-way.
  - (c) Show the location of existing or proposed utilities and infrastructure on or within 150 feet of the subject site including the following as applicable: stormwater management systems, sanitary sewer mains, power, water mains, gas, and communications connections including cable, internet, and television cable, etc.
  - (d) Show all stormwater drainage patterns and connection points, together with supporting documentation indicating how the proposed stormwater system will function.

**5.15.120 Review**

- (A) An MDS application is reviewed under the Type 1 ministerial review process without notice or an opportunity to appeal. The applicant may request that the application process include public notice according to SDC 5.1.425. In this case the applicant is responsible for paying the notice fee.
- (B) The Director must approve, approve with conditions, or deny an application for Minimum Development Standards review based upon the approval standards listed below.

- (C) Required public improvements and any additional required land use permits or approvals will be reviewed in accordance with this Code.

**5.15.125 Approval Standards**

- (A) In order to grant MDS approval, the Director must verify compliance with all applicable standards specified below.
  - (1) The proposed land use is a permitted use or is allowed as a discretionary use in the land use district.
  - (2) If a use is allowed as a discretionary use, in addition to meeting the standards below, a Discretionary Use application must be approved in conformance with the standards in SDC 5.9.100.
  - (3) A five foot wide landscaped planter strip, including street trees, with approved irrigation or approved drought resistant plants in conformance with SDC 4.4.100 and 4.2.140 must be installed between the sidewalk and parking areas or buildings with the following exceptions:
    - (a) Where there is an unimproved street, a four-foot-wide landscaped area, in conformance with the applicable standards of SDC 4.4.105, Landscaping, must be provided along the frontage of the property. This landscape area is required to be set back one foot from the property line;
    - (b) Where there is not a four foot wide area between existing improvements and the front property line for a landscaped area as required in (3)(a) above, due to existing buildings, street width, paved parking, changes of elevation, or location of utilities including catch basins, one of the following must be provided:
      - (i) Fencing along the front property line located immediately behind the property line in conformance with SDC 4.4.115, Fences. The fencing must be either wrought iron or masonry and is subject to the fence height standards of the applicable zoning district and the vision clearance setbacks of SDC 4.2-130; or
      - (ii) Provide a landscaped area, in conformance with the applicable standards of SDC 4.4.105, Landscaping, that is equivalent in square foot area to the amount required in Subsection (a) above. This equivalent area must be placed at the property corners or other areas of the property that are visible from the street.
  - (4) Waste storage must be screened with a fence or wall. The fence or wall must be:
    - (a) Between five and six feet in height.
    - (b) Made of wood, metal, masonry, or other permanent materials that are 100 percent sight obscuring on all sides except for a gate access area.
    - (c) A gate access to the waste storage must have at least 50 percent site-obscuring screening such as cyclone fencing with slats.

- (d) On all sides of the screening structure, up to 12 inches measured from grade may be visually unobscured provided that the unobscured area is covered with a material that contains the debris within the structure, such as cyclone fencing.
- (5) The area under the waste storage, the “catchment area”, must be hydraulically isolated and connected to the sanitary system.
- (6) The waste storage area must be covered. The cover must be:
  - (a) A permanent canopy, roof, or awning that completely covers the waste storage area.
  - (b) Constructed to cover the waste storage area so rainfall cannot come in contact with the waste materials being stored.
  - (c) Sized relative to the perimeter of the hydraulically isolated activity area. Runoff from the cover must be directed to a stormwater destination that meets all applicable code requirements for stormwater discharge.
- (7) Any new outdoor storage areas must be screened. The screening must meet the standards of SDC 4.4.110.
- (8) Bicycle parking must be provided or upgraded to meet the standards specified in SDC 4.6-140, 4.6-145, 4.6-150, and 4.6-155.
- (9) Any new or modified motor vehicle parking, loading, and vehicle circulation areas must be provided, including paving, striping, and wheel stops as specified in SDC 4.6.110, 4.6.115, 4.6.120, 4.6.130, and 4.6.135.
- (10) The submitted storm water plan and supporting documentation, as part of the Utility Improvement Plan, must demonstrate that for any new paving and other new impervious surface area a stormwater facility will function in conformance with the stormwater management standards specified in SDC 4.3.110 and 4.3.115.
- (11) Access to the public right of way must comply with SDC 4.2.120.
- (12) Sidewalks must be installed or upgraded where the proposed development area abuts a curb and gutter street as specified in SDC 4.2.135.
- (13) Streetlights must be installed as specified in SDC 4.2.145.
- (14) Any proposed on-site lighting must be in conformance with SDC 4.5.100.
- (15) The development area must connect to public utilities as specified in SDC 4.3.105, 4.3.110, 4.3.120, 4.3.125 and 4.3.130 and comply with the Springfield Building Safety Codes, where applicable.

### **5.15.130 Development in Accordance with Permit Approval**

- (A)** Final approvals and/or occupancy is contingent upon the completion of all required site improvements. Development must not commence until the applicant has received all the appropriate land use and development approvals including but not limited to: Final Minimum Development Standards review approval, grading permits, and building permits. Construction of any public improvements must not commence until the City has approved all required public improvement plans (e.g., utilities, streets, public land dedication, etc.). The City may require the applicant to enter into an agreement (e.g., for phased developments and developments with required public improvements), and may require bonding or other assurances for improvements, in accordance with SDC 5.15.135, Bonding and Assurances for Development.
- (B)** The applicant must comply with the Tentative MDS approval and any conditions of approval within three years of the Tentative MDS Plan approval as follows:

  - (1)** Submittal of a Final MDS Plan within 90 days of the Tentative MDS approval, including the following additional material, where applicable:

    - (a)** The original recorded copy of any required Improvement Agreement.
    - (b)** Where applicable, any required ODOT Right-of-Way Approach Permit must be submitted prior to construction of improvements with ODOT right-of-way.
    - (c)** Where applicable, a copy of a recorded joint use access/parking agreement.
    - (d)** A copy of any recorded private easement or other original easement.
- (C)** If public improvements are required, the applicant must submit to the City a signed Development Agreement within 90 days of the Director's Final MDS Plan approval.
- (D)** A Building Permit may be issued by the Building Official only after the Development Agreement has been signed by the property owner and submitted to the City.
- (E)** No structure or site approved as part of the MDS approval can be occupied until all improvements are made as specified in this Section, unless otherwise permitted below.
- (F)** The construction of the required improvements must begin within two years of the Final MDS approval. If this time line cannot be met, the applicant may submit a written request for a one year extension of the two year start of construction timeline specified above.
- (G)** If the timeline established for the start of construction in Subsection (F) above is not met and the applicant has not requested an extension, then the approval decision is null and void.
- (H)** Upon satisfactory completion of site development, as determined by a Final Site Inspection (prior to the final building inspection), the City will authorize the provision of public facilities and services and issue a Certificate of Occupancy or otherwise authorize use of the site.

- (l)** All required improvements must be installed prior to the issuance of a Certificate of Occupancy or Final Building Inspection for the development. Alternatively, the applicant may apply for Type II application for a deferral/extension to request that the improvements be deferred for good cause. In the case of a deferment to completion of improvements the following requirements must be met:
- (1)** A Temporary Certificate of Occupancy may be issued prior to complete installation and approval of improvements if security is filed with the City.
  - (2)** Required security must equal 120 percent of the cost of the design, materials and labor, as determined by the Director. Required security must consist of cash, certified check, time certificate or deposit, or lending agency certification to the City that funds are being held until completion.
  - (3)** If the installation of improvements is not completed within the period stipulated by the Final Approval, or if the improvements have been improperly installed, the security may be used by the City to complete the installation, or the security may be held by the City and other enforcement powers employed to prevent final occupancy until the improvements are completed. Upon completion of the improvements as certified by the Director, any portion of the remaining security deposited with the City, including any accrued interest, will be returned.