

Plat within these times, Tentative Plan approval shall become null and void and re-submittal of the Tentative Plan shall be required.

EXCEPTIONS:

- (a) For most situations, the applicant may request an extension of the Subdivision Plat submittal time line for up to two years. The applicant shall submit the request writing to the Director no later than 30 days prior to the expiration of the Subdivision Tentative Plan approval and shall explain why the request is necessary and demonstrate how the Subdivision Plat application will be submitted within the requested extension time line. The Director may grant or amend the request if a determination can be made that the applicant is making progress on the Subdivision Plat application.
 - (b) For a subdivision subject to Master Plan approval, where Subdivision Tentative Plan approval is granted for the entire subdivision and then portions are allowed to be platted in phases over time, the Director may allow consecutive 2 year periods for the completion of each phase up to and not to exceed the duration of the Master Plan. This issue shall be addressed as a condition of Subdivision Tentative Plan approval under Section 35.060 of this Article. Where the agreed to Subdivision Plat submittal time line can not be met, the applicant may submit a time line extension as specified in Subsection (1)(a), above.
- (2) The Subdivision Plat submittal shall:
- (a) Be surveyed and monumented in accordance with ORS Chapters 92 and 209.
 - (b) Include documentation addressing all conditions of Tentative Plan approval. Conditions may include showing the following information on the Partition Plat: floodplain boundaries and spot elevations; riparian area boundaries; building envelopes; and any other information required by the Director.
 - (c) Comply with the submittal requirements of Section 3.050 of this Code and the application form. The applicant shall also submit the following information:
 - 1. A copy of any deed restrictions.
 - 2. A copy of any dedication requiring separate documents.
 - 3. Boundary and lot closure computations and the total area of each lot and any open space dedication in square feet or acres.
 - 4. A statement of water rights.
 - 5. A copy of any document required as a condition of Tentative Plan approval.

6. A current title report.”

Section 165: Section 35.100 is hereby amended to read as follows:

“35.100 SUBDIVISION PLAT CRITERIA OF CITY APPROVAL.

The Director, in consultation with the City Surveyor and City Engineer shall, approve or deny the Subdivision Plat. Approval shall be based on compliance with the following approval criteria:

- (1) The City Surveyor has approved the Subdivision Plat for compliance with applicable platting requirements in accordance with State law, Lane County ordinances and any other applicable regulations.
- (2) Streets, bicycle paths, accessways, and alleys for public use have been dedicated without any reservation or restriction other than reversionary rights upon vacation.
- (3) Public improvements, as required by this Code or as a condition of Tentative Plan approval, are completed, or:
 - (a) A petition for public improvements and for the assessment of the real property for the improvements has been signed by the property owner seeking the Subdivision and the petition has been accepted by the City Engineer; or
 - (b) A performance bond or suitable substitute as agreed upon by the City Engineer and the applicant has been filed with the City in an amount sufficient to assure the completion of all required public improvements.
- (4) Public assessments, liens, and fees with respect to the Subdivision have been paid, or:
 - (a) A segregation of assessments and liens has been applied for and granted by the City, or
 - (b) An adequate guarantee in a form acceptable to the City has been provided assuring the liens, assessments and fees will be paid prior to recording the final plat.
- (5) All conditions of Tentative Plan approval have been met and the Subdivision Plat substantially conforms to the provisions of the approved Tentative Plan.”

Section 166: Section 35.110 is hereby amended to read as follows:

“35.110 RECORDING THE SUBDIVISION PLAT AT LANE COUNTY AND CITY DEVELOPMENT APPROVAL.

- (1) After the Subdivision Plat has been signed by the City, the applicant's surveyor or other designated person shall deliver the Plat to the Lane County Surveyor for recording.
- (2) The applicant shall deliver a reproducible copy of the recorded Subdivision Plat to the City Engineer. Once the City has proof that the Subdivision Plat has been recorded, the lots may be sold and the City may issue a Building Permit."

Section 167: Sections 35.120 and 35.130 are hereby deleted.

Section 168: Section 37.010, Subsection (1) is hereby amended to read as follows:

"37.010 PURPOSE.

- (1) A Master Plan is a comprehensive plan that allows phased development of a specific development area over several years in accordance with the provisions of this Code for public, commercial, industrial or residential development. A Master Plan, in this context, is specific to this Code and not considered to be a refinement plan or any other similar subset of the Metro Plan. By addressing public service impacts and development requirements at the time of approval of Master Plan, such impacts and requirements need not be readdressed at subsequent phases and the developer may rely on the Master Plan approval in implementing the development."

Section 169: Section 37.020 is hereby amended to read as follows:

"37.020 REVIEW.

- (1) Master Plans shall be reviewed under Type III procedure, unless the Director determines that the application should be reviewed as a Type IV decision by the City Council due to the complexity of the application.
- (2) A Pre-Application Report application as specified in Article 3 of this Code shall be required prior to submittal of a Master Plan application.
- (3) A complete application together with all required materials shall be submitted to the Director prior to the review of the request in accordance with Section 3.050, Application Submittal."

Section 170: Section 37.040 is hereby amended to read as follows:

"37.040 CRITERIA.

A Master Plan may be approved if the Planning Commission finds that the proposal conforms with all of the following approval criteria. In the event of a conflict with approval criteria in this Subsection, the more specific requirements shall apply.

- (1) The zoning of the property shall be consistent with the Metro Plan diagram and/or applicable Refinement Plan diagram, Plan District map, and Conceptual Development Plan;
- (2) The request as conditioned shall conform to applicable Springfield Development Code requirements, Metro Plan policies, Refinement Plan, Plan District, and Conceptual Development Plan policies.
- (3) Proposed on-site and off-site public and private improvements shall be sufficient to accommodate the proposed phased development and any capacity requirements of public facilities plans; and provisions shall be made to assure construction of off-site improvements in conjunction with a schedule of the phasing.
- (4) The request shall provide adequate guidance for the design and coordination of future phases;
- (5) Physical features, including but not limited to, significant clusters of trees and shrubs, watercourses shown on the Water Quality Limited Watercourse (WQLW) Map and their riparian areas, wetlands, open spaces; and areas of historic and/or archaeological significance as may be specified in Article 30 of this Code or ORS 97.740-760, 358.905-955 and 390.235-240 shall be protected as specified in this Code or in state or Federal law; and
- (6) Local public facilities plans and local street plans shall not be adversely impacted by the proposed development.”

Section 171: The Article 38 Title page is hereby amended to read as follows:

“ARTICLE 38

TREE FELLING STANDARDS

38.010 PURPOSE

38.015 APPLICABILITY

38.020 REVIEW

38.030 PLOT PLAN REQUIREMENTS

38.040 STANDARDS

38.050 CONDITIONS OF APPROVAL”

Section 172: Section 38.010 is hereby amended to read as follows:

“38.010 PURPOSE.

This Article ensures that tree felling is in accordance with Metro Plan policies which call for the retention of natural vegetation, natural water features and drainageways, scenic quality, wildlife habitat and archaeological sites to the maximum extent possible on urbanizable land. Timber harvesting is secondary to preservation of other natural resources and cultural values within the Urban Growth Boundary. The natural amenities of developable properties are to be retained to enhance their future urban use in the Metropolitan Area General Plan, until these properties are ready for urban development. Significant tree removal is permitted only when specific development plans have been approved by the City, consistent with plan policies and City development regulations. Interim removal of trees may be permitted to the extent that such removal does not significantly detract from the natural and cultural amenities that make a particular site attractive for future urban development.”

Section 173: Section 38.015 is hereby amended by the addition of the following section:

“38.015 APPLICABILITY.

The provisions of this Article apply within the city limits and the City’s urbanizable area. A Tree Felling Permit shall be required prior to the felling of more than five trees 5” dbh (diameter at breast height) or larger within a period of 12 consecutive months from a lot/parcel of private property under common ownership consisting of 10,000 square feet or more of total area.

EXCEPTIONS:

No Tree Felling Permit shall be required in the following instances:

- (1) The action of the Director and/or Public Works Director or any public utility necessary to remove or alleviate an immediate danger to life or property, to restore utility service or to reopen a public street to traffic.
- (2) Any felling necessary to install or maintain improvements such as streets and sewers within publicly owned and accepted rights-of-way or utility easements pursuant to approved construction plans or encroachment permits.
- (3) Felling of trees that obstruct vision clearance at intersections as specified in Section 32.070 of this Code.
- (4) Where a Tree Felling Permit has been issued that includes a tree protection plan incorporating a procedure for tree removal, or designating specific trees to be removed within established building envelopes identified in an approved subdivision or partition no additional Tree felling Permit shall be required”

Section 174: Severability Clause. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and individual provision and such holding shall not affect the validity of the remaining portions hereof.

Section 175: Declaration of Emergency. It is hereby found and declared that matters pertaining to the amendment of, and additions to the Springfield Development Code affect the public health, safety and welfare of the City of Springfield and that this Ordinance shall, therefore, take effect immediately upon its passage by the Council and approval by the Mayor.

ADOPTED by the Common Council of the City of Springfield by a vote of 6 for and 0 against, this 18th day of July, 2005.

APPROVED by the Mayor of the City of Springfield, this 18th day of July, 2005.

ATTEST:

Amy J. Sowa
City Recorder

[Signature]
Mayor

REVIEWED & APPROVED
AS TO FORM
JOSEPH J LEAHY
DATE: 7/6/05
OFFICE OF CITY ATTORNEY

SPRINGFIELD URBAN GROWTH BOUNDARY/EUGENE URBAN GROWTH BOUNDARY

10.600-10 Springfield Urban Growth Boundary.

The City of Springfield shall have the responsibility and the authority to administer its land use regulations on urbanizable land within the Springfield Urban Growth Boundary. For the purpose of this subsection, the following words and phrases shall mean:

(1) Springfield Urban Growth Boundary. All land within the Urban Growth Boundary, as defined by the Eugene-Springfield Metropolitan Area General Plan on November 21, 1989, or as amended thereafter on the effective date of any Plan amendment enacted by Lane County, east of I-5.

(2) Urbanizable Land. Urbanizable lands, as defined by the Eugene-Springfield Metropolitan Area Plan, are those unincorporated lands between the Springfield City Limits and the Springfield Urban Growth Boundary. *(Revised by Ordinance No. 16-86, 11.24.86; 11-89, 11.21.89; 3-99, 8.27.99)*

10.600-15 Applicable Land Use Regulations.

Lane County has adopted the following land use regulations to be applied by Springfield on urbanizable land within the Springfield Urban Growth Boundary.

(1) The Springfield Development Code adopted by the Lane County Board of Commissioners as part of Ordinance No. 16-86, and amended by Ordinance Nos. 5-89, 18-90, 9-91, 13-91, 14-92, 5-93, 13-94, 3-97, 7-99, 10-00, 13-04, 2-05, and 2-06.

(2) Copies of these applicable land use regulations shall be on file at the Lane County Land Management Division. *(Revised by Ordinance No. 16-86, Effective 11.24.86; 5-89, 5.31.89; 11-89, 11.21.89; 18-90, 12.19.90; 9-91, 9.20.91; 13-91, 9.25.91; 14-92, 1.8.93; 5-93, 8.26.93; 13-94, 1.11.95; 3-97, 4.18.97; 7-99, 12.8.99; 10-00, 12.13.00; 13-04, 7.1.04; 2-05, 9.9.05)*

10.600-20 Eugene Urban Growth Boundary.

The City of Eugene shall have the responsibility and the authority to administer its land use regulations on urbanizable land within the Eugene Urban Growth Boundary. For the purpose of this subsection, the following words and phrases shall mean:

(1) Eugene Urban Growth Boundary. All urbanizable land within the urban growth boundary, as defined by the Eugene-Springfield Metropolitan Area General Plan, on November 21, 1989, or as amended thereafter on the effective date of any Plan amendment enacted by Lane County, which is west of I-5.

(2) Urbanizable Land. Urbanizable lands are those unincorporated lands between the Eugene City Limits and the Eugene Urban Growth Boundary. *(Revised by Ordinance No. 18-86, Effective 4.27.87; 21-87, 11.25.87; 11-89, 11.21.89; 3-99, 7.28.99)*

10.600-25 Applicable Land Use Regulations.

Lane County has adopted the following land use regulations to be applied by Eugene on urbanizable land within the Eugene Urban Growth Boundary.

(1) The Eugene Land Use regulations as adopted by the Lane County Board of Commissioners as part of Ordinance No. 18-86 as amended in Ordinance Nos. 16-87, 5-88, 6-88, 7-88, 1-89, 2-89, 13-89, 2-90, 2-91, 12-91, 14-91, 7-92, 10-00, 2-02 and 3-02.

(2) Copies of these applicable land use regulations shall be on file at the Lane County Land Management Division. *(Revised by Ordinance No. 18-86, Effective 4.27.87; 21-87, 11.25.87; 13-89, 1.12.90; 2-90, 7.20.90; 2-91, 3.29.91; 12-91, 9.20.91; 14-91, 9.25.91; 7-92, 8.28.92; 10-00, 12.13.00; 2-02, 2.13.02; 3-02, 2.13.02)*

SPRINGFIELD URBAN GROWTH BOUNDARY/EUGENE URBAN GROWTH BOUNDARY

10.600-10 Springfield Urban Growth Boundary.

The City of Springfield shall have the responsibility and the authority to administer its land use regulations on urbanizable land within the Springfield Urban Growth Boundary. For the purpose of this subsection, the following words and phrases shall mean:

(1) Springfield Urban Growth Boundary. All land within the Urban Growth Boundary, as defined by the Eugene-Springfield Metropolitan Area General Plan on November 21, 1989, or as amended thereafter on the effective date of any Plan amendment enacted by Lane County, east of I-5.

(2) Urbanizable Land. Urbanizable lands, as defined by the Eugene-Springfield Metropolitan Area Plan, are those unincorporated lands between the Springfield City Limits and the Springfield Urban Growth Boundary. (*Revised by Ordinance No. 16-86, 11.24.86; 11-89, 11.21.89; 3-99, 8.27.99*)

10.600-15 Applicable Land Use Regulations.

Lane County has adopted the following land use regulations to be applied by Springfield on urbanizable land within the Springfield Urban Growth Boundary.

(1) The Springfield Development Code adopted by the Lane County Board of Commissioners as part of Ordinance No. 16-86, and amended by Ordinance Nos. 5-89, 18-90, 9-91, 13-91, 14-92, 5-93, 13-94, 3-97, 7-99, 10-00, 13-04, ~~and 2-05, and 2-06~~.

(2) Copies of these applicable land use regulations shall be on file at the Lane County Land Management Division. (*Revised by Ordinance No. 16-86, Effective 11.24.86; 5-89, 5.31.89; 11-89, 11.21.89; 18-90, 12.19.90; 9-91, 9.20.91; 13-91, 9.25.91; 14-92, 1.8.93; 5-93, 8.26.93; 13-94, 1.11.95; 3-97, 4.18.97; 7-99, 12.8.99; 10-00, 12.13.00; 13-04, 7.1.04; 2-05, 8-10-05 9.05*)

10.600-20 Eugene Urban Growth Boundary.

The City of Eugene shall have the responsibility and the authority to administer its land use regulations on urbanizable land within the Eugene Urban Growth Boundary. For the purpose of this subsection, the following words and phrases shall mean:

(1) Eugene Urban Growth Boundary. All urbanizable land within the urban growth boundary, as defined by the Eugene-Springfield Metropolitan Area General Plan, on November 21, 1989, or as amended thereafter on the effective date of any Plan amendment enacted by Lane County, which is west of I-5.

(2) Urbanizable Land. Urbanizable lands are those unincorporated lands between the Eugene City Limits and the Eugene Urban Growth Boundary. (*Revised by Ordinance No. 18-86, Effective 4.27.87; 21-87, 11.25.87; 11-89, 11.21.89; 3-99, 7.28.99*)

10.600-25 Applicable Land Use Regulations.

Lane County has adopted the following land use regulations to be applied by Eugene on urbanizable land within the Eugene Urban Growth Boundary.

(1) The Eugene Land Use regulations as adopted by the Lane County Board of Commissioners as part of Ordinance No. 18-86 as amended in Ordinance Nos. 16-87, 5-88, 6-88, 7-88, 1-89, 2-89, 13-89, 2-90, 2-91, 12-91, 14-91, 7-92, 10-00, 2-02 and 3-02.

(2) Copies of these applicable land use regulations shall be on file at the Lane County Land Management Division. (*Revised by Ordinance No. 18-86, Effective 4.27.87; 21-87, 11.25.87; 13-89, 1.12.90; 2-90, 7.20.90; 2-91, 3.29.91; 12-91, 9.20.91; 14-91, 9.25.91; 7-92, 8.28.92; 10-00, 12.13.00; 2-02, 2.13.02; 3-02, 2.13.02*)

**SPRINGFIELD DEVELOPMENT CODE AMENDMENTS
FINDINGS OF COMPLIANCE**

Amendment of the Springfield Development Code (SDC) – To include all or portions of Articles: 1; 2; 3; 4; 5; 6; 9; 10; 11; 12; 14; 15; 16; 17; 18; 26; 29; 31; 32; 34; 35; 37; and 38.

LANE COUNTY CRITERIA FOR ADOPTION OF SDC AMENDMENTS

Lane Code 10.315-20 establishes criteria that must be met in order to approve this request. *“Zonings, rezonings, and changes in the requirements of this chapter shall be enacted to achieve the general purpose of this chapter and shall not be contrary to the public interest. In addition, zonings and rezonings shall be consistent with the specific purposes of the Zone District classification proposed, applicable Comprehensive Plan elements and components, and Statewide Planning Goals for any portion of Lane County which has not been acknowledged for compliance with the Statewide Planning Goals by the Land Conservation and Development Commission. Any zoning or rezoning may be effected by Ordinance or Order of the Board of County Commissioners, the Planning Commission or the Hearings Official in accordance with the procedures in this section.”*

The Eugene-Springfield Metropolitan Area General Plan (Metro Plan) is the applicable Comprehensive Plan. The Springfield Development Code provides consistency and clear guidelines for development of urban lands in Springfield. Adoption of the amendments for application to urbanizable lands that are transitioning into urban uses is not contrary to the public interest, as it provides clear guidelines for urban development in Springfield. Therefore, the adoption of the SDC Amendments by Lane County for application to the urbanizable area of Springfield meets the general purpose of this chapter, and will be specifically referenced in Lane Code 10.600-20. The findings presented below are in response to applicable Metro Plan policies, the Statewide Planning Goals and applicable State Statutes.

The Metro Plan

“The Eugene-Springfield Metropolitan Area General Plan [Metro Plan] is the official long-range general plan (public policy document) of metropolitan Lane County and the cities of Eugene and Springfield. Its policies and land use designations apply only within the area under the jurisdiction of the Plan. The Plan sets forth general planning policies and land use allocations and serves as the basis for the coordinated development of programs concerning the use and conservation of physical resources, furtherance of assets, and development or redevelopment of the metropolitan area.” P. I-1

The following Metro Plan elements and policies apply to the proposed “housekeeping” amendments:

D. Use of the Plan

“The degree to which the General Plan provides sufficient detail to meet the needs of each jurisdiction will have to be determined by the representative jurisdictions; and where conflicts

exist among the General Plan, refinement plans and existing zoning, each jurisdiction will have to establish its own schedule for bringing the zoning and refinement plans into conformance with the General Plan.” P. I-5

Plan Principles.

Staff Response/Finding:

This Metro Plan policy cited above applies to the concept of the consistency between the comprehensive plan and the zoning of the local jurisdiction.

The Metro Plan policy cited above applies to the addition of Section 1.020(1), which specifically requires the City’s zoning to be consistent with the applicable Metro Plan designation.

Therefore, the amendment of Section 1.020(1) complies with the policy statement under D. Use of the Plan, cited above.

B. Growth Management

- “8. Land within the urban growth boundary may be converted from urbanizable to urban only through annexation to a city when it is found that:**
- a. A minimum level of key urban facilities and services can be provided to the area in an orderly and efficient manner.**
 - b. There will be a logical area and time within which to deliver urban services and facilities. Conversion of urbanizable land to urban shall also be consistent with the Metropolitan Plan.**
- 9. A full range of key urban facilities and services shall be provided to urban areas according to demonstrated need and budgetary priorities.**
- “10. Annexation to a city through normal processes shall continue to be the highest priority.”**
P. II-B-4
- “18. As annexations to cities occur over time, existing service districts within the urban growth boundary shall be dissolved....”** P. II-B-6

Staff Response/Finding:

The Metro Plan policies cited above apply to Article 6, which is amended to be consistent with current City Annexation policy. A key element of the proposed amendment of this Article is the “Annexation Agreement”, which is a written agreement between the City and owners of land requesting annexation. The agreement states the terms, conditions and obligations of the parties to mitigate fiscal and service impacts to the City associated with the annexation and future development of the property. The agreement may be used to justify the annexation, consistent with the Metro plan requirement for the orderly and efficient provision of key urban facilities and services.

The Metro Plan policies cited above also apply to amendment of Subsection 29.070(5)(d). The current text is deleted because City policy concerning the relationship between annexation and development has changed. Currently, in order to subdivide land in the City’s urbanizable area, it

must be annexed and prior to or concurrent with annexation. The property owner must agree to and sign an Annexation Agreement that has been approved by the City Council.

Therefore, the amendment of Article 6 and Subsection 29.070(5)(d) comply with Policies 8., 9., 10., and 18., cited above. See also staff's response to Statewide Planning Goal 14.

“24. To accomplish the fundamental principle of compact urban growth addressed in the text and on the diagram, overall metropolitan-wide density of new residential construction, but not necessarily each project, shall average approximately six dwelling units per gross acre over the planning period.” P. II-B-7

Staff Response/Finding:

The Metro Plan policy cited above applies to the deletion of the “land division” (Partition and Subdivision) solar regulations in Sections 34.010(3) and 35.010(3).

The 80 percent standard in Sections 34.010(3)(b) and 35.010(3)(b) means that 80 percent of parcels or lots created by a Partition or Subdivision must meet the 70 foot north-south dimension standard. In the case of a Partition, the 80 percent standard can never be met because a Partition involves the division of land into two or three parcels which means the percentages are either 33, 50 or 67 percent, unless all parcels comply. In the case of a Subdivision, this standard is almost impossible to achieve unless the Subdivision is on an east-west street. Most land divisions involve residential property. The parcel/lot size standards specified in Article 16, Residential Districts allow 4,500 square feet for parcels/lots on an east-west street, with 45 feet of frontage, and 5,000 square feet for parcels/lots on a north south street, with 60 feet of frontage.

The only parcel/lot size configuration that can meet the north-south solar standard of 70 feet is the 4500 square foot standard for parcels/lots on east-west streets. In this case, with the minimum 45 foot frontage standard, the north-south lot dimension would be 100 feet, the standard is actually exceeded. However, in order to meet the current solar standard in Sections 34.010(3) and 35.010(3), the 60 foot frontage standard on north-south streets would need to be increased to 70 feet. This would decrease the potential maximum residential density, in all residential districts, especially in the Low density Residential District and add to development costs by requiring larger lots. This discussion also applies to Metro Plan Housing Policy A.33; Metro Plan Energy Policy 3.; ORS 92.044(1)(a), 227.190(1)-(3) and 227.195; and State-wide Planning Goal 13.

The deletion of the land division solar standards does not mean there will no longer be solar standards in Springfield. Currently, the solar standards are found in the applicable zoning districts (in the case of most land divisions, which are zoned residential, this is Section 16.050(5)). These solar regulations for siting individual houses are reviewed after the Subdivision Plat has been recorded, during building permit review.

In addition, Article 39, The Solar Access Guarantee, provides protection from the shade cast by new vegetation planted on abutting property.

Therefore, the deletion of the “land division” (Partition and Subdivision) solar regulations in Sections 34.010(3) and 35.010(3) complies with Policy 24 cited above.

- “27. Any lot under five acres in size to be created in an area described in policy 25 above will require city-county agreement utilizing the following additional standards:***
- a. The property will be owned by a governmental agency or public utility.***
 - b. A majority of parcels located within 100 feet of the property are smaller than five acres.***
 - c. No more than three parcels are being created, unless otherwise agreed.” P. II-B-8***

Staff Response/Finding:

The Metro Plan policy cited above applies to the amendment of Sections 29.070(5) and 34.050(9).

The special provisions for Partitions in the City’s urbanizable area are deleted from Section 29.070(5)(a)-(c) and are placed in Section 34.050(9) so that these criteria of approval may be together with all other Partition criteria of approval. The three parcel limitation for Partitions in the City’s urbanizable area is City policy which is being codified, with an exception for large parcels that are at least 5 acres in size.

Therefore, the amendment of Sections 29.070(5) and 34.050(9) complies with Policy 27 cited above.

A. Residential Land Use and Housing Element

The following Metro Plan growth management policies apply to the proposed “housekeeping” amendment application:

Residential Land Supply and Demand

“A.1 Encourage the consolidation of residentially zoned parcels to facilitate options for the development and redevelopment of such parcels. P. III-A-6

Residential Density.

“A.12 Coordinate higher density residential development with the provisions of adequate infrastructure and services, open space and other urban amenities.

A.14 Review local zoning and development regulations periodically to remove barriers to higher density housing and to make provision for a full range of housing options.
P. III-A-8

Housing Type and Tenure.

“A.17 Provide opportunities for a full range of choice in housing type, density, size, cost and location.

A.18 Encourage a mix of structure types and densities within residential designations by reviewing and, if necessary, amending local zoning and development regulations.”
P. III-A-9

Design and Mixed Use.

“A.22 Expand opportunities for a mix of uses in newly developing areas and existing neighborhoods through local zoning and development regulations. P. III-A -10

Staff Response/Finding:

The Metro Plan policies cited above apply to the amendment of Sections 16.010(1) and (2).

Recently, there have been a number of requests for land divisions (usually Partitions) of Medium Density Residential (MDR) properties that create smaller parcels so that only duplexes can be constructed, which generally results in the build-out densities at or below the minimum density (10 dwelling units per acre) in the MDR District and (20 dwelling units per acre) in the High Density Residential (HDR) District and, therefore, avoidance of the Multi-Family Design Standards in Article 16. The intent of the amended text is not to prohibit Partitions in the MDR and HDR Districts but to require that these properties are developed to at least the minimum densities. This will be accomplished by using a Future Development plan. See also staff's response to ORS 197.307.

Therefore, the amendment of Sections 16.010 (1) and (2) comply with Policies A.1, A.12, A.14, A.18, A.19, and A.22 cited above.

Affordable, Special Needs and Fair Housing.

"A.33 Consider local zoning and development regulations impact on the cost of housing.

Staff Response/Finding:

The Metro Plan policy cited above applies to the amendment of Section 1.070(3)(a) and (b).

"Fee Waivers" is an existing practice. The language for non-profit housing providers continues to be based upon federal low income housing standards. However, there is a limitation on the number of units per year subject to the fee waiver and the criteria language itself is more specific. In addition, an existing fee waiver for low income individuals is codified through this amendment.

The deletion of the "land division" (Partition and Subdivision) solar regulations in Sections 34.010(3) and 35.010(3) will help reduce the cost of new parcels and lots. See staff's response to Growth Management Policy 24.

Therefore, the amendment of Section 1.070(3)(a) and (b) and Sections 34.010(3) and 35.010(3) comply with Policy A.33 cited above.

C. Environmental Element

"4. Local governments shall require site-specific soil surveys and geologic studies where potential problems exist. When problems are identified, local governments shall require special design considerations and construction measures be taken to offset the soil and geologic constraints present, to protect life and property, public investments, and environmentally-sensitive areas.." P. III-C-7

"18. Local governments shall develop plans and programs which carefully manage development on hillsides and in water bodies, and restrict development in wetlands in order to protect scenic quality, surface water and groundwater quality, forest values, vegetation, and wildlife values of those areas. P. III-C-9

Staff Response/Finding:

The Metro Plan policies cited above apply to the amendment of Section 26.070

The “Soils and Geology Report” language is changed to a ”Geotechnical Report”. The term “Geotechnical Engineer” is a new category of engineer approved by the State that is now included in this Section.

Therefore, the amendment of Section 26.070 complies with Policies 4. and 18. cited above.

“20 Positive steps shall be taken to protect the Springfield municipal groundwater supplies along the McKenzie River and the Middle Fork of the Willamette River.” P. III-C-9

“21. Local governments shall continue to monitor, to plan for, and to enforce applicable air and water quality standards and shall cooperate in meeting applicable federal, state, and local air and water quality standards. P. III-C-9

Staff Response/Finding:

The Metro Plan policies cited above apply to the amendment of Section 17.070

Working with the Springfield Utility Board (SUB), the City and County have adopted the Springfield Drinking Water Protection Plan and Article 17, Drinking Water Protection Overlay District. Article 17 was added to the SDC in 2000 and to Lane Code Chapter 10 by reference in 2004. Approximately 95 percent of the City’s water supply comes from groundwater. The amended text is the correction of a scrivener’s error requested by SUB.

Therefore, the amendment of Section 17.070 complies with Policies 20. and 21. cited above. See also staff’s response to Metro Plan Public Facilities and Services Element Policy G. 10 and ORS 468B.155 and ORS 465.B160.

“34. Local governments shall continue to monitor, to plan for, and to enforce applicable noise standards and shall cooperate in meeting applicable federal and state noise standards. P. III-C-11

Staff Response/Finding:

The Metro Plan policy cited above applies to the amendment of Section 31.160(2)(b).

The proposed amendment adds height and construction standards pertaining to berms which may be used as noise barriers.

Therefore, the amendment of Section 31.160(2)(b).complies with Policy 34. cited above.

F. Transportation Element

Land Use

“F.4 Require improvements that encourage transit, bicycles, and pedestrians in new commercial, public, mixed use, and multi-unit residential development.

Transportation System Improvements: Roadways

“F.15 Motor vehicle level of service

- 1. Use motor vehicle level of service standards to maintain acceptable and reliable performance on the roadway system...***
 - b) Evaluating the impacts on roadways of amendments to transportation plans, acknowledged comprehensive plans and land-use regulations, pursuant to the TPR (OAR 660-12-0060)...***
 - c) Evaluating development applications for consistency with the land-use regulations of the applicable local government jurisdiction. P. III-F-8***

Staff Response/Finding:

Policy F.15 1 b) is addressed because the City’s land use regulations (the SDC) are being amended. However, Statewide Planning Goal 12 and OAR 660-12-0060 under Criterion of Approval (2) does not apply because the proposed “housekeeping” amendments do not affect state or regional transportation systems.

G. Public Facilities and Services Element.

Services to Development Within the Urban Growth Boundary: Water

“G.10 Continue to take positive steps to protect groundwater supplies. The cities, county and other service providers shall manage land use and public facilities for groundwater-related benefits through the implementation of the Springfield Drinking Water protection Plan and other wellhead protection plans...” P. III-G-6

Staff Response/Finding:

The Metro Plan policy cited above applies to the amendment of Section 17.070

The amended text is the correction of a scrivner’s error requested by SUB. See also Metro Plan Environmental Element Policies 20. and 21 and ORS 468B.155 and ORS 465.B160.

Therefore, the amendment of Section 17.070 complies with Policy G. 10. cited above.

J. Energy Element.

“3. Land allocation and development patterns shall permit the highest possible current and future utilization of solar energy for space heating and cooling, in balance with the requirements of other planning policies. P.III-J-5

Staff Response/Finding:

The Metro Plan policy cited above applies to the deletion of the “land division” (Partition and Subdivision) solar regulations in Sections 34.010(3) and 35.010(3). See staff’s response to Metro Plan Growth Management Policy 24 for reasons why the land division solar regulations are deleted.

Therefore, the deletion of the “land division” (Partition and Subdivision) solar regulations in Sections 34.010(3) and 35.010(3) complies with Policy 3 cited above.

APPLICABLE STATE STATUTES

MOBILE HOME PARK NOTICE OF CLOSURE OR CHANGE OF USE. ORS 90.630(5).

Staff Response/Finding:

The ORS cited above applies to the current mobile home park notice regulations in Section 12.050 when a zone change is proposed for the park property. The amended text adds a reference to ORS 90.630(5).

Therefore, Section 12.050 complies with ORS 92 cited above and 227 cited below.

SUBDIVISION PLATS ORS 92.040(1)-(3)

Staff Response/Finding:

The ORS cited above applies to Partition and Subdivision Plat submittal requirements in Sections 34.090 and 35.090.

The Partition and Subdivision Plat submittal requirements are simplified by referencing compliance with ORS 92 and 209. In the cause of Subdivisions, the 2 year submittal time line remains with a time line extension based on ORS 92.040(2) and (3).

Therefore, the amendment of Sections 34.090 and 35.090 and the time line extension in Section 35.090 complies with ORS 92 cited above.

SOLAR ACCESS ORS 92.044(1)(a)

Local jurisdiction adoption of standards and procedures governing approval of Partition Tentative Plans and Plats “*which may include protection and assurance of access to incident solar radiation for potential future use*”.

ORS 227.190(1)-(3)

Local jurisdictions “*may adopt and implement solar access ordinances. The ordinances shall provide and protect to the extent feasible solar access to the south face of buildings during solar heating hours, taking into account latitude, topography, microclimate, existing development, existing vegetation and planned uses and densities.*”

ORS 227.195

“*Solar access ordinances shall not be in conflict with acknowledged comprehensive plans and land use regulations.*”

Staff Response/Finding:

The ORS’s cited above apply to the deletion of the “land division” (Partition and Subdivision) solar regulations in Sections 34.010(3) and 35.010(3).

See staff response to Metro Plan Growth Management Policy 24. for the reasons why the land division solar regulations are deleted. The word “may” is used in ORS 92.044(1)(a) and ORS 227.190(1)-(3), and ORS 227.195 states there shall be no conflict, so the trade off is density vs. solar protection.

Therefore, the deletion of the “land division” (Partition and Subdivision) solar regulations in Sections 34.010(3) and 35.010(3) complies with ORS 92 and 227 cited above.

**MOBILE HOME SUBDIVISIONS
ORS 92.830 to 92.845.**

Staff Response/Finding:

The ORS cited above applies to the conversions of certain manufactured dwelling parks or mobile home parks to subdivisions in Sections 35.040(14) (submittal requirements) 35.050(9) (criteria of approval) and 35.060(12) (conditions of approval).

In 2001, HB 3686 amended ORS 92 to allow the conversions. In 2003 House Bill 3245 amended the first bill. These bills established the ORS cited above.

Therefore, the addition of Sections 35.040(14), 35.050(9) and 35.060(12) complies with ORS 92.830 to 92.845.

**INDIAN GRAVES AND PROTECTED OBJECTS
ORS 97.740 to 97.760.**

**ARCHAEOLOGICAL OBJECTS AND SITES
ORS 358.905 to 358.955.**

**PERMITS AND CONDITIONS FOR EXCAVATION OR REMOVAL OF
ARCHAEOLOGICAL OR HISTORICAL MATERIAL; RULES; CRIMINAL PENALTY
ORS 390.235-390.240.**

Staff Response/Finding:

The ORS’s cited above apply to the protection of certain archaeological sites when processing Master Plans in Section 37.040(5).

ORS 97 references Indian graves and protected objects, ORS 358 references archaeological objects and sites, and ORS 390 references archaeological sites and historical material.

Therefore, the addition of Section 37.040(5) complies with ORS 97.740 to 97.760, ORS 358.905 to 358.955 and ORS 390.235-390.240.

**BINGO PARLOR REGULATION
ORS 167.118(5).**

Staff Response/Finding:

The ORS cited above applies to the operation of bingo parlors by non-profit organizations in Section 18.110(5).

Bingo parlors are a current permitted use. However, the reference to ORS 167.118 is added as a reminder that non-profit bingo parlor operators must comply with State regulations.

Therefore, the amendment of Section 18.110(5) complies with ORS 167.118.

BALLOT MEASURE 37

ORS 197. (Note: The specific subsections of ORS 197 pertaining to Ballot Measure 37 will not be known until after the 2005 legislative session and Supreme Court decision 2006).

Staff Response/Finding:

The ORS cited above applies to either the payment of compensation or the waiving of land uses regulations to present property owners if the local government land use regulations reduce the fair market value of the property as it relates to non-conforming uses in Sections 5.030(1)-(4) and 5.080.

Current Sections 5.030(1)-(4) (continuance of a non-conforming use) are amended by deleting the current monetary limitations on replacement of non-conforming buildings or structures.

Section 5.080 (Ballot Measure 37 Demands) is added to apply in the specific case where the City Council may deny the monetary claim and waive the standard being challenged. Then the property owner proceeds to construct a building that would be considered to be non-conforming. Staff recognizes that Ballot Measure 37 Demand claims void “non-conforming” status. The added text allows the current property owner to sell the developed property to a new owner free from non-conforming status unless ORS 197 is amended to specifically change this situation. This Section applies only to those properties where land use regulations have been waived.

Therefore, the amendment of Sections 5.030(1)-(4) and 5.080 complies with ORS 197 cited above.

**ZONING MAP AMENDMENTS AS QUASI-JUDICIAL HEARINGS.
ORS 197.015(10)(a)(A)(ii) and 197.173.**

The ORS cited above applies to the processing of zoning map amendments as a quasi-judicial hearing in Sections 12.010 through 12.040.

ORS 197.015(10)(a)(A)(i)(ii) defines a “land use decision” to include a final decision or determination made by a local government or special district that concerns the adoption, amendment or application of a comprehensive plan provision. The processing of zoning map amendments requires compliance with applicable Metro Plan policies and the Metro Plan diagram.

ORS 197.173 establishes regulations for noticing and the conduct of quasi-judicial land use hearings. Zoning map amendments require Planning Commission (within the city limits) or Hearings Official (within the Cities urban services area) quasi-judicial approval because they are a land use hearing that must address applicable Metro Plan policies and the Metro Plan diagram.

Therefore, the amendment of Sections 12.010 through 12.040 complies with ORS 197.015(10) and 197.173 cited above.

LIMITED LAND USE DECISION PROCEDURES ORS 197.195

The ORS cited above applies to the notice requirements for Limited Land Use Decisions in Section 3.080(2).

The Limited Land Use Decision notice requirements are currently found in Section 14.030(3). This “housekeeping” amendment relocates these notice requirements from Article 14, which discusses procedures for public hearings, to Section 3.080(2) which discusses Type II staff reviews (Limited Land Use Decisions).

Therefore, the amendment of Section 3.080(2) complies with ORS 197.195 cited above.

NEEDED HOUSING ORS 197.307

“(1) The availability of affordable, decent, safe and sanitary housing opportunities for persons of lower, middle and fixed income, including housing for farm workers, is a matter of statewide concern.

“(2) Many persons of lower, middle and fixed income depend on government assisted housing as a source of affordable decent, safe and sanitary housing.”

“(3)(b) A local government shall attach only clear and objective approval standards or special conditions regulating, in whole or in part, appearance or aesthetics to an application for development of needed housing or to a permit, as defined in ORS 215.402 or 227.160, for residential development.

The standards or conditions may not be attached in a manner that will deny the application or reduce the proposed housing density provided the proposed density is otherwise allowed in the zone.”

The Needed Housing ORS cited above applies to:

Section 1.070(3)(a) and (b). “Fee Waivers” is an existing practice. The language for non-profit housing providers continues to be based upon federal low income housing standards, and the existing fee waiver for low income individuals is now codified.

Section 5.030(3). This Section is amended to allow the replacement of single-wide manufactured dwellings on individual lots in the Adams Plat area as well as in Glenwood, in order to preserve affordable low income housing.

Sections 16.010(2) and (3). This amendment allows for a more varied number of housing types, such as apartments. See also staff's response to Metro Plan Housing Policies A.1, A.12, A.14, A.18, A.19, and A.22.

Therefore, the amendment of Sections 1.070(3)(a) and (b); 5.030(3); and 16.010(2) and (3) complies with ORS 197.307 cited above.

EXPEDITED LAND DIVISIONS ORS 197.360-197.380

The ORS cited above applies to the expedited processing of Partitions and Subdivisions as referenced in Section 3.110.

Currently, there is no text addressing the review procedure for expedited land divisions in the SDC. The processing of these applications is somewhat different than the Type II review process required for "typical land divisions". A reference is added to the specific ORS. However, the applicable review standards of Articles 34 (Partitions) and 35 (Subdivisions) shall apply during application submittal and processing of expedited land divisions.

Therefore, the addition of Section 3.110 complies with ORS 197.307 cited above.

POST ACKNOWLEDGEMENT PROCEDURES ORS 197.610

Staff Response/Finding:

The ORS cited above applies to the Department of Land Conservation and Development (DLCD) notification as required as part of the processing of this "housekeeping" amendment application.

The City sent notice for the proposed "housekeeping" amendments via FedEx to the DLCD on April 21, 2005. The notice included the proposed "housekeeping" amendments with commentary. The notice needed to be received by DLCD by April 22, 45 days prior to the first evidentiary hearing (before the Planning Commission) scheduled for June 7, 2005. FedEx acknowledged DLCD receipt of the proposed "housekeeping" amendments on April 22, 2005.

The County mailed notice for this action to DLCD on September 2, 2005, 45 days prior to the first County evidentiary hearing, scheduled for October 18, 2005.

Therefore, the DLCD notice process complies with ORS 197.610 cited above.

**LOCAL GOVERNMENT BOUNDARY COMMISSIONS
ORS 199.425**

Staff Response/Finding:

The ORS cited above applies to annexation of territory to the City in Section 6.030(2).

This is an amendment of the current text that requires all annexation of territory to the City to receive approval from the Lane County Local Government Boundary Commission.

Therefore, the amendment of Section 6.030(2) complies with ORS 199.425 cited above.

**COUNTY SURVEYORS AND MONUMENTING
ORS 209**

Staff Response/Finding:

The ORS cited above applies to Partition and Subdivision Plat submittal requirements in Sections 34.090 and 35.090.

The Partition and Subdivision Plat submittal requirements are simplified by referencing compliance with ORS 92 and 209.

Therefore, the amendment of Sections 34.090 and 35.090 complies with ORS 209 cited above.

**WITHDRAWAL OF TERRITORY FROM SPECIAL SERVICE DISTRICTS
ORS 222.460 and 222.465**

Staff Response/Finding:

The ORS cited above applies to annexation of territory to the City in Section 6.120.

This is an amendment based upon current text that requires withdrawal from a special service district when annexed territory remains in that district.

Therefore, the amendment of Section 6.120 complies with ORS 222.460 and 222.465 cited above.

**APPEALS TIME LINES
ORS 227.175(10)(a)(C)**

Staff Response/Finding:

The ORS cited above applies to appeals of approval authority decisions in Sections 3.080(6), 3.090(6) and 15.020.

The 2003 legislature amended ORS 227.175 to have a 12 day appeal period. During the May 3rd City Planning Commission Work Session, staff was directed to change the standard to 15 days.

Therefore, the amendment of Sections 3.080(6), 3.090(6) and 15.020 complies with ORS 227.175(10)(a)(C) cited above.

**120 DAY REVIEW TIME LINE
ORS 227.178**

Staff Response/Finding:

The ORS cited above applies to the final local action by the approval authority on an application for a permit, limited land use decision or zone change, including resolution of all appeals, within 120 days after the application is deemed complete and applies to Sections 3.050(4) and (6).

The cited SDC Sections have been amended for clarity.

Therefore, the amendment of Sections 3.050(4) and (6) complies with ORS 227.178 cited above.

**DEVELOPMENT ORDINANCES
ORS 227.215**

Staff Response/Finding:

The ORS cited above applies to this “housekeeping” amendment in its entirety. DLCD acknowledged the SDC at the time of its adoption in May of 1986 and every amendment since that time. The proposed “housekeeping” amendments are consistent with ORS 227.215 because they address how property may develop within the City.

Therefore, the proposed “housekeeping” amendments comply with ORS 227.215 cited above.

**VACATIONS OF PUBLIC PROPERTY
ORS 271.080 et seq.**

Staff Response/Finding:

The ORS cited above applies to the vacation of publicly owned rights-of-way, plats and other publicly owned property and applies to Sections 9.030 and 9.060.

The current review process in Article 9 states that all Vacations, even public utility easements, must be reviewed under the Type IV procedure with a recommendation from the Planning Commission to the City Council. A Type II review process for the Vacation of public utility easements is established by this amendment. All other Vacations will remain as Type IV procedure.

Therefore, the amendment of Sections 9.030 and 9.060 comply with ORS 271.080 cited above.

**GROUNDWATER PROTECTION
ORS 468B.155 and ORS 468B.160**

Staff Response/Finding:

The ORS cited above applies to the amendment of the groundwater protection standards in Section 17.070(7)(d).

The deletion of text is the correction of a scrivner's error requested by SUB. This is a clarification of text that applies only to the 10-20 year Time of Travel Zone. There are no changes to the remaining sections of Article 17. See also staff's response to Metro Plan Environmental Element Policies 20. and 21 and Public Facilities and Services Element Policy G.10.

Therefore, the correction of a scrivner's error in Section 17.070(7)(d) complies with ORS 468B.155 and 468B.160 cited above.

Statewide Planning Goals and Oregon Administrative Rules

GOAL 1: CITIZEN INVOLVEMENT - OAR 660-015-0000(1)

"To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."

Staff Response/Finding:

DLCD has acknowledged Springfield's adopted Citizen Involvement Program (CIP). In this program, the Springfield Planning Commission is the Committee for Citizen Involvement (CCI). The proposed "housekeeping" amendments require a citizen involvement program in order to comply with State-wide Planning Goal 1.

This staff initiated project began in November 2004. The proposed "housekeeping" amendments generally involve the reformatting of articles, clarifications of text and compliance with recently adopted Oregon Revised Statutes amendments.

Public Process

On April 20, 2005, staff posted the proposed "housekeeping" amendments on the City's web page. Staff sent an e-mail message to the Springfield Chamber of Commerce, the Lane County Homebuilder's Association and 1000 Friends of Oregon announcing the posting.

On May 3, 2005, the Planning Commission initiated the CCI and held a work session on the proposed "housekeeping" amendments. The Planning Commission raised questions concerning notifying architects, planners, engineers and surveyors of the proposed "housekeeping" amendments, changing the 12 state-mandated appeal period to 15 days, posting on-site notice, increasing berm height along higher classifications of streets, and the deletion of land division solar standards.

On May 5, 2005, staff mailed notice to local architects, engineers and surveyors announcing the posting of the proposed "housekeeping" amendments.

On May 27, 2005, the newspaper notice for the Planning Commission and City Council public hearings appeared in the Springfield News.

On June 7, 2005, the Planning Commission held a work session to discuss issues raised during the May 3 Work Session, and a public hearing on the proposed "housekeeping" amendments. Written comments were submitted, but no one testified at the public hearing. The Planning

Commission voted 7-0 to forward the proposed “housekeeping” amendments to the City Council, as revised.

On June 27, 2005, the City Council held a work session to discuss the proposed “housekeeping” amendments. The City Council discussed and gave staff direction on a policy issue forwarded by the Planning Commission concerning the proposed deletion of the land division solar standards, and had concerns about a proposed staff review process for small area annexations.

On July 18, 2005 the City Council held a work session and public hearing on the proposed “housekeeping” amendments and adopted Ordinance No. 6133.

On September 28, 2005, the newspaper notice for the Lane County Planning Commission public hearing appeared in the Register Guard.

On October 18, 2005, the Lane County Planning Commission held a work session and public hearing on the proposed “housekeeping” amendments to the development code for application to the urbanizable areas of Springfield. One person testified at the public hearing. The County Planning Commission voted 4-3 to recommend that the Board of Commissioners adopt the SDC amendments.

On January 25, 2006, the newspaper notice for the Board of Commissioners public hearing was published in the Register Guard.

On February 25, 2006, the Lane County Board of Commissioners held a public hearing on the proposal to adopt the SDC amendments for application to urbanizable lands and adopted Ordinance No. 8-05

GOAL 2: LAND USE PLANNING OAR 660-015-0000(2)

“To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.”

Staff Response/ Finding:

On August 23, 1982, DLCD acknowledged that the Metro Plan and the all implementing measures were found to be in compliance with the Statewide Planning Goals pursuant to ORS 197.245 and 197.250. This act established, for the Eugene-Springfield metropolitan area and for Springfield in particular, a land use planning process and policy framework for all decisions and actions related to the use of land and assurance for an actual factual base for such decisions and actions. The Metro Plan has been amended several times since 1982. The SDC was adopted in May 1986 and also has been amended several times. The SDC implements Metro Plan policies.

The proposed “housekeeping” amendments either revise existing practices or add new text based upon recent amendments to ORS’s by the Oregon legislature. This project is an amendment of an implementation ordinance. The DLCD Notice of Proposed Amendment mailed on April 20 lists affected State or Federal Agencies, Local Governments or Special Districts.

In this case, staff determined the proposed “housekeeping” amendments do not affect any State or Federal agencies. No local governments or special districts were noticed because staff believes the proposed “housekeeping” amendments did not apply to them. However, staff listed Lane County on the DLCDD notice because the County must adopt these “housekeeping” amendments as required by the Intergovernmental Agreement signed by the two jurisdictions in 1986. The proposed “housekeeping” amendments do not rise to the occasion for the City of Springfield to adopt an exception to a Statewide Planning Goal.

GOAL 3: AGRICULTURAL LAND OAR 660-015-0000(3)

“To preserve and maintain agricultural lands.”

Staff Response/Finding:

This goal does not apply within adopted, acknowledged urban growth boundaries.

GOAL 4: FOREST LANDS OAR 660-015-0000(4)

“To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.”

Staff Response/Finding:

This goal does not apply within adopted, acknowledged urban growth boundaries.

GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES OAR 660-015-0000(5)

“To protect natural resources and conserve scenic and historic areas and open spaces.”

Staff Response/Finding:

No changes to supporting ordinances or policy documents adopted to comply with Goal 5 are affected by these amendments. The proposed “housekeeping” amendments do not repeal, replace or void existing Metro Plan policy or SDC regulations with respect to any identified natural resources.

GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY OAR 660-015-0000(6)

“To maintain and improve the quality of the air, water and land resources of the state.”

Staff Response/Finding:

Technically the proposed “housekeeping” amendments do not affect Goal 6. However, the amendment of Section 17.070 corrects a scrivener’s error.

GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS

“To protect people and property from natural hazards.”

Staff Response/Finding:

All sites within the City that are subject to these hazards (floodplain, erosion, landslides, earthquakes, weak foundation soils) are inventoried through a variety of sources. The proposed “housekeeping” amendments do not remove or exempt compliance with other Code standards that may apply to development. However, the amendment of Section 26.010 does add a “Purpose” section that addresses potential landslide issues and consistency with the Endangered Species Act and Clean Water Act SDC amendments adopted in 2002.

GOAL 8: RECREATIONAL NEEDS OAR 660-015-0000(8)

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.”

Staff Response/Finding:

Willamalane Park and Recreation District is the entity responsible for park planning, development and maintenance in the City’s urbanizable area as well as the city limits. No Willamalane parks are affected by the proposed “housekeeping” amendments.

GOAL 9: ECONOMIC DEVELOPMENT OAR 660-015-0000(9)

“To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.”

Staff Response/Finding:

The proposed “housekeeping” amendments do not repeal, replace or void existing Metro Plan policy or Development Code regulations with respect to economic development. However, the amendment of the following SDC sections either decrease development costs and/or simplify the development process:

Section 1.070(4) amends the language for low income housing fee waivers.

Section 5.030 amends “continuance of a non-conforming building or structure” to delete the monetary limitations on replacement of non-conforming buildings or structures as part of the City’s response to Ballot Measure (BM) 37.

Section 5.090 establishes a process for allowing a use permitted under BM 37 to continue as a permitted use when the property is sold to a new buyer.

Section 26.070(5) provides an option to delay tree felling on individual lots until the lots are sold and a building permit is required.

Section 31.080(2) establishes a review process primarily for large industrial sites that never received site plan approval to establish a “Final Site Plan Map” so that these properties can take advantage of the SDC Site Plan Modification provisions.

Sections 34.010(3) and 35.010(3) delete solar standards from the Partition and Subdivision review process because: 1) they are difficult to administer (especially on north-south residential streets); and 2) as a trade off between density and solar protection. However, solar protection standards will still be utilized as specified in the applicable zoning articles, after plats are recorded, during building permit review.

Sections 34.090 and 35.080 simplify the Partition and Subdivision Plat submittal and review process and include specific information that may need to be placed on the Partition and Subdivision Plat to meet Lane County Surveyor's requirements.

Section 35.050(9) establishes criteria for approving subdivisions in certain existing manufactured dwelling parks to comply with ORS 92.830-845.

GOAL 10: HOUSING OAR 660-015-0000(10)

"To provide for the housing needs of citizens of the state."

Staff Response/Finding:

The proposed "housekeeping" amendments do not directly affect State-wide Planning Goal 10 or the Springfield Residential Buildable Lands Inventory (1999). However, the amendments to the SDC's either decrease development costs and/or simplify the development process. See staff's response to Statewide Planning Goal 9.

GOAL 11: PUBLIC FACILITIES AND SERVICES OAR 660-015-0000(11)

"To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."

Staff Response/Finding:

The proposed "housekeeping" amendments will not affect Statewide Planning Goal 11.

GOAL 12: TRANSPORTATION OAR 660-015-0000(12)

"To provide and encourage a safe, convenient and economic transportation system."

Staff Response/Finding:

The proposed "housekeeping" amendments will not affect Statewide Planning Goal 12 because no state transportation systems are affected.

GOAL 13: ENERGY CONSERVATION OAR 660-015-0000(13)

"To conserve energy. Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

Staff Response/Finding:

Implementation elements of Goal 13 discuss siting controls and compatibility of competing land use activities, specifically:

“1. Land Use Plans should be based upon the following techniques and implementation devices which can have a material impact on energy efficiency:

a. Lot size, dimension and siting controls;

b. Building height, bulk and surface area;

c. Density of uses, particularly those which relate to housing densities....”

See staff response to Metro Plan Growth Management Policy 24; Housing Policy A.33; Metro Plan Energy Policy 3 and ORS 92.044(1)(a), ORS 227.190(1)-(3) and ORS 227.195. for findings that address the issue of deleting the “land division” (Partition and Subdivision) solar regulations in Sections 34.010(3) and 35.010(3).

Therefore, the proposed “housekeeping” amendments comply with Statewide Planning Goal 13.

Goal 14: Urbanization OAR 660-015-0000(14)

“To provide for an orderly and efficient transition from rural to urban land use.”

Staff Response/Finding:

The SDC is applicable within the city limits and the City’s urbanizable area. The proposed “housekeeping” amendments do not affect Statewide Planning Goal 14.

GOAL 15: WILLAMETTE RIVER GREENWAY OAR 660-015-0005

“To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.”

Staff Response/Finding:

Properties within the city and its urbanizable area abut the Willamette River. The proposed “housekeeping” amendments do not affect Statewide Planning Goal 15.

Goals 16 through 19 – Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources.

Staff Response/Finding:

These goals do not apply because there are no coastal, ocean, estuarine, or beach and dune resources within the City’s jurisdiction.

CONCLUSION

Staff finds that the proposed “housekeeping” amendments comply with the criteria of approval listed in the SDC 8.030 and LC10.315-20: specifically applicable Metro Plan policies; applicable State Statutes; and applicable Statewide Planning Goals and Administrative Rules.

Staff recommends the Board of Commissioners adopt the proposed SDC “housekeeping” amendments presented in this Ordinance (No. 8-05) for application to the urbanizable area of the city of Springfield.

**SECTION BY SECTION OVERVIEW OF
THE PROPOSED SDC "HOUSEKEEPING" AMENDMENTS**

ARTICLE/ SECTION	PROPOSED AMENDMENTS
ARTICLE 1	GENERAL PROVISIONS
1.020	Adds language stating that zoning must be in compliance with the Metro/Refinement Plan diagram.
1.030	Adds language to avoid the need to revise the SDC every time a referenced regulation is amended.
1.035	Adds a new section (OFFICIAL ZONING MAPS) referencing the zoning maps and interpretation of the zoning district boundaries (See also Article 12).
1.070(4)	Revises language for fee waiver for those non-profit organizations that provide <u>low income housing</u> and adds language for low income fee waiver for individuals.
1.070(6)	Adds language stating how fees may be refunded.
ARTICLE 2	DEFINITIONS
2.020	Adds a definition for "Annexation Agreement" and "Plan District" and amends "Abut", "Adjacent", "Agriculture", "Building Envelope", "Building Board of Appeals", "Change of Use", Future Development Plan", "Hazardous Materials" and "Springfield Municipal Code".
ARTICLE 3	DEVELOPMENT APPROVAL AND LAND USE DECISION PROVISIONS - <i>This Article is completely rewritten</i>
3.010	Introduces the Type I-IV review process.
3.020(1)	Normal maintenance, replacement and enhancement of existing landscaping is exempt from development review, with exceptions – adds the following articles to that exception: Article 26 Hillside Development, Article 34 Partitions and Article 35 Subdivisions.
3.020(6)	A reference for excavation and fill is made to the Springfield Municipal Code, with exceptions.
3.020(7)	Single-family homes are currently exempt from development review. Adds duplexes in MDR and HDR Districts that do not require Site Plan Review to the exempt list.
3.040(1)	The Development Issues Meeting (DIM) is voluntary. Adds language that allows the Director to require a DIM as may be required elsewhere in the SDC.

- 3.040(3) **Deletes language from the Pre-Submittal Meeting process to reflect current policy requiring all partitions to go through this review for application completeness.**
- 3.050(4) Revises language pertaining to application completeness.
- 3.050(6) Adds language stating the 120 day review time-line includes appeals.
- 3.070 **Revises the Type I (no notice) staff review process and creates a table, with general Code reference that lists Type I applications.**
- 3.080 **Revises the Type II (with notice) staff review process and creates a table, with general Code reference that lists Type II applications. Revises notice from 100 fee to 300 feet and requires the positing of a sign on the subject property. Revises appeal time-line from 10-15 days to comply with ORS/Planning Commission request.**
- 3.090 **Revises the Type III (quasi-judicial public hearing) review process and creates a table, with general Code reference that lists Type III applications. Revises notice from 100 fee to 300 feet and requires the positing of a sign on the subject property. Revises appeal time-line from 10-15 days to comply with ORS/Planning Commission request.**
- 3.100 **Revises the Type IV (legislative public hearing) review process and creates a table, with general Code reference that lists Type IV applications. Revises notice from 100 fee to 300 feet and requires the positing of a sign on the subject property.**
- 3.110 Adds a Section referencing the expedited land division process.
- ARTICLE 4 INTERPRETATIONS - *This Article is completely rewritten***
- 4.010/.015 Establishes purpose and applicability sections.
- 4.020 **Revises the current Type III review process to allow the Director to review most interpretations under Type II review. The Director would have the ability to raise an interpretation to a Type III review. Codifies policy interpretations as a Type IV review.**
- 4.030 **Establishes separate criteria for interpretations of new uses.**
- 4.040 **Establishes separate criteria for interpretations of terms or phrases.**
- 4.050 **Establishes additional criteria for interpretations reviewed under Type III and Type IV criteria.**
- 4.060 Explains the effect of a decision.
- ARTICLE 5 NON-CONFORMING USES - *This Article is completely rewritten***
- 5.010/.015 Establishes purpose and applicability sections.

- 5.020 **Revises the current Type III review process to allow the Director to review most expansions of a non-conforming use under Type II review. The Director would have the ability to raise a Type II to a Type III review.**
- 5.025 Establishes a process to allow the Director to determine non-conforming status.
- 5.030 **Revises "continuance" to delete the monetary limitations on replacement of non-conforming buildings or structures as part of the City's response to Ballot Measure (BM) 37. This means if a non-conforming structure is completely destroyed, it can be rebuilt.**
- 5.040 **Revises "expansion or modification" to establish criteria specific to non-conforming uses that the Director can use at the Type II review level.**
- 5.060 **Revises the "abandonment" time-line from 90 days to 6 months as part of the City's response to Ballot Measure (BM) 37 and establishes criteria for when the time line starts.**
- 5.070 Establishes a definition for "lots of record".
- 5.080 Revises "vested rights".
- 5.090 **Establishes a process for allowing a use permitted to continue as a permitted use rather than a non-conforming use, when the property is sold to a new buyer if a SDC regulation is waived under BM 37.**

ARTICLE 6 ANNEXATIONS - *This Article is completely rewritten*

- 6.010/.0150 Establishes purpose and applicability sections.
- 6.020 Keeps the current Type IV review process for all Annexation applications.
- 6.030 **Requires a Development Issues Meeting for all Annexations, unless waived by the Director.**
- 6.040 Establishes who may submit an annexation application.
- 6.050 Establishes a notice requirement.
- 6.060 **Establishes a discussion on fiscal impact and states that an "Annexation Agreement" (see new definition) may be required.**
- 6.070 **Establishes City criteria of approval.**
- 6.080 Establishes a process for the City's recommendation to the Lane County Local Boundary Commission.
- 6.090-110 Renumbers current text concerning "zoning", "notification of utilities" and "withdrawal from special service districts."

ARTICLE 9 VACATIONS - *This Article is completely rewritten*

- 9.010/.020 **Establishes purpose and applicability sections – specifically states that the City’s vacation process does not apply to Lane County streets and State highways.**
- 9.030 **Establishes a Type II review for the vacation of public easements. Vacations of rights-of-way, plats, etc. remain a Type IV review.**
- 9.040 Establishes who may submit a vacation application and the materials that must be submitted.
- 9.050 **Establishes a notice requirement that is slightly different from the “normal” notice requirement.**
- 9.060 **Establishes separate criteria of approval public easements and all other vacations.**
- 9.070 **Establishes conditions of approval. Note: Section Springfield Municipal Code Section 3.204 was recently established to allow the City to charge abutting property owners when public right-of-way is vacated.**

ARTICLE 10 DISCRETIONARY USE - *This Article is completely rewritten*

- 10.010/.013 Establishes purpose and applicability sections
- 10.015 Revises language pertaining to the siting of schools.
- 10.020 **Establishes a Type I and Type II Site Plan Modification process for certain expansions or additions of approved Discretionary Uses. New Discretionary Use applications remain a Type III review.**
- 10.030 **Revises the Discretionary Use criteria of approval – note: separate criteria for wireless telecommunications systems is referenced to Article 32.**
- 10.040 Revises the Discretionary Use conditions of approval.

ARTICLE 11 VARIANCES - *This Article is completely rewritten*

- 11.010/.013 **Establishes purpose and applicability sections – states that granting a variance does not create a non-conforming use.**
- 11.015 **Establishes a list of prohibited variances.**
- 11.020 **Deletes “Modification of Provisions” and establishes “Minor Variance”. A Minor Variance is reviewed under Type II procedure; a Major Variance continues to be reviewed under Type III procedure.**

- 11.030 **Establishes a list of Minor Variances that can only be added to by the Director: building setbacks, lot dimensions*, building height, lot coverage*, and infill parking standards. *See text for exemptions. Revises criteria of approval for Minor Variances and increases the threshold from 20 percent to 30 percent.**
- 11.033 **Revises criteria of approval for Major Variances – eliminates self imposed hardship.**
- 11.040 Revises the variance conditions of approval.
- ARTICLE 12 OFFICIAL ZONING MAP AMENDMENTS - This Article is renamed and completely rewritten**
- 12.010/.015 Establishes purpose and applicability sections
- 12.020 **Establishes a Type III public hearing for quasi-judicial zoning map amendments and a Type IV public hearing process for legislative zoning map amendments.**
- 12.030 **Revises the criteria of approval.**
- 12.040 **Revises the conditions of approval.**
- 12.050 Revises the mobile home park notice of zone change.
- ARTICLE 14 PUBLIC HEARINGS**
- 14.010/015 Establishes purpose and applicability sections
- 14.030 **Relocates the notice requirement for Type II review to Section 3.080**
- ARTICLE 15 APPEALS - This Article is completely rewritten**
- 15.003/005 Establishes purpose and applicability sections
- 15.010 **Reformats the review process – explains who hears what.**
- 15.020 **Reformats the “Director’s/Hearing Official’s Type II decision” appeal review process. Revises appeal time-line from 10-15 days to comply with ORS/Planning Commission request.**
- 15.030 **Reformats the “Planning Commissions Type III decision” appeal review process. Revises appeal time-line from 10-15 days to comply with ORS/Planning Commission request.**
- 15.040 **Codifies the appeals process for the Hearings Official’s and City Council’s final actions.**

ARTICLE 16 RESIDENTIAL ZONING DISTRICTS

- 16.010(2)/(3) Adds language stating that land divisions cannot diminish the minimum density standard.
- 16.020(5)(b) **Corrects an oversight from a previous code amendment by deleting the site plan review requirement in cluster developments.**
- 16.030 **Reformats lot size standards and specifies when an irrevocable joint use/access easement is required in lieu of a panhandle.**
- 16.050 **Reformats setback standards and clarifies the standard for garages.**
- 16.090 Adds mainline railroad tracks to the list of facilities abutting residential properties that would allow an 8' high fence.
- 16.100(1)(a)1. **Allows habitable space (bedrooms/living rooms, including bathrooms) in garages without requiring additional review as an accessory dwelling unit.**
- 16.100(1)(c)1. **Addresses both lot coverage standards found in Section 16.040.**
- 16.100(1)(e) Establishes specific setbacks for flagpoles.
- 16.100(4) Reformats standards for day care centers.
- 16.100(5) **Revises a reference to duplex lot/parcel size.**

ARTICLE 17 DWP DRINKING WATER PROTECTION OVERLAY DISTRICT

- 17.070(4) Corrects a scribner's error – requested by the Springfield Utility Board.

ARTICLE 18 COMMERCIAL ZONING DISTRICTS

- 18.010(4) Deletes second paragraph – zone change conditions are found in Article 12.
- 18.020(6)(cc) Replaces "Springfield Code 1965" with "Springfield Municipal Code, 1997."
- 18.020(8) **Moves the single-family house use to Section 18.110(6) because this is a secondary use.**
- 18.020(14)(b) **Specifies that the single-family house use is a secondary use.**
- 18.070(15) Adds missing language relating to shopping center/mall parking requirements.
- 18.110(5)(a) States that bingo parlors must comply with ORS 167.118.
- 18.110(6)(a)-(c) **States that residential uses in commercial zones must comply with the provisions of the applicable mixed use or residential zoning district and that single family houses are secondary uses.**

ARTICLE 26 HD HILLSIDE DEVELOPMENT OVERLAY DISTRICT

- 26.010 Adds a "Purpose" section that addresses potential landslide issues and consistency with the Endangered Species Act/Clean Water Act SDC amendments adopted in 2002.
- 26.020 Deletes "Description" which is incorporated into the "Purpose" section. Adds "reserved for future use".
- 26.030 **Adds language that refers to residential zoning districts, rather than residential areas.**
- 26.040(1) Clarifies submittal requirements.
- 26.070(1) **Deletes the one acre threshold for the submittal of required plans and refers to "geotechnical report", rather than "soils and geology report".**
- 26.070(5) **Provides an option to delay tree felling on individual lots until the lots are sold and a building permit is required.**
- 26.080(2) **Clarifies the modification of standards section for the reduction of right-of-way or pavement width.**

ARTICLE 29 UF-10 URBANIZABLE FRINGE OVERLAY DISTRICT

- 29.010/030 Establishes purpose and applicability sections
- 29.020 Deletes this section which is incorporated into Section 29.010. Adds "reserved for future use".
- 29.040(4) States that the Hearings Official, not the Planning Commission, hears all Type III reviews in the urban transition area.
- 29.050 Amends outdated language concerning the placement of single-family dwellings and manufactured homes.
- 29.060 Deletes an incorrect reference.
- 29.070(1) **Deletes language referring to the old "annexation agreement" forms and adds language stating the City will not extend water or sanitary sewer, unless the territory is annexed.**
- 29.070(5)(a)-(c) **Relocates criteria for partitions in the City's urbanizable area to Section 34.050. Requires partitions within range of sanitary sewer to be annexed to the City.**
- 29.070(d) **Deletes language allowing serial partitions in the City's urbanizable area.**

ARTICLE 31 MINIMUM DEVELOPMENT STANDARDS AND SITE PLAN REVIEW STANDARDS

- 31.010(2)(a) Specifies that covering an existing impervious surface with a structure that is not fully enclosed does not trigger MDS.
- 31.010(2)(b) Clarifies when MDS applies to multiple properties under single ownership and that espresso carts are not permitted to have wheels.
- 31.010(4)(d) Clarifies when final occupancy may occur for MDS and when paved parking is required.
- 31.020(2)(c)5. Provides the Director flexibility to choose either MDS or a Site Plan Modification. **Establishes a Final Site Plan Equivalent map discussed in more detail Section 31.080.**
- 31.020(3) **Updates references that may allow the issuance of a Land and Drainage Alteration Permit prior to preliminary site plan approval.**
- 31.030(1) Corrects erroneous reference to "Pre-Submittal Meeting".
- 31.040 **Establishes standards for "phased" site plans which should not be confused with "Master Plans" (discussed in Article 37) because the approval time-line for each process is different.**
- 31.050(8) **Submittal requirements now require an on-site lighting plan (See Section 31.160(3)).**
- 31.060(1) **Deletes "completeness" and adds zoning consistency with Metro Plan.**
- 31.060(2) **Deletes references to Articles 31, 32 etc. and adds language concerning the capacity and availability of adequate public improvements.**
- 31.060(3) **Adds language that refers to utility design and SDC development standards.**
- 31.060(4) **Addresses mostly transportation issues.**
- 31.060(5) **Addresses physical and historic features.**
- 31.070(3) Adds medians as a condition of approval for traffic safety.
- 31.070(7) Clarifies language relating to a condition of approval for phasing of development.
- 31.080(1) **Adds language stating when a development agreement must be signed.**
- 31.080(2) **Establishes a review process primarily for large industrial sites that never received site plan approval, such as Weyerhaeuser, creating a "Final Site Plan Map" so that these properties can take advantage of the SDC Site Plan Modification provisions when they want to expand.**

- 31.090 Exempts "Final Site Plan Maps" from the Development Agreement requirement.
- 31.100 Eliminates a timing conflict for Site Plan Modification applications.
- 31.140(3) **Deletes a list of "parking lot" trees and adds a reference to the City's Engineering Design Standards and Procedures Manual.**
- 31.160(2) **Establishes construction standards for berms.**
- 31.160(3) **Deletes the current one liner and establishes on-site lighting standards.**
- 31.180 **Deletes the two parking lot design diagrams until there is an update of the Code.**
- 31.190 **Deletes outdated handicapped parking standards and adds a reference to the Structural Specialty Code.**

ARTICLE 32 PUBLIC AND PRIVATE IMPROVEMENTS

- 32.010 **Establishes a purpose section with references to various Public Works design and construction documents.**
- 32.010(2) Replaces "Springfield Code 1965" with "Springfield Municipal Code, 1997."
- 32.020(1)(a)1.b. **Eliminates a block length standard conflict with Section 35.030(4)**
- 32.020(4) **Deletes the outdated list of arterial and collector streets and adds a reference to the Federally Designated Roadway Functional Classification Map which is part of TransPlan.**
- 32.020(5)(a)-(d) **Changes the title to "dead end streets" and adds a hammerhead or other design alternative. Establishes standards for temporary and existing dead end streets.**
- 32.020(6)-(8) **Deletes street design subsections that are contained in public works documents.**
- 32.020(9) **Revises text relating to the extension of streets and renumbers this subsection.**
- 32.020(10) **Establishes a second option for partial-width streets and renumbers this subsection.**
- 32.020(11) Revises text relating to railroad crossings and renumbers this subsection.
- 32.020(12) Revises text relating to signs and signals with references to various Public Works design and construction documents and renumbers this subsection.
- 32.020(13) **References street naming procedures in the Springfield Municipal Code, 1997 (which were recently adopted by separate ordinance) and renumbers this subsection.**

- 32.020(14) Deletes text relating to special events because they are addressed in the Springfield Municipal Code, 1997.
- 32.040(1) **Deletes standards relating to accessways and adds them to Section 32.090 because of their similarity to bike ways. Deletes sidewalk design standards and adds references to Public Works documents.**
- 32.050 **Establishes a purpose statement for street trees. Clarifies the location of street trees on private as well as public property. Deletes most street tree standards, including the street tree lists, because they are referenced in the City's Engineering Design Standards and Procedures Manual. That document contains a more up-to-date listing of trees. Remaining subsections are renumbered.**
- 32.060 Revises text to reference applicable Public Works documents.
- 32.080 **Revises text relating to access and adds references to applicable Public Works documents.**
- Diagrams 32-C and 32-D **Deletes diagrams that are referenced in various Public Works documents.**
- 32.085 Establishes a new section for "intersections".
- 32.090 **Adds "accessways" to "bikeways and pedestrian trails" with minor text edits.**
- 32.100 **Deletes text relating to sanitary sewer standards and adds references to various Public Works documents.**
- ARTICLE 34 PARTITION STANDARDS**
- 34.010(2)(3) **Updates references that may allow the issuance of a Land and Drainage Alteration Permit prior to preliminary site plan approval in Subsection (2) and deletes the reference to the land division solar standards in Subsection (3). Solar standards remain in the various zoning Articles and in Article 39 Solar Access Guarantee.**
- 34.030 **Renames the section to "submittal requirements".**
- 34.030(7) **Establishes standards for utilities to be shown on the tentative plan when multiple panhandles are proposed.**
- 34.030(12)-(14) **Deletes these subsections due to duplicative language elsewhere or a reference to the solar standards in deleted Section 34.010(3).**
- 34.050(1)-(8) **Revises criteria for public and private improvements and renumbers remaining criteria.**
- 34.050 **Revises criteria similar to Section 31.060 and adds criteria of approval for partitions within the urban transition area from Section 29.070(5)(c).**

- 34.070(6) **Clarifies language relating to a condition of approval for phasing of development.**
- 34.070(12) **Adds a condition of approval for the construction of utilities in multiple panhandles prior to recording the Plat.**
- 34.070(13) **Adds a condition of approval requiring an existing dwelling to connect to sanitary sewer upon annexation to the city.**
- 34.080 **Specifies that Partition Plats are a Type I review.**
- 34.090 **Simplifies the Partition Plat submittal and review process and includes specific information that may need to be placed on the Partition Plat to satisfy the Lane County Surveyor's requirements. Allows the Director to grant a time extension for Partition Plat submittal.**
- 34.100 **Revises Partition Plat criteria of approval.**
- 34.110 **Revises the Partition Plat recording process.**
- 34.120 **Deletes this Section.**

ARTICLE 35 SUBDIVISION STANDARDS

- 35.010(2)(3) **Updates references that may allow the issuance of a Land and Drainage Alteration Permit prior to preliminary site plan approval in Subsection (2) and deletes the reference to the land division solar standards in Subsection (3). Solar standards remain in the various zoning Articles and in Article 39 Solar Access Guarantee.**
- 35.030 **Clarifies language relating to Future Development Plans, panhandle lots and block lengths.**
- 35.040 **Renames the section to "submittal requirements".**
- 35.040(8) **Establishes standards for utilities to be shown on the tentative plan when multiple panhandles are proposed.**
- 35.040(14) **Establishes submittal standards for subdividing certain existing manufactured dwelling parks to comply with ORS 92.830-845.**
- 35.050 **Revises criteria similar to Section 31.060 and adds criteria for approving subdivisions in certain existing manufactured dwelling parks to comply with ORS 92.830-845.**
- 35.060(6) **Clarifies language relating to a condition of approval for phasing of development.**
- 35.060(12) **Adds a condition of approval for manufactured dwelling park subdivisions.**

- 35.070 **Deletes "Tentative Plan Expiration Date" and adds the text to Section 35.090. Adds "reserved for future use".**
- 35.080 **Specifies that Subdivision Plats are a Type I review.**
- 35.090 **Simplifies the Subdivision Plat submittal and review process and includes specific information that may need to be placed on the Subdivision Plat to satisfy the Lane County Surveyor's requirements.**
- 35.100 **Revises Subdivision Plat criteria of approval.**
- 35.110 **Revises the Subdivision Plat recording process.**
- 35.120/.130 **Deletes these sections.**
- ARTICLE 37 MASTER PLANS**
- 37.010 **Adds language stating that a Master Plan is not considered to be a refinement plan or any other subset of the Metro Plan.**
- 37.020 **Adds language allowing the Director to raise the existing Type III review to a Type IV review and states a "Pre-Application Report", rather than a "Pre-Application Review" is required.**
- 37.040 **Deletes references to the Oregon Revised Statutes and the Oregon Administrative Rules as criteria of approval because a Master Plan is more like a site plan than a refinement plan.**
- ARTICLE 38 TREE FELLING STANDARDS**
- 38.010/.015 **Establishes purpose and applicability sections and eliminates a loop hole in the current tree felling regulations that currently allows a property owner to fell trees in December of one year and more trees in January of the next year (the text states "...within a 12 month period") and deletes those exceptions that no longer apply. Adds an exception stating no additional Tree Felling Permit will be required within already established building envelopes.**

AGENDA ITEM SUMMARY

Meeting Date: January 17, 2006
Meeting Type: Regular Session
Department: Development Services
Staff Contact: Gary M. Karp
Staff Phone No: 726-3777
Estimated Time: 10 minutes

**SPRINGFIELD
CITY COUNCIL**

ITEM TITLE: PROPOSED SPRINGFIELD DEVELOPMENT CODE (SDC) AMENDMENT.

ACTION REQUESTED: Hold a public hearing and approve, approve as may be amended, or not adopt the following Ordinance: **AN ORDINANCE AMENDING THE SPRINGFIELD DEVELOPMENT CODE, SECTION 5.090 AND DECLARING AN EMERGENCY.**

ISSUE STATEMENT: The purpose of this amendment is to make SDC Section 5.090 consistent with the intent of Springfield Municipal Code (SMC) Section 2.953(2) regarding the status of transferability of property under a Ballot measure 37 Claim.

ATTACHMENTS: 1. Background
2. SDC Amending Ordinance

DISCUSSION: In July, 2005, the City Council approved the SDC "housekeeping" amendments by adopting Ordinance 6133. These amendments applied both within Springfield's city limits and its urbanizable area. The intergovernmental agreement between the City and Lane County, giving Springfield planning and building permit jurisdiction within its urbanizable area, requires the Lane County Board of Commissioners (Board) to also adopt the SDC "housekeeping" amendments.

Lane County's legislative approval process is similar to Springfield's. The Lane County Planning Commission (LCPC) must make a recommendation to the Board prior to the adoption of their ordinance.

In October 2005, staff presented the SDC "housekeeping" amendments to the LCPC. During the work session and public hearing, the LCPC raised a question regarding the status of transferability of BM 37 relief for the current property owner to a new property owner under the waiver of Code provisions. The LCPC believed there may be a conflict between Lane County's BM 37 ordinance in Lane Code, the City's BM 37 ordinance in the SMC and the City's "housekeeping" amendment to SDC Section 5.090. City staff told the LCPC that this issue would be researched and resolved prior to adoption of the SDC "housekeeping" amendments by the Board. After this discussion, the LCPC voted to recommend Board approval of the SDC "housekeeping" amendments.

City staff reviewed Lane Code and the SMC and found a minor amendment of Section 5.090 was in order. Staff returned to the Springfield Planning Commission on December 6, 2005 with the proposed amendment to SDC Section 5.090. The Planning Commission voted unanimously to recommend City Council adoption of the SDC amending Ordinance.

Staff is requesting an emergency clause because SDC "housekeeping" amendments are scheduled for adoption by the Board on February 15, 2006. Upon adoption of the attached Ordinance, it will be forwarded to the Lane County Board of Commissioners to be included in their ordinance adopting the SDC "housekeeping" amendments.

ATTACHMENT 1

BACKGROUND

A. SPRINGFIELD MUNICIPAL CODE AMENDMENTS.

In November 2004, the Springfield Municipal Code (SMC) was amended to adopt procedures for processing Ballot Measure (BM) 37 claims. Ordinance 6102 contained the following language in SMC Section 2.953(2) pertaining to situations when the City Council granted a waiver of Code provisions instead of paying compensation: “... *any action taken under this Article to remove, modify or not apply application of an identified land use regulation runs with the property and is transferred with ownership of the property.*” This language stated that a waiver of Code provisions applied to both the property owner making the claim and any future property owners. This language was prepared consistent with the City Council’s direction to staff on this issue.

In February 2005, the Oregon Attorney General’s office issued an interpretation on the transferability of BM 37 relief under a waiver of Code provisions. That interpretation stated: “... *it only provides authority for a public entity to waive a law to the extent necessary to allow an otherwise prohibited use by the ‘present’ owner, i.e., the owner at the time the exemption is granted. In other words, this language authorizes a public entity to make exemption personal to the owner making the claim.*” The interpretation found no evidence to allow a waiver of Code provisions to be applied to any future property owners.

In March 2005, Ordinance 6126 was adopted containing several amendments to the SMC BM 37 procedural regulations including SMC Section 2.953(2) which now reads: “... *any action taken to remove, modify or not apply application of an identified land use application shall be transferable to a future purchaser of the property to the extent required by Ballot Measure 37.*” The intent of the amendment of SMC Section 2.953(2) was consistency with the Attorney General’s interpretation the City of Eugene and Lane Code (see the discussion under topic C).

B. SPRINGFIELD DEVELOPMENT CODE “HOUSEKEEPING” AMENDMENTS.

In July, 2005, the City Council approved the SDC “housekeeping” amendments by adopting Ordinance 6133. This package of amendments included Article 5, Non-Conforming Uses, Section 5.090 which added language that was intended to be consistent with the March 2005 SMC BM 37 amendment cited above. In October 2005, during the work session and public hearing before the Lane County Planning Commission, a question was raised regarding whether there may be a conflict between Lane County’s BM 37 ordinance in Lane Code, the City’s BM 37 ordinance in the SMC and the City’s “housekeeping” amendment to SDC Section 5.090.

C. ATTORNEY DISCUSSIONS – CONSISTENCY BETWEEN LANE COUNTY AND CITY REGULATIONS.

In November 2005, Springfield’s City Attorney, Joe Leahy, discussed the consistency issue with Assistant Lane County Counsel, Steve Vorhes. Mr. Vorhes stated that Lane Code grants certain rights to the owner of property only as long as that owner owns the property. Mr. Leahy stated that the SMC also grants certain rights to the property owner and is transferable only as permitted by Ballot Measure 37, which may or may not allow transfer. Mr. Vorhes indicated that for all intents and purposes, there is no difference in the interpretation of how Lane Code and the SMC operate on the transferability issue. The language in SDC 5.090 is based upon the revision to the SMC in March. Therefore, the language in SDC 5.090 is also consistent with the intent of Lane Code on this topic.

D. RESOLUTION OF UNCERTAINTIES

Although SDC Section 5.090 is based upon the language in SMC 2.953(2), which is consistent with Lane Code, in order to resolve any uncertainties, staff is proposing to amend SDC 5.090 as proposed below:

Proposed Text Amendments to SDC Section 5.090:

Underline denotes new text; ~~strikethrough~~ denotes deleted text.

Commentary: *The word “only” is added for emphasis. The reference to B 37 is added for consistency with SMC 2.953(2). The reference to ORS 197 was originally used because Ballot Measure 37 amended ORS 197.*

Notwithstanding the foregoing provisions and regulations of this Article, any waivers to the standards of this Code granted by the City Council in response to a Demand for compensation, as may be permitted in accordance with the Springfield Municipal Code 1997, shall supersede the provisions and regulations of this Article and shall be transferable to a future purchaser of the property only to the extent required by [~~ORS 197~~] Ballot Measure 37.

ORDINANCE

ORDINANCE NO. _____ (General)

**AN ORDINANCE AMENDING THE SPRINGFIELD DEVELOPMENT CODE,
SECTION 5.090 AND DECLARING AN EMERGENCY**

THE CITY COUNCIL OF THE CITY OF SPRINGFIELD FINDS THAT:

WHEREAS, the Springfield Development Code (SDC) was adopted by the Springfield City Council on May 5, 1986, and amendments thereto were subsequently adopted by Ordinance; and

WHEREAS, Article 7 of the SDC sets forth procedures for the amendment of this document; and

WHEREAS, on July 18, 2005, the Springfield City Council held a public hearing and adopted the SDC ‘housekeeping’ amendments Ordinance 6133 (Case Number LRP 2005-00012); and

WHEREAS, the Intergovernmental Agreement between the City of Springfield and Lane County requires the Lane County Board of Commissioners to adopt amendments to the SDC that are effective within the City’s urbanizable area; and

WHEREAS, on October 18, 2005, the Lane County Planning Commission held a work session on this SDC “housekeeping” amendment application and raised a question concerning SDC Section 5.090; and

WHEREAS, City staff determined that a minor amendment of Section 5.090 was necessary in order to resolve any uncertainties concerning consistency among Lane Code, the Springfield Municipal Code and the SDC; and

WHEREAS, on December 6, 2005, the Springfield Planning Commission held a public hearing on this SDC amendment application (Case Number LRP 2005-00036) and unanimously recommended City Council adoption of the attached Ordinance; and

WHEREAS, on January 17, 2006, the Springfield City Council held a public hearing and is now ready to take action on this matter based upon the above recommendation and the evidence and testimony already in the record as well as the evidence and testimony presented at this public hearing held in the matter of adopting this ordinance amending the SDC.

NOW THEREFORE, THE CITY OF SPRINGFIELD ORDAINS AS FOLLOWS:

Section 1: Section 5.090 is hereby amended to read as follows: “Notwithstanding the foregoing provisions and regulations of this Article, any waivers to the standards of this Code granted by the City Council in response to a Demand for compensation, as may be permitted in accordance with the Springfield Municipal Code 1997, shall supersede the provisions and regulations of this Article and shall be transferable to a future purchaser of the property only to the extent required by Ballot Measure 37.”

Section 2: Declaration of Emergency. It is hereby found and declared that matters pertaining to the amendment of, and additions to the Springfield Development Code affect the public health, safety and welfare of the City of Springfield and that this Ordinance shall, therefore, take effect immediately upon its passage by the Council and approval by the Mayor.

ADOPTED by the Common Council of the City of Springfield by a vote of ____ for and ____ against, this ____ day of _____, 2006.

APPROVED by the Mayor of the City of Springfield, this ____ day of _____, 2006.

ATTEST:

Mayor

City Recorder

MINUTES

Lane County Planning Commission
BCC Conference Room - Lane County Courthouse

October 18, 2005
5:30 p.m.

PRESENT: Steve Dignam, Chair; James Carmichael, Vice Chair; Lisa Arkin, Ed Becker, Nancy Nichols, John Sullivan, Jozef Zdzienicki, members; Planning Director Kent Howe, Stephanie Schulz, Staff

ABSENT: Juanita Kirkham

I. Amending Chapter 10 of Lane Code to Adopt Amendments to the Springfield Development Regulations for Application to the Urbanizable Lands within Springfield Urban Growth Area.

Commission Chair Steve Dignam convened the meeting at 5:30. He asked for public comment on issues that were not to be discussed in the public hearing that evening. Seeing no one wishing to speak he moved to the first agenda item.

Planning Staff member Stephanie Schulz provided a brief staff report. She said the last major review of the Springfield Code was in 1993. She said the proposed amendments were housekeeping involving the reformatting of articles, clarification of text, and compliance with recently adopted Oregon revised statutes. She said the criteria for approval of the co-adoption of the proposed code amendments were under Lane Code 10.315-20. She introduced Gary Karp from the City of Springfield Planning Department who was present to answer questions for the commission. She said Springfield had met the criteria for adding the amendments to Lane Code and asked the planning commission to forward a recommendation to the Lane County Board of Commissioners.

Mr. Karp provided a brief summary of the amendments. He said the amendments generally involved reformatting articles, clarification of text and compliance with recently adopted ORS amendments. He said they were based on two objectives, as stated in the staff report. The first was a list of items from the planning division and public works department staff who work with the code on a daily basis which would more clearly describe and expedite the planning review process. The second was a directive from the Springfield Planning Commission to examine Type III review processes and quasi-judicial public hearings that required approval of the Planning Commission or a Hearings Official to determine if reviews for some types of development could be handled under the Type II staff review process. He said a Type II review was a staff review with public notice requirements. He said on June 7 the Springfield Planning Commission had unanimously recommended that the amendments be forwarded to the City Council for approval. He said the amendments had been unanimously approved by the City Council on July 17, and on July 27 there had been notice from the Department of Conservation and Development that the amendments would be adopted. He said the final adoption was the necessary review by Lane County Planning Commission and the Board of County Commissioners.

In response to a question from Commission member Jozef Zdzienicki regarding what exactly was being adopted, Mr. Karp said an intergovernmental agreement had been signed with Lane County in 1987 which gave the City of Springfield building code and planning jurisdiction for the area between the City limits and the Urban Growth Boundary. He said the Springfield Development Code was implemented by the city for that area as well as within the City limits. He said there was only a limited amount of development that could occur in the area. He said no major development could occur on properties unless they are annexed into the City of Springfield.

In response to a question from Mr. Dignam regarding the public input process for the amendments up to that point, Mr. Karp confirmed that both the Springfield Planning Commission and the City Council had held public hearings on the matter. He said there was not much public comment and noted that only two people had submitted written material.

Commission member James Carmichael commented that the amendments being requested were fairly standard items.

Commission member Lisa Arkin commented that it was difficult to determine what changes were made in the written material unless it was written in legislative format when presented to the commission.

Mr. Dignam noted that there was a staff summary of the changes that had been made and related that, in the past, the Commission members had requested that there be summary material covering requested amendments/changes so the entire set of documents in the staff report could be more clearly understood.

In response to a question from Commission member Lisa Arkin regarding whether the Springfield City Council had received the material in legislative format, Mr. Karp said the Springfield Planning Commission had been presented with the material in legislative format but noted that the City Council had been presented with summary material.

Ms. Arkin noted that Ballot Measure 37 language allowed for transferability from original property owner to subsequent owners.

Mr. Karp said the City of Springfield had adopted an Ordinance in order to process Ballot Measure 37 claims and had directed staff to “be on the side of the property owner.” He acknowledged that the municipal code and the development code might have to be amended as a result of the recent Measure 37 court case.

Ms. Arkin commented that there had been a great deal of effort put into regional plans and questioned why the document was a significant departure from what was going on in the rest of the County and at the State level.

In response to a question from Ms. Arkin regarding non-conforming uses mentioned on page 23 of the meeting packet, Mr. Karp said there were situations such as a single family home in an industrial zone and noted that there had to be a way to administratively handle possible future expansions of that home. He said it would be easier on the applicant to go through the Type II process rather than a Type III or quasi judicial process.

Ms. Arkin said the criteria set out for zones other than residential neglected economic impact, public safety impacts, and access to water.

Mr. Karp said the criteria were new in this particular case. He said the process that an applicant would go through was similar to a conditional use permit review process. He said more specific criteria would apply to commercial and industrial zoned properties that wanted to expand.

In response to a question from Mr. Zdzienicki regarding Ballot Measure 37 issues on page ten of the meeting packet and article 3.050(6), Mr. Karp said the article was consistent with ORS 271.174. He said similar language had been present in the development code for a number of years.

In response to a question from Mr. Zdzienicki regarding Article 3.100 (7) and the liability of the City on outcome of appeal, Mr. Karp said that when the City approved an application, the applicant could proceed at their own risk to develop a piece of property. He said this language was designed to protect the City in case there was an appeal of the application and the development was eventually denied.

Vice Chair James Carmichael commented that he saw the amendments as a straight forward issue and remarked that, given the approval of the Springfield Planning Commission and the City Council, he saw no reason not to recommend approval to the Board of County Commissioners.

In response to a question from Ms. Arkin regarding the section on annexation and the definition of urban fringe, Mr. Karp said article 29 of the development code had been created and the term “urban fringe” had been used as an overlay zone. (UF10) He said he was unaware of how the term had originated.

In response to a question from Ms. Arkin regarding the wording around UF10 overlay district, Mr. Karp said the current zoning would be low density residential/urban fringe 10. He noted that if a property annexed into the City then the UF10 overlay district zoning would not apply.

In response to a question from Ms. Arkin regarding extension of urban services and facilities expansion to the fringe area and who would bear the cost of systems development charges, Mr. Karp said the Boundary Commission would have its own process to go through when the property was annexed. He said system development charges would not occur until the development stage.

Mr. Dignam recommended moving on to the next agenda item.

In response to a question from Mr Zdzienicki regarding notification to property owners under all four types of applications and whether it should stay the same for the more complex applications, Mr. Karp said the notice distance requirement had been 100 feet and noted that during the review of the application the distance to notice adjacent property owners has been increased to 300 feet at the request of the City Planning Commission. He remarked that this was only one small part of the requirement and cited newspaper notice, and mail notices that were also required. He noted that the State distance standard for Cities was 100 feet and the State distance standard for Counties was 500 feet.

Mr. Zdzienicki opined that 300 feet was not enough area for a public notification.

In response to a question from Commission member Nancy Nichols regarding how big a public notice sign was, Springfield Planning Manager Mel Oberst said the signs were 16”X16” square and were posted on

street frontage sign posts at least 2” square. He said the notice would specify the proposal and case number. He stressed that the signs needed to be put on street frontage in plain view. He said there was consideration of providing more notice but said the city could not bear the cost and the costs would be passed on to developers.

II. General Overview of Statewide Planning Goal 5 Aggregate Resources Significance Criteria

Ms. Schulz called attention to the material that had been included in the meeting packet. She noted that the actual Oregon Administrative Rules referred to in the staff report had been sent out to the commission as well as copies of the Rural Comprehensive Plan policies and Metro Plan Policies regarding gravel and mineral resources.

Ms. Schulz said gravel and aggregate were Goal 5 resources that were protected in the same group as wetlands, open spaces, and endangered species.

In response to a question from Ms. Arkin regarding the reason gravel and aggregate were protected resources, Planning Director Kent Howe commented that aggregate resources are a non-renewable resource and as such is treated in the Statewide Planning Program as a Goal 5 resource. He stressed that if the resource was determined to be a significant Goal 5 resource, then by State law the County was bound to protect that site as much as any other significant Goal 5 site.

Ms. Arkin stressed the importance of balancing aggregate resources and the significance of the land it was found on. She commented that aggregate was often found under farm land or forest land.

Mr. Howe said the matter was more complex. He said significant Goal 5 resources are to be protected and out-weigh the farm and forest designations if the impacts can be minimized. Generally, significant aggregate resources trumped other land uses with one exception, which was the impact of aggregate operations on surrounding farm lands. He cited Eugene Sand and Gravel as an example of a proposal that was in an area where dust emissions were found to significantly impact surrounding farm practices in that location.

Ms. Schulz noted that page 5 of the meeting packet discussed determining conflicts from dust, noise, and other impacts.

In response to a question from Mr. Dignam regarding how aggregate resources were protected, Mr. Howe said the protection under the Goal 5 rule was to designate the land for the interim period prior to extraction so that other uses would not impede the extraction of the Goal 5 resource. He said the rule went far enough to place limitations on surrounding land uses that could negatively impact the extraction process. He cited residential zoning such as RR-5 as an example. He said there could be a minimum land division size placed over that zoning so density would not increase and cause more complaints against the aggregate industry.

In response to a question from Mr. Zdzienicki regarding whether resource protections would also include traffic impacts up to a mile away, Mr. Howe said traffic impacts would not be included. He said the Impact area would determine the surrounding uses that might need to be limited.

In response to a question from Mr. Zdzenicki regarding page 4 of the Oregon Administrative Rule and the reference to width of the aggregate layer versus depth, Mr. Howe said width in that instance meant depth. He added that 60 feet of width did not have to be completely homogenous gravel but could contain some clay layers.

In response to a question from Mr. Sullivan regarding the definition of the word 'average' in terms of aggregate resources and whether it was intended that clay deposits were included in the average, Mr. Howe said the commission would hear testimony regarding whether the resource was significant. He said the commission would interpret the term for the specific situation.

Ms. Arkin raised concern over too much interpretation of rules. She said evidence brought before the commission should be based on scientific fact.

Mr. Dignam noted that scientific evidence presented by opposing sides did not always point in one direction.

Mr. Howe agreed and said the Commission would have expert public testimony presented from different scientists that was often contradictory. The Commission will review the information provided and have to interpret that information in order to make a recommendation.

III. Discussion of Lane County Planning Commission Annual Report

Mr. Howe asked for questions/comments on the previous year's annual report.

Mr. Carmichael said it would be a good idea to set goals for the annual report but remarked that it was like letting a jury set goals for a court room. He said he would like to spend more time learning about goals and how they were applied. He said setting too many issues and goals might not be good for the commission.

Mr. Sullivan said he did not want to spend a lot of time on the report since was after the fact unless the commission felt that staff should spend more time on certain issues.

Mr. Dignam suggested reviewing the previous year's document to see what should be removed or added and make specific recommendations at upcoming meetings.

The work session adjourned at 7 pm.
(Recorded by Joe Sams)

MINUTES

Lane County Planning Commission
BCC Conference Room - Lane County Courthouse

October 18, 2005
7pm.

PRESENT: Steve Dignam, Chair; James Carmichael, Vice Chair; Lisa Arkin, Ed Becker, Nancy Nichols, John Sullivan, Jozef Zdzienicki, members; Planning Director Kent Howe, Stephanie Schulz, Staff

ABSENT: Juanita Kirkham

I. Amending Chapter 10 of Lane Code to Adopt Amendments to the Springfield Development Regulations for Application to the Urbanizable Lands within Springfield Urban Growth Area.

Commission Chair Steve Dignam convened the meeting at 7 pm.

No conflicts of interest were declared.

Planning Staff Stephanie Schulz provided the staff report. She said the changes were housekeeping amendments to the Springfield development code that included clarification of text, reformatting of articles and compliance with recently adopted Oregon Revised Statutes. She said planning commission recommendations for the City of Springfield included revision of the quasi-judicial public hearing process, hearings official interpretations and extension of non conforming use applications for lands within the Urban Growth Boundary.

Ms. Schulz said the criteria for adoption were under Lane Code 10.315-20. She said staff were recommending that the Lane County Planning Commission forward the application for adoption by the Board of County Commissioners.

Mr. Dignam opened the public hearing.

Laurie Segel, 1192 Lawrence, spoke on behalf of 1000 Friends of Oregon. She noted that she had been one of the people who were solicited for comments at the City of Springfield and chose not to participate because her comments would have been dismissed. She said the proposed changes were not housekeeping and were changing procedures for public involvement and review which were policy changes. She said she had been surprised that transferability of waivers provision was clearly not consistent with ballot measure 37 and was a policy change. She stressed that she would not want to see the approval of the amendments with the provision for transferability of waivers included.

Seeing no one else wishing to speak, Mr. Dignam closed the public hearing and called for questions/comments from commission members.

In response to a question from Commission Vice Chair James Carmichael regarding Ms. Segel's comments about non conforming issues, Mr. Howe noted that non conforming issues were distinct from measure 37 issues.

Mr. Carmichael said Oregon Supreme Court would make a final decision about measure 37 that would have to be implemented statewide. He said the City of Springfield would have to abide by that decision. He noted that the Springfield Planning Commission and City Council had made a recommendation that could eventually be overturned by state courts. He said that forwarding the matter to the Board of County Commissioners was not codifying anything to do with Measure 37.

In response to a question from Mr. Zdzenicki regarding whether Lane County had adopted a non transferable clause, Planning Director Kent Howe said the language only applied to matters involving Ballot Measure 37.

Mr. Zdzenicki expressed a desire to delete the Measure 37 language from the document.

In response to a question from Commission member Ed Becker regarding whether the Measure 37 language mentioned by Ms. Segel was contrary to state law or was still being interpreted, City of Springfield Planning Manager Mel Oberst said the matter was still unclear and local jurisdictions had attempted to make decisions based on their own interpretations. He said the City of Springfield would abide by the law as eventually interpreted.

Commission member Lisa Arkin expressed her concern over the loss of opportunities for public input by implementing Types I-IV applications and whether this was contrary to the notion of public process. She acknowledged the need for simplifying the process and reducing work load for staff but expressed her worry that the capability of the public to understand the land use process was being diminished.

Mr. Karp said the only difference between Type II and III application processes was the notice provided in the newspaper. He added that the public notice distance had been increased to 300 feet and property owners would receive mailed notice of the application and would have the right to submit written material. He added that a written copy of the staff report would be mailed to all those who submitted comments. He stressed that all the rights and privileges under the public review process remained except for the notice provided in the newspaper.

Ms. Arkin reiterated her opinion that the public portion of the land use process was being diminished.

In response to a question from Ms. Nichols regarding how the notice to the public was diminished, Ms. Arkin called attention to page 26 of the meeting packet under Annexations 6.020(1). She noted that annexation applications would be reviewed under the Type IV procedure but without the Planning Commission's consideration.

Mr. Oberst commented that the Springfield Planning Commission's review was not involved in annexations. He said it was a City Council legislative process with a public hearing and a recommendation to the Lane County Boundary Commission which would have another public hearing before a decision was made.

Ms. Arkin called attention to page 28-29 of the Ordinance regarding vacation of properties and questioned what other kinds of public lands besides public rights of way, and public easements would be considered.

Mr. Karp said the only public land vacation that was processed under the Type II procedure was vacation of public utility easements. He said it did not make sense to bring those items before the City Council. He said all other public land vacations were processed under the Type IV application process.

Mr. Dignam said everything he had seen fell into the housekeeping category. He said there was strong support for the amendments both with the Springfield Planning Commission and City Council and noted that there had been improvements in the public notification process since the distance to mail notice had been increased from 100 feet to 300 feet.

Regarding public involvement, Mr. Dignam said he did not see any diminishing of public involvement. He noted that there had been almost no public involvement in the amendment process even though the opportunity had been provided. He said his initial inclination would be to support the amendment.

Mr. Sullivan added that the public input raised that evening raised important questions but commented that he felt that measure 37 was an ambiguous thing to base a decision on. He said the Planning Commission should not become involved in Measure 37 issues. He said the Board of County Commissioners had taken responsibility for adjudicating Measure 37 issues and he felt uncomfortable denying amendments that had so much support from the City of Springfield.

Mr. Carmichael questioned if Springfield staff had any idea of possible Measure 37 claims in the area. Mr. Karp said one person had filed two separate claims.

Mr. Carmichael said he was in favor of leaving the wording in the amendments as it was submitted.

Commission Member Ed Becker agreed with the statements made by Mr. Sullivan.

Mr. Dignam called for a motion.

Mr. Carmichael, seconded by Mr. Sullivan, moved to adopt the amendments to the Springfield Development regulations for application to urbanizable lands within the Springfield Urban Growth Boundary.

Mr. Zdzienicki said he would not support the motion because Article 5.080 did not comply with County guidelines for Measure 37. He added that he did not agree with the notification process provided by the City of Springfield. He went on to say that there were no setbacks for some side and back yards. He added that Article 4.030 needed an environmental impact study. He reiterated that he would like article 5.080 removed from the document until the issue was settled in the courts.

Ms. Nichols said she could support the motion if 5.080 regarding Measure 37 were removed from the document.

Mr. Carmichael called for the question on the motion.

Mr. Zdzienicki seconded by Ms. Nichols, moved to amend the motion by deleting Article 5.080 from the language of the amendment document.

In response to a question from Mr. Sullivan regarding what would happen if the amendment passed, Mr. Howe said the recommendation would be forwarded to the Board of County Commissioners.

In response to a question from Mr. Becker regarding whether Springfield's Planning Commission and City Council were aware of the Ballot Measure 37 issue and would follow whatever decision was eventually decided upon, Mr. Karp said that was correct.

Mr. Dignam said he would not support the amendment. He said he did not want to tell the City of Springfield how to implement measure 37. He said an explanation had been provided regarding Measure 37 which was satisfactory to him. He reiterated that he would not support the amendment.

Mr. Sullivan said the reality was that the amendment was written before a judge made a determination. He expressed his belief that Springfield's attorneys make decisions as to the validity of Section 5.080. He said for the commission to tell the City rather than letting the City deal with the issue when it occurred would be overriding the responsibility of the City of Springfield.

The amendment failed 3:4 with commissioners Nichols, Arkin, and Zdzienicki voting in favor.

The main motion passed 4:3 with commissioners Zdzienicki, Arkin and Nichols voting in opposition.

The meeting adjourned at 8:45 pm.
(Recorded by Joe Sams)