

W.S.E.



Memo Date: August 10, 2009
First Reading Date: August 26, 2009
Second Reading/Public Hearing Date: September 16, 2009

TO: Board of County Commissioners
DEPARTMENT: Public Works, Land Management Division, Planning Department
PRESENTED BY: Stephanie Schulz, Planner
AGENDA ITEM TITLE: Ordinance No. 4-09 / In The Matter Of Amending Lane Code Chapter 10 To Adopt Amendments To The Springfield Development Regulations For Application To Urbanizable Lands Within The Springfield Urban Growth Area (LC 10.600-15) And Adopting Savings And Severability Clauses (Applicant: City of Springfield)

I. MOTIONS:

For August 26, 2009: Move approval of the first reading and setting the second reading and public hearing on Ordinance No. 4-09 for September 16, 2009 at 1:30 p.m.

For September 16, 2009: Move approval of Ordinance No. 4-09.

II. ISSUE/PROBLEM:

The Board is being asked to amend Lane Code Chapter 10 to adopt amendments to the Springfield Development Code (SDC) for application within the Springfield Urban Growth Boundary of the Eugene-Springfield Metropolitan Area General Plan (*Metro Plan*).

III. DISCUSSION

A. Background

The following sections of the Springfield Development Code (SDC) have been amended by action of the Springfield City Council and are proposed for co-adoption by the Board:

- Chapter 3, Land Use Districts
- Chapter 4, Development Standards
- Chapter 5, Development Review Process and Applications
- Chapter 6, Definitions
- Tables in Chapters 4 and 5
- Updates to align the Springfield Fire Code regulations in the Drinking Water Protection Plan Overlay District
- Appendix 3, Temporary Glenwood Riverfront Plan District Master Plan Standards

B. Policy Issues

The delivery of effective and efficient urban services by the cities within the urbanizable area of the *Metro Plan* is supported by the coordination agreement between the County and the metro cities. The applicable Comprehensive Plan policies are found in the *Metro Plan*, and are elaborated in the Findings, Exhibit B to the Ordinance.

Approval of this Ordinance adopting revisions to the Springfield Development Code and an amendment to LC Chapter 10 will ensure consistency with the updated land use regulations guiding development in the Springfield urbanizable area.

Notice and Referral

Notice of this proposed amendment was mailed to DLCD on October 7, 2008 by city of Springfield and on June 29, 2009 by Lane County. A legal ad was published twenty days prior to the hearing in the Register Guard, a newspaper of general circulation, on August 29, 2009. The Ordinance will be before the Board for a first reading on August 26, 2009, and a public hearing on September 16, 2009.

Springfield conducted a public review process including two public hearings prior to the city adopting these amendments that include establishing a clearly defined Master Plan review process, addressing updated fire code regulations for the Drinking Water Protection Overlay district, and addressing development standards for the Glenwood Riverfront Plan District Master Plan, which has been co-adopted by the Board as a refinement plan to the *Metro Plan*.

C. Board Goals

Adoption of this ordinance after conducting a public hearing supports the following Lane County Strategic Goals adopted by the Board:

- Provide opportunities for citizen participation in decision making, voting, volunteerism and civic and community involvement.
- Contribute to appropriate community development in the areas of transportation and telecommunications infrastructure, housing, growth management and land development.

D. Financial and/or Resource Considerations

No direct financial or resource considerations apply to co adoption of the amendments to the Springfield development code by Lane County. Co-adoption of a consistent development code for the entire Springfield urbanizable area does eliminate duplication and greatly enhances the efficiency of development permit processing, leading to higher levels of customer satisfaction and more efficient provision of government services.

E. Analysis

The proposed amendments include updates for a clearly defined Master Plan Review Process in Glenwood, updated fire code regulations for application within the Drinking Water Protection Overlay District and scrivener's error corrections.

The Master Plan review process is amended to now include separate and specific Preliminary and Final Master Plan application review processes (Section 5.13-100).

A Preliminary Type II, rather than a Type III review procedure is established for smaller development proposals or those proposals which limit impacts on adjacent property and infrastructure. The applicant is now required to schedule a Pre-Submittal Meeting for Master Plan developments prior to formal application submittal, as already required for Site Plan and Land Division applications.

Applications for development are now required to host a neighborhood meeting to inform the neighbors of the proposal prior to formal application submittal. The Master Plan Modification process is redefined.

The Drinking Water Protection Overlay District regulations addressing the Springfield Fire Code regulations are updated (Section 3.3-200).

Scrivener's errors that resulted from the SDC reformatting project adopted by Council and the Board in 2007 are corrected (various sections).

Criteria: Lane Code 10.315-20

Zonings, rezoning's, 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 rezoning's shall be consistent with the specific purposes of the District classification proposed, applicable Comprehensive Plan elements and components, and Statewide Planning Goals...

Board co-adoption of this amendment will change the requirements for development in the urbanizable area as referenced in Chapter 10 and achieve the general purpose of this chapter for regulation of the urbanizable area between city limits and the urban growth boundary of Springfield. The applicable Comprehensive Plan for the SDC Amendments is the *Metro Plan*.

Having consistent development regulations applicable to the urbanizable areas of Springfield provides consistent and clear development guidelines for property owners as land uses transition from rural to urban uses in the Metro Home City of Springfield.

Lane Code 10.600-10 references adoption of these implementing regulations for application by Springfield on urbanizable lands, which is consistent with the *Metro Plan* and is not contrary to the public interest. Ordinance Exhibit 'B' includes findings of compliance with applicable statewide planning goals and the *Metro Plan*.

IV. ACTION:

A. Alternatives/Options

- Option 1. Approve the Ordinance as presented.
- Option 2. Revise the Ordinance as directed by the Board and return for a third reading and approval of the revised Order on a date certain set by the Board.
- Option 3. Do not approve the Ordinance and deny the application. Direct staff to write and Order and findings to support the denial and return on a date certain for a third reading and action.

B. Recommendation

Staff recommends Option 1.

Under Ordinance No. 16-86, Order No. 85-3-13-1, Article IV, Section 3. the legislative land use authority for the urbanizable portion of the Springfield UGB is exercised by the Springfield Planning Commission. Therefore, the City has submitted this application directly to the Board of Commissioners for co-adoption, with a positive recommendation from the Springfield Planning Commission and the Springfield City Council.

C. Timing/Implementation

Application of the amended Springfield Development Code in the urbanizable area of Springfield is dependent on adoption by the Board. If not adopted, these amendments to the development code would not apply in the urbanizable area. Where the former Springfield Development Code would remain in effect, having two different codes could be confusing and inefficient. There are no policy changes in this amendment, implementation will commence upon adoption.

V. FOLLOW-UP:

Notice of Board action will be provided to the city of Springfield, DLCD, and all interested parties notified throughout the project. Adoption of the Springfield Development Code Amendments (Option 1) will provide consistency of development regulations for properties on the land that lies outside the Springfield City Limits and within the Springfield Urban Growth Boundary, under County/City *Metro Plan* coordination agreements.

Should the Board choose Option 2 or Option 3, an Order with findings setting forth the Board's amendments for adoption, or reasons for denial would be prepared and returned to the Board for a third reading and adoption on a date certain set after the hearing.

VI. ATTACHMENTS:

1. Ordinance No. 4-09
 Exhibit A: City Ordinance No. 6238 amending the Springfield Development Code
 Exhibit B: Findings
2. Legislative Format of Proposed Amendment including rationale for updates

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. 4-09

IN THE MATTER OF AMENDING CHAPTER 10 OF LANE CODE TO ADOPT AMENDMENTS TO THE SPRINGFIELD DEVELOPMENT REGULATIONS FOR APPLICATION TO URBANIZABLE LANDS WITHIN THE SPRINGFIELD URBAN GROWTH AREA (LC 10.600-15) AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES

WHEREAS, on November 24, 1986 the Lane County Board of Commissioners enacted Ordinance No. 16-86 to adopt the City of Springfield land use regulation for application to urbanizable lands within the Springfield Urban Growth Boundary in accordance with an urban transition agreement with the City of Springfield; and

WHEREAS, that urban transition agreement provides for joint development and adoption of land use regulations applicable to urbanizable lands within the Springfield Urban Growth Boundary; and

WHEREAS, the Springfield Planning Commission held a public hearing and after further deliberation, recommended approval of the amendments to the Springfield Development Code; and

WHEREAS, the Springfield City Council held hearings and adopted the amendments to the Springfield Development Code and has requested adoption of the proposed changes by the Lane County Board of Commissioners for application to the urbanizable lands within the Springfield Urban Growth Area; and

WHEREAS, the Board of County Commissioners has conducted a public hearing, reviewed the record, and is ready to take action.

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDAINS** as follows:

Section 1. The provisions of the Springfield Development Code, as adopted by Lane County Ordinance No. 16-86 and amended by Lane County 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 16-07 are hereby further amended to add the amendments as specified in the attached Exhibit "A" (City Ordinance No. 6238), incorporated here by this reference. These amendments are adopted and incorporated herein by this reference for application on the urbanizable lands within the Springfield Urban Growth Area and shall not be codified into Lane Code.

Section 2. Chapter 10 of Lane Code is hereby amended by removing and inserting the following sections:

REMOVE THIS SECTION

10.600-15
as located on page 10-814
(a total of 1 page)

INSERT THIS SECTION

10.600-15
as located on page 10-814
(a total of 1 page)

Said section is attached hereto and incorporated herein by this reference. The purpose of this substitution and addition is to amend Lane Code Chapter 10 to include specific reference to this Board of County Commissioners action adopting amendments to the City of Springfield land use regulations to be applied by the City of Springfield on urbanizable lands within the Springfield Urban Growth Area.

Section 3. Ordinances and regulations amended by this Ordinance shall remain in force to authorize a punishment, penalty or forfeiture incurred, or a suit, prosecution or proceeding pending when the amendment takes effect, for an offense or violation committed under the amended Ordinance or regulation prior to the effective date of this Ordinance.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

While not part of this Ordinance, the findings attached as Exhibit "B" and incorporated herein by this reference are adopted in support of this decision.

ENACTED this _____ day of _____, 2009.

Chair, Lane County Board of Commissioners

Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 8-17-2009 Lane County

Stephen J. Vonken
OFFICE OF LEGAL COUNSEL

ORDINANCE NO. 6238 (General)

AN ORDINANCE AMENDING THE SPRINGFIELD DEVELOPMENT CODE BY AMENDING SECTIONS 3.2-210; 3.2-215; 3.2-235A.; 3.2-440; 3.2-610; 3.2-715; 3.3-205; 3.3-220; 3.3-225; 3.3-235; 3.3-815; 3.3-825G.; 3.3-910B.; 4.3-110E.; 4.7-105A.; 4.7-140; 4.7-180A.; 4.7-190A.; 5.1-120; 5.3-115C.; 5.13-100; 5.13-105; 5.13-110; 5.13-115; 5.13-120; 5.13-125; 5.13-130; 5.13-135; 5.13-140; 5.14-110A.; 5.15-120H.; 5.15-125; 5.16-120B.; 5.20-120C.; TABLE 4.4-1; TABLE 5.4-1; AND SECTION 6.1-110 DOWNTOWN EXCEPTION AREA, INCIDENTAL EQUIPMENT, AND PARTITION PLAT; AND ADDING SECTIONS 5.13-116; 5.13-117; 5.13-131; 5.13-132; 5.13-133; 5.13-134; 5.20-140 AND APPENDIX 3 TEMPORARY GLENWOOD RIVERFRONT PLAN DISTRICT MASTER PLAN STANDARDS; AND ADOPTING A SEVERABILITY CLAUSE:

THE CITY COUNCIL OF THE CITY OF SPRINGFIELD FINDS THAT:

WHEREAS, the reformatted Springfield Development Code (SDC) was adopted by the Springfield City Council on September 17, 2007, and previous amendments thereto were subsequently adopted by Ordinance; and

WHEREAS, the Development Services Director has determined there is a need to improve the Master Plan review process and make this process applicable to more development proposals; and

WHEREAS, a revision from the Uniform Fire Code to the Springfield Fire Code has necessitated the need to amend portions of the Drinking Water Protection Overlay District; and,

WHEREAS, the volume of work involved in the SDC reformatting process resulted in a number of Scrivener's errors arising from renumbering, inadvertent omissions and punctuation requiring correction; and

WHEREAS, SDC Section 5.6-100 sets forth procedures for the amendment of this document; and

WHEREAS, on September 16, 2008, the Springfield Planning Commission held a work session regarding these SDC amendments; and

WHEREAS, on October 7, 2008, the Springfield Planning Commission conducted a public hearing on this SDC amendment application and the record was left open until December 2, 2008; and

WHEREAS, on December 2, 2008, the Springfield Planning Commission voted, 6 to 0, with one abstention, to recommend approval of the proposed Ordinance to the City Council based upon public input and findings in support of adoption of these SDC amendments as set forth in the Staff Report and the Recommendation to the Council incorporated herein; and

WHEREAS, on January 26, 2009, the Springfield Common Council held a work session regarding these SDC amendments;

WHEREAS, on February 17, 2009, the Springfield Common Council conducted a public hearing and first reading on this Ordinance;

WHEREAS, on March 2, 2009 the Springfield Common Council is now ready to take action on this application based upon findings in support of adoption of these SDC amendments as set forth in the aforementioned Staff Report to the Council incorporated herein 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;

WHEREAS, The Springfield Common Council has reviewed the findings and conclusions set forth in the staff report (Case Number 2008-00011), and adopts them in support of this Ordinance as Exhibit 1 attached hereto; and

WHEREAS, In order to facilitate the understanding of the amendments and additions to the SDC occurring through the adoption of this Ordinance, the legislative format depicting such amendments and additions are attached hereto as Exhibit 2.

NOW THEREFORE, THE CITY OF SPRINGFIELD ORDAINS AS FOLLOWS:

SECTION 1: CHAPTER 3 LAND USE DISTRICTS, Section 3.2-210 is hereby amended to read as follows:

“3.2-210 Schedule Of Use Categories

The following uses are permitted in the districts as indicated, subject to the provisions, additional restrictions and exceptions specified in this Code. Uses not specifically listed may be approved as specified in Section 5.11-100.

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

“S” = SPECIAL DEVELOPMENT STANDARDS subject to special locational and/or siting standards as specified in Section 4.7-100.

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

“N” = NOT PERMITTED

“*” = SITE PLAN REVIEW REQUIRED

Use Categories/ Uses	Zoning Districts		
	LDR	MDR	HDR
Residential Uses			
Attached single-family dwellings	D*	P*	P*
Cluster Subdivision (Sections 3.2-230 and 5.12-100)	P	P	P
Condominiums (Section 4.7-135)	S*	P*	P*
Detached single-family dwellings	P	P	P
Duplexes (Section 4.7-140)	S	P	P
Multiple family dwelling including triplexes, 4-plexes, quads, quints, and apartment complexes over 4 units.	N	P*	P*
RVs as a permanent new use	N	N	N
RV's in existing RV or Manufactured Dwelling Parks	P	N	N
RV's as a temporary use – Emergency Medical Hardship (Section 5.10-100)	P	N	N

Use Categories/ Uses	Zoning Districts		
	LDR	MDR	HDR
Prefabricated dwellings	P	P	P*
Group Care Facilities (Section 4.7-155)			
Foster homes for over 5 children	P*	P*	P*
Residential care facilities with more than 15 persons include: Group care homes, congregate care facilities, nursing homes and retirement homes	D*	S*	S*
Halfway houses	N	D*	D*
Residential Facilities – 6 to 15 persons	P	P*	P*
Residential Home – 5 or fewer persons	P	P	P
Shelter Homes for abused and battered persons	P	P*	P*
Manufactured dwelling park (Section 3.2-235)	S*	N	N
Manufactured home	P	P	N
Manufactured home subdivision	P	P	N
Mobile home	P	N	N
Manufactured home as a temporary residential use (Section 4.8-105)	S*	N	N
Child Care Home Facility – 1 to 5 children	P	P	P
Child Care Group Home Facility – 6 to 12 children	P	P	P
Child Care Center – 13 or more children (abutting an arterial street) (Section 4.7-125)	S*	S*	S*
Child Care Center -13 or more children (abutting a collector or local street) (Section 4.7-125)	D	S*	S*
Adult Day Care – facilities up to 12 adults	P	P	P
Adult Day Care – facilities with more than 13 adults (abutting an arterial street)	P*	P*	P*
Adult Day Care – facilities with more than 13 adults (abutting a collector or local street)	D*	P*	P*
Bed and breakfast facilities (Section 4.7-120)	S*	S*	S*
Boarding and rooming houses (Section 4.7-215)			
1 to 2 bedrooms	P*	P*	P*
3 to 5 bedrooms	S*	P*	P*
more than 5 bedrooms	N	P*	P*
Public and Institutional Uses			
Churches (Section 4.7-130)	D*	D*	D*
Educational facilities – Public / Private elementary/middle schools (Section 4.7-195)			
1 to 5 students in a private home (in a 24 hour period)	P*	P*	P*
6 or more students (Section 4.7-195)	D*	D*	D*
Parks – Neighborhood and private (Section 4.7-200)	D*	D*	D*
Commercial Uses			
Home Occupation (Section 4.7-165)	S	S	S
Professional offices (Section 4.7-190)	S*	S*	S*
Residential dwelling units as temporary sales offices (Section 4.8-130)	P	P	P
Youth hostels	N	D*	D*
Miscellaneous Uses			
Accessory structures (Section 4.7-105)	S	S	S
Agricultural structures	P	P	P
Cultivation of undeveloped land	P	P	P
Temporary sales/display of produce (Section 4.8-125)	S	N	N
Tree felling and removal (Section 5.19-100)	P	P	P
Public Utility Facilities			

Use Categories/Uses	Zoning Districts		
	LDR	MDR	HDR
High impact facilities (Section 4.7-160)	S*	S*	S*
Low impact facilities	P	P	P
Certain Wireless Telecommunications Systems Facilities)	Section 4.3-145	Section 4.3-145	Section 4.3-145*

SECTION 2: CHAPTER 3 LAND USE DISTRICTS, Section 3.2-215 is hereby amended to read as follows:

“3.2-215 Base Zone Development Standards

The following base zone development standards are established.

Development Standard	Residential/Zoning District		
	Low Density Residential (LDR)	Medium Density Residential (MDR)	High Density Residential (HDR)
Standard Lots/Parcels			
Minimum Area:			
East-West Streets	4,500 square feet	4,500 square feet	4,500 square feet
North-South Streets:	5,000 square feet	5,000 square feet	5,000 square feet
Minimum Street Frontage			
East-West Streets	45 feet	45 feet	45 feet
North-South Streets	60 feet	60 feet	60 feet
Corner Lots/Parcels: (1)(2)			
Minimum Area:	6,000 square feet	6,000 square feet	6,000 square feet
East-West Streets	45 feet	45 feet	45 feet
North-South Streets	60 feet	60 feet	60 feet
Panhandle Lots/Parcels (See Section 3.2-220 Additional Panhandle Lot/Parcel Development Standards)			
Single Panhandle:			
Minimum Area in Pan Portion	4,500 square feet	4,500 square feet	4,500 square feet
Minimum Street Frontage	20 feet	20 feet	20 feet
Multiple Panhandles:			
Minimum Area in Pan Portion	4,500 square feet	4,500 square feet	4,500 square feet
Minimum Street Frontage	26 feet total, each individual frontage is based upon the number of panhandles.		
Lots/Parcels on bulb portion of a cul-de-sac:			
Minimum Area	6,000 square feet	6,000 square feet	6,000 square feet
Minimum Street Frontage	35 feet	35 feet	35 feet
Lots/Parcels within the Hillside Development Overlay District (Section 3.3-500)			
< 15 percent slope:			
Minimum Area	10,000 square feet	10,000 square feet	10,000 square feet
Minimum Street Frontage	60 feet	60 feet	60 feet
15-25 percent slope:			
Minimum Area	10,000 square feet	10,000 square feet	10,000 square feet
Minimum Street Frontage	90 feet	90 feet	90 feet
25-35 percent slope:			
Minimum Area	20,000 square feet	20,000 square feet	20,000 square feet
Minimum Street Frontage	150 feet	150 feet	150 feet
> 35 percent slope:			
Minimum Area	40,000 square feet	40,000 square feet	40,000 square feet

Minimum Street Frontage	200 feet	200 feet	200 feet
Lots/Parcels in the Urbanizable Fringe Overlay District (Section 3.3-800)			
Lot/Parcel Area	The creation of new lots/parcels in the City's urbanizable area shall be either 10 acres, 5 acres or shall meet the area standards of this Section when approved through the Partition process specified in Section 5.12-100.		
Maximum Lot/Parcel Coverage (3)	45 percent	45 percent	45 percent
Minimum Setbacks for Primary Structures (4)(5)(7)(8)(9)(10)			
Front Yard	10 feet	10 feet	10 feet
Street Side Yard	10 feet	10 feet	10 feet
Rear Yard	10 feet	10 feet	10 feet
Interior Yard Setbacks	5 feet	5 feet	5 feet
Front Yard Setback- Garages and Carports (6)	18 feet measured along the driveway from: 1. The property line fronting the street to the face of the garage or carport; or 2. The property line fronting the street to the far wall of the garage or carport where the face of the structure is perpendicular to the street. 3. Where a garage or carport faces a panhandle driveway, the 18 feet is measured from the inner travel edge (pavement or gravel) within the panhandle to the face of the structure; the setback is 3 feet when the garage or carport fronts an alley.		
Accessory Structures	Accessory structures shall not be located between any front or street side yard of a primary structure and shall be set back at least 3 feet from interior side and rear lot/parcel lines.		
Panhandle and Duplex Lots/Parcels	All setbacks for panhandle lots/parcels are based on the orientation of the front and rear of the dwelling occupying the lot/parcel. All setbacks for duplexes on corner lots/parcels are based upon the front yard of each unit established by the street or streets for address purposes.		
Base Solar Standards	Section 3.2-225.		
Maximum Building Height (11)(12)(13)(14)	30 feet	35 feet	35 feet

- (1) 6,000 square feet in area for one duplex in the LDR District. This standard prohibits the division of the lot/parcel to create separate ownership for each duplex dwelling unit.
- (2) 10,000 square feet in area for one duplex in the LDR District as specified in this Section and Section 4.7-140. This standard allows for the future the division of the lot/parcel to create separate ownership for each half of the duplex.
- (3) The 45 percent coverage standard applies to covered structures only. On lots/parcels with more than 15 percent slope or above an elevation of 670 feet, the maximum impervious surface inclusive of structures, patios, and driveways, shall not exceed 35 percent, unless specified in Section 3.3-500.
- (4) Determination of all yard setbacks for duplexes on corner lots/parcels are based upon the front yard of each unit as established by the streets used for address purposes.
- (5) All setbacks shall be landscaped, unless a setback is for a garage or carport.
- (6) Accessory Structure Exceptions to Setback standards:
 - (a) Stand alone garages and carports shall meet the street side yard, interior side yard and rear yard setback standards of the primary structure.
 - (b) Group C Accessory structures are permitted within setbacks as specified in Section 4.7-105E.
- (7) Where an easement is larger than the required setback standard, no building or above grade structure, except a fence, may be built upon or over that easement.
- (8) When additional right-of-way is required, whether by City Engineering standards, the Metro Plan (including the TransPlan), or the City's Conceptual Street Plan, setbacks are based on future right-of-way locations. Right-of-way shall be dedicated prior to the issuance of any building permit that increases parking requirements.
- (9) Architectural extensions may protrude into any 5-foot or larger setback area by not more than 2 feet.
- (10) General Exceptions to Setback standards:
 - (a) Attached dwellings (zero lot line) on individual lots/parcels; and

- (b) A dwelling constructed over the common property line of 2 lots/parcels, where there is a recorded deed restriction.
- (c) In multi-family developments, the setback standards in Section 3.2-240 shall take precedence.
- (11) See Section 3.2-225 for residential building height limitations for solar protection.
- (12) Incidental equipment may exceed the height standards.
- (13) Height limitations within the Hillside Development Overlay District may be removed provided the additional height does not exceed 45 feet and the base residential solar standards are met.
- (14) In the MDR and HDR Districts, the building height may be increased to 50 feet as specified in Subsection 3.2-240D.3.c.”

SECTION 3: CHAPTER 3 LAND USE DISTRICTS, Section 3.2-235A. is hereby amended to read as follows:

“3.2-235 Residential Manufactured Dwellings

The siting of manufactured dwellings in Low and Medium Density Residential Districts is permitted subject to the provisions of this Section:

- A. **Manufactured Home** - as a permitted use in manufactured home subdivisions, manufactured dwelling parks and all lots/parcels zoned and designated Low and Medium Density Residential provided that units placed on individual lots/parcels outside of existing platted manufactured home subdivisions shall be Type 1 classification and all density standards are satisfied. A Type 2 manufactured home may be sited in manufactured dwelling parks, interior lots of existing platted manufactured home subdivisions and in multi-family developments.”

SECTION 4: CHAPTER 3 LAND USE DISTRICTS, Section 3.2-440 is hereby amended to read as follows:

“3.2-440 CI District - Conceptual Development Plans and Master Plans

A Conceptual Development Plan is required for all new CI Districts over 50 acres in size approved after July 6, 2004, unless a Site Plan or Master Plan is proposed for the entire CI District. A Master Plan may be submitted when phased developments exceeding 3 years in duration are proposed. A Master Plan shall comply with any applicable approved Conceptual Development Plan or upon approval of a Master Plan or Site Plan for the entire CI District, the Master Plan or Site Plan may supplant and take precedence over an approved Conceptual Development Plan. Master Plan approval for a CI District site shall be as specified in Section 5.13-100.”

SECTION 5: CHAPTER 3 LAND USE DISTRICTS, Section 3.2-610 is hereby amended to read as follows:

“3.2-610 Schedule of Use Categories

The following uses are permitted in the districts as indicated, subject to the provisions, additional restrictions and exceptions specified in this Code. Uses not specifically listed may be approved as specified in Section 5.11-100.

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

"S" = SPECIAL DESIGN STANDARDS subject to special locational and siting standards to be met prior to being deemed a permitted use (Section 4.7-100).

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

"N" = NOT PERMITTED

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

Categories/Uses	Districts		
	MUC	MUE	MUR
Accessory Use Structures			
Accessory Structures (Section 4.7-105)	N	P	S
Agricultural And Animal Sales And Services			
Agricultural cultivation of undeveloped land	N	P	P
Garden supplies	P	N	N
Automotive Repair and Service			
Garage, repair	N	P	N
Parking lots and parking structures (Section 4.7-180)	S	P	S
Tires, batteries and accessories	N	P	N
Operation, maintenance, repair, expansion and replacement of automobile, light truck sales, new and used, including accessory repair garages, parts and accessory sales on land where such uses lawfully existed as of June 3, 2002, owned, leased and controlled by a single entity	P*	N	N
	*Only in Downtown Mixed-use area		
Business And Professional Offices And Personal Services			
Accountants, bookkeepers and auditors	P	P	P
Advertising/marketing agencies	P	P	P
Architects, landscape architects and designers	P	P	P
Art studios, fine	P	N	P
Art restoration	P	N	P
Attorneys	P	P	P
Audio/video production studio	P	P	N
Authors/composers	P	N	P
Banks, credit unions and savings and loans	P	P	P
Barber and beauty shops	P	P	P
Blue printing, Photostatting, and photo developing	P	P	N
Business schools	P	N	N
Business, labor, scientific and professional organizations and headquarters	P	P	P
Catering services	P	P	N
Clinics and research/processing laboratories	P	P	P
Collection agencies	P	N	P
Commodity contract brokers and dealers	P	P	P

Categories/Uses	Districts		
	MUC	MUE	MUR
Computer and information services	P	P	P
Dentists	P	P	P
Detective and protective agencies	P	N	P
Doctors	P	P	P
Drafting, graphic and copy services	P	P	P
Employment agencies and services	P	P	P
Engineers and surveyors	P	P	P
Financial planning, investment services	P	P	P
Graphic art services	P	P	P
Gymnastics instruction	P	P	N
House cleaning services	P	N	N
Insurance carriers, agents, brokers and services	P	P	P
Interior decorator and designers	P	N	P
Laundry, dry cleaners, including self-service, and ironing services	P	P	N
Loan companies, other than banks	P	P	P
Locksmiths	P	P	P
Lumber brokers	P	P	P
Mailing services/mail order sales	P	P	P
Management and planning consultants	P	P	P
Manufactured unit as a temporary construction office, night watchperson's quarters or general office (Sections 4.8-110, 4.7-185, and 4.7-170)	P/S	P/S	N
Motion picture studio/distribution	P	P	N
Non-profit organizations	P	N	P
Opticians	P	P	P
Performing arts instruction	P	N	P
Photocopying	P	P	P
Photography studios	P	P	P
Planners, land use	P	P	P
Printing/publishing	P	P	N
Psychologists and counselors	P	P	P
Real estate sales and management	P	N	P
Scientific and educational research	P	P	P
Security systems services	P	P	N
Self-defense studio	P	P	N
Shoe repair	P	P	P
Stenographers and secretarial services	P	P	P
Stockbrokers	P	P	P
Swimming pool cleaning	P	N	N
Tailors	P	N	P
Tanning salons	P	N	P
Title companies	P	N	P
Telephone answering services	P	P	P
Travel agencies	P	P	P
TV and radio broadcasting studios (does not include antennae)	P	P	N

Categories/Uses	Districts		
	MUC	MUE	MUR
Typing services	P	P	P
Window cleaning	P	N	N
Communications Facilities			
Communications towers, including antennas and relay equipment. Certain Wireless Telecommunications Systems Facilities (See Section 4.3-145)	N N	D D	N N
Communications antennas for public agencies and emergency services	D	D	D
Care Facilities			
Child care facilities (Section 4.7-125)	S	S	S
Adult day care facilities	P	P	P
Eating and Drinking Establishments			
Cafeteria (serving employees only)	P	P	N
Cocktail lounges	P	P	N
Delicatessens and sit down restaurants including espresso shops	P	P	P
Drive up restaurants and espresso shops (Section 4.7-180)	S	P	N
Taverns and brew pubs	P	P	N
Educational Facilities: Public and Private Elementary and Middle Schools			
1 to 5 students in a private home (in a 24-hour period)	N	N	P
6 or more students in a private home	N	D	D
Private/public elementary and middle Schools (Section 4.7-195)	N	D	D
Secondary schools and colleges	N	D	N
Group Care Facilities			
Foster homes for up to 5 children	N	N	P
Residential care facilities with more than 15 persons include: Group care homes, congregate care facilities, nursing homes and retirement homes (Section 4.7-155)	N	N	S
Halfway Houses (See Specific Development Standards for Group Care Facilities)			
Residential Facility—6 to 15 persons	N	N	D
Residential Home—5 or fewer persons	N	N	D
Shelter homes for abused and battered persons	N	N	D
Home Occupations			
Home Occupations (Section 4.7-165)	S	S	S
Manufacture and/or Assembly of:			
Appliances	N	P	N
Apparel and other finished products made from canvas, cloth, fabrics, feathers, felt, leather, textiles, wool, yarn and similar materials	P	P	N
Communication equipment, including radio and television equipment	N	P	N
Costume jewelry, novelties, buttons and misc. notions	N	P	N
Cutlery, hand tools and hardware	N	P	N

Categories/Uses	Districts		
	MUC	MUE	MUR
Electronic components and accessories	N	P	N
Electronic transmission and distribution equipment	N	P	N
Engineering, laboratory, scientific, and research instruments	N	P	N
Finished wood manufacturing and assembly including cabinets and door frames	N	P	N
Furniture, including restoration	N	P	N
Greeting cards, business forms and other business related printing	N	P	N
Measuring, analyzing, and controlling instruments	N	P	N
Medical, dental, and surgical equipment and supplies	N	P	N
Medicinal chemicals and pharmaceutical products	N	P	N
Metal fabrication and machine shops	N	P	N
Musical instruments	N	P	N
Prosthetic and orthopedic devices	N	P	N
Office computing and accounting equipment	N	P	N
Optical instruments, including lenses	N	P	N
Perfumes and toiletries	N	P	N
Photographic equipment and supplies	N	P	N
Signs and advertising display	N	P	N
Toys, sporting and athletic goods	N	P	N
Watches, clocks, and related components	N	P	N
Other Industrial Uses:			
Industrial/Business Parks (Section 3.2-450)	N	S	N
Media productions, including TV and radio broadcasting, motion picture production and newspaper/book/periodical publishing	P	P	N
Regional distribution headquarters, including indoor storage	N	P	N
Research development and testing laboratories and facilities	N	P	N
Accessory structures	N	P	N
Administrative professional or business offices	N	P	N
Public Utility Facilities:			
High impact facilities (Section 4.7-160)	N	S	N
Low impact facilities	P	P	N
Recreational Facilities:			
Arcades	P	P	N
Art studios, performing	P	P	N
Auditoriums	N	P	N
Bingo parlors	N	P	N
Bowling alleys	N	P	N
Dance halls	N	P	N
Exercise studios	P	P	P
Gyms and athletic clubs	P	P	N
Hot tub establishments	P	P	P
Miniature auto race track (e.g., slot car track)	P	N	P

Categories/Uses	Districts		
	MUC	MUE	MUR
Miniature golf	P	N	N
Movie theaters, indoor, single screen	P	P	N
Non Alcoholic Night Club (Section 4.7-205)	S	P	N
Off-track betting facility	P	P	N
Parks, private and public	P	P	P
Playground	P	P	P
Play/tot lot	P	P	P
Pool halls	P	P	N
Recreation center	P	P	N
Skating rinks	N	P	N
Tennis, racquetball and handball courts	P	P	P
Theater, legitimate (live stage)	P	P	N
Religious, Social and Civic Institutions			
Branch educational facilities	P	P	D
Charitable services	P	N	D
Churches, mosques, temples and weekly religious school (Section 4.7-130)	D	N	D
Community and senior centers	P	N	P
Fraternal and civic organizations	P	N	N
Hospitals	P	P	N
Public offices, including, but not limited to: administrative offices, libraries, museums, courts, and detention facilities.	P	N	D
Private/Public Elementary and Middle Schools (Section 4.7-195)	N	D	D
Residential Uses in Areas Designated Mixed-Use in the Metro Plan or Refinement Plans			
Accessory structures (Section 4.7-105)	S	P	S
Attached single-family dwellings including rowhouses	P	N	P
Cluster Subdivision (Section 3.2-230)	P	N	P
Condominiums (Section 4.7-135)	S	S	S
Duplexes (Section 4.7-140)	N	N	S
Multiple family dwellings including triplexes, 4-plexes, quads, quints, and apartment complexes over 4 units	P	P	P
Retail Sales			
Antiques	P	N	P
Apparel	P	N	P
Art galleries and museums	P	N	P
Art supplies	P	N	P
Bakeries	P	P	P
Bicycles	P	N	P
Books	P	N	P
Cameras and photographic supplies	P	N	P
Candies, nuts and confectioneries	P	N	P
China, glassware and metalware	P	N	P
Cigars and cigarettes	P	N	N
Computers, calculators and other office machines	P	P	N

Categories/Uses	Districts		
	MUC	MUE	MUR
Convenience stores	P	P	P
Dairy products	P	P	P
Department stores	P	N	N
Drapery, curtains and upholstery	P	N	P
Dry Goods and general merchandise	P	N	P
Electrical supplies	P	N	N
Fabrics and accessories	P	N	P
Film drop off and pick up (not a drive-through)	P	N	P
Fish	P	N	N
Floor coverings	P	N	P
Florists	P	N	P
Fruits and vegetables	P	N	P
Furniture	P	N	N
Furriers	P	N	N
Groceries	P	N	P
Hardware	P	N	N
Hobby supplies	P	N	N
Household appliances	P	N	N
Jewelry	P	N	N
Liquor outlets (State)	P	N	N
Luggage and leather	P	N	N
Magazines and newspapers	P	N	N
Mail order houses	P	N	N
Meats	P	N	N
Medical and dental supplies	P	N	N
Musical instruments and supplies	P	N	N
Novelties and gifts	P	N	N
Office equipment	P	P	N
Paint, glass and wallpaper	P	N	N
Pharmacies	P	P	P
Pottery	P	N	N
Radios, televisions and stereos	P	N	N
Second hand and pawn shops	P	N	N
Sewing machines	P	N	N
Shoes	P	N	P
Small electrical appliances	P	N	N
Sporting goods	P	N	P
Stationary	P	P	P
Supermarkets	P	N	N
Toys	P	N	P
Small Scale Repair and Maintenance Services (Section 4.7.180)			
Business machine repair	S	P	P
Electrical appliance repair	S	P	N
Furniture repair	S	P	N
Janitorial services	N	P	N
Small engine repair	S	N	N

Categories/Uses	Districts		
	MUC	MUE	MUR
Watch repair	P	P	P
Transient Accommodations			
Bed and breakfast facilities (Section 4.7-120)	P	N	S
Emergency shelter facilities	N	N	P
Hotels (Section 4.7-180)	S	N	N
Youth hostels	P	N	N
Transportation Facilities			
Heliports	N	P	N
Helistops	N	P	N
Public transit station, without park and ride lot	P	P	P
Transportation Related, Non-Manufacturing			
Key/card lock fuel facilities	N	P	N
Warehouse Commercial Retail and Wholesale Sales and Distribution			
Cold storage lockers	N	P	N
Electrical supplies and contractors	N	P	N
Floor covering sales	N	P	N
Indoor storage, other than mini-warehouses, and outdoor storage areas/yards	N	P	N
Large electrical appliance sales	N	P	N
Merchandise vending machine operators	N	P	N
Plumbing and heating supplies and contractors	N	P	N
Unfinished furniture	N	P	N
Uses listed under automotive and retail which are wholesale uses	N	N	N
Regional distribution headquarters, including indoor storage	N	P	N
Warehouse/commercial uses engaged primarily in the wholesaling of materials to the construction industry	N	N	N
Wholesale trade, warehousing, distribution and storage (to include mini-storage)	N	N	N
Secondary Uses Serving or Related to on Site Commercial or Industrial Uses			
Manufacture or assembly of goods or products to be sold on premises	P	P	N
Accessory structures	N	P	N
Administrative professional or business offices	P	P	P
Blueprinting, photostating, and photo developing	P	P	N
Cafeteria (serving employees only)	N	P	N
Child care facilities (primarily serving employees on site)	P	P	P
Developed recreation area (serving the development area)	N	P	P
Heliports and helistops	N	P	N
Financial institutions	P	P	P
Manufactured home used as a night watch person's quarters (Section 4.7-185)	N	S	N
Outdoor storage of materials directly related to a	N	P	N"

Categories/Uses	Districts		
	MUC	MUE	MUR
permitted use. (Section 3.2-630B.3.)			

SECTION 6: CHAPTER 3 LAND USE DISTRICTS, Section 3.2-715 is hereby amended to read as follows:

"3.2-715 Base Zone Development Standards

The following base zone development standards are established. The base zone development standards of this Section and any other additional provisions, restrictions or exceptions specified in this Code shall apply.

<i>Development Standard</i>	<i>PLO Zoning District Requirement</i>
Minimum Lot/parcel Size	None
Lot/parcel Coverage and Planting Standard	Parking, driveways and structures shall not exceed 65 percent of the development area. At least 25 percent of the development area shall be landscaped. EXCEPTION: In the Downtown Exception Area, there shall be no minimum lot coverage standards and no minimum planted area, except for parking lots (6).
<i>Landscaped Setbacks (1), (2), (3) and (4)</i>	
Street Setback	15 feet (6)
Residential Property Line	20 feet (6)
Parking and Driveway	5 feet
<i>Maximum Building Height (5)</i>	None, unless abutting a residential district
PLO District abuts Residential District	When a PLO District abuts a residential district, the maximum building height shall be defined as the height standard of the applicable residential district for a distance of 50 feet measured from the boundary of the adjacent residential zoning district. Beyond the 50 foot measurement, there is no building height limitation.

- (1) Where an easement is larger than the required setback standard, no building or above grade structure, except a fence, shall be built upon or over that easement.
- (2) When additional right-of-way is required, whether by City Engineering standards, the Metro Plan (including TransPlan), or the City's Conceptual Street Plan, setbacks are based on future right-of-way locations. Dedication of needed right-of-way shall be required prior to the issuance of any building permit that increases parking or gross floor area.
- (3) Structural extensions may extend into any 5 foot or larger setback area by not more than 2 feet.
- (4) In the Downtown Exception Area, there are no minimum setbacks for administrative offices and other public uses listed under Section 3.2-710.
- (5) Incidental equipment may exceed the height standards.
- (6) In the Downtown Exception Area, there shall be no minimum planted area except for parking lots as specified elsewhere in this Code. "

SECTION 7: CHAPTER 3 LAND USE DISTRICTS, Section 3.3-205 is hereby amended to read as follows:

"3.3-205 Purpose

- A.** The Drinking Water Protection (DWP) Overlay District is established to protect aquifers used as potable water supply sources by the City from contamination. This Section establishes procedures and standards for the physical use of hazardous or other materials harmful to groundwater within TOTZ by new and existing land uses requiring development approval. The provisions of this Section are designed to:
1. Protect the City's drinking water supply which is obtained from groundwater resources from impacts by facilities that store, handle, treat, use, produce, or otherwise have on premises substances that pose a hazard to groundwater quality; and
 2. Provide standards for hazardous or other materials that pose a risk to groundwater within the TOTZ.
- B.** In order to accomplish this purpose, the DWP Overlay District includes methods and provisions to:
1. Restrict or prohibit the use of hazardous or other materials which are potential groundwater contaminants;
 2. Set standards for the storage, use, handling, treatment, and production of hazardous or other materials that pose a risk to groundwater within TOTZ; and
 3. Review new or expanded uses of hazardous or other materials that pose a risk to groundwater."

SECTION 8: CHAPTER 3 LAND USE DISTRICTS, Section 3.3-220 is hereby amended to read as follows:

"3.3-220 Time of Travel Zones

- A.** The DWP Overlay District includes 4 TOTZ: 0-1 year; 1-5 years; 5-10 years; and 10-20 years. The locations of the TOTZ for each wellhead are shown on Drinking Water Protection Area Maps on file with the City's Development Services, Public Works, and Fire and Life Safety Departments; and Springfield Utility Board (SUB) and Rainbow Water District (RWD).
- B.** The areas within specified wellhead TOTZ are those drinking water protection areas certified by the Oregon Health Division, under the Oregon Administrative Rules that apply to Oregon's EPA-approved Drinking Water Protection Program, in Oregon Health Division Delineation Certification #0002R, March 18, 1999.
- C.** In determining the location of a property within a TOTZ, the following criteria apply:
1. The Lane County Department of Assessment and Taxation maps shall be used as a base map with the addition of TOTZ boundaries.
 2. That portion of a tax lot that lies within a TOTZ is governed by the

restrictions applicable to that TOTZ.

3. Tax lots having parts lying within more than one TOTZ are governed by the standards of the more restrictive TOTZ.

EXCEPTION: The Director may waive the requirement that the more restrictive standards apply when all of the following apply:

- a. Storage, use, handling, treatment, and/or production of hazardous or other materials that pose a risk to groundwater will not take place within the portion of the tax lot having the more restrictive TOTZ standards; and
 - b. Storage, use, handling, treatment, and/or production of hazardous or other materials that pose a risk to groundwater will not take place within 50 feet of the portion of the tax lot having more restrictive TOTZ standards; and
 - c. The tax lot is 20,000 square feet or larger.
4. A property owner may request the TOTZ be modified by submitting a Zone Change application to the City. Any request for modification of the TOTZ shall be accompanied by certification of the TOTZ as proposed to be modified by the Oregon Health Division, under the Administrative Rules that apply to Oregon's EPA-approved Drinking Water Protection Program."

SECTION 9: CHAPTER 3 LAND USE DISTRICTS, Section 3.3-225 is hereby amended to read as follows:

"3.3-225 Review

- A. A DWP Overlay District Development Application is required when the criteria of both Subsections A.1. and 2., below are met:
 1. A site is affected by one of the following:
 - a. There is a change of land use, occupancy or tenancy of a property, including, but not limited to: a change from vacant to occupied; or
 - b. During the Building Permit process; or
 - c. In conjunction with any development application, including, but not limited to: Site Plan review and Minimum Development Standards.
 2. The action in Subsection A.1., above will:
 - a. Affect the storage, use, and/or production of hazardous or other materials that pose a risk to groundwater; or

- b.** Increase the quantity of hazardous or other materials that pose a risk to groundwater that are stored, used and/or produced.
- B.** Prior to the submittal of a DWP Overlay District Development Application, an exemption request may be submitted to the Director as specified in Section 3.3-230B.1.
- C.** DWP Overlay District applications shall be reviewed under Type I procedures.
- D.** Prior to undertaking an activity covered by Section 3.3-225 A., the owner or tenant shall submit a DWP Overlay District Application to the City for review and approval. Applications shall include the following information:
 - 1.** A Hazardous Material Inventory Statement and a Material Safety Data Sheet for any or all materials entered in the Statement unless exempted under Section 3.3-230. Hazardous material weights shall be converted to volume measurement for purposes of determining amounts - 10 pounds shall be considered equal to one gallon as specified in Springfield Fire Code 2703.1.2.;
 - 2.** A list of the chemicals to be monitored through the analysis of groundwater samples and a monitoring schedule if ground water monitoring is anticipated to be required;
 - 3.** A detailed description of the activities conducted at the facility that involve the storage, handling, treatment, use or production of hazardous materials in quantities greater than the maximum allowable amounts as stated in Section 3.3-235 A.;
 - 4.** A description of the primary and any secondary containment devices proposed, and, if applicable, clearly identified as to whether the devices will drain to the storm or sanitary sewer;
 - 5.** A proposed Hazardous Material Management Plan for the facility that indicates procedures to be followed to prevent, control, collect and dispose of any unauthorized release of a hazardous material;
 - 6.** A description of the procedures for inspection and maintenance of containment devices and emergency equipment;
 - 7.** A description of the plan for disposition of unused hazardous materials or hazardous material waste products over the maximum allowable amounts including the type of transportation, and proposed routes.
- E.** For those development proposals requiring Site Plan Review (Section 5.17-100) or Minimum Development Standards review (Section 5.15-100), applications may be submitted concurrently.
- F.** The Director shall review the application and make a decision based on the standards contained in Section 3.3-235, after consulting with the Building Official, Fire Marshall, Public Works Director, and the managers of SUB and RWD, as appropriate.”

SECTION 10: CHAPTER 3 LAND USE DISTRICTS, Section 3.3-235 is hereby amended to read as follows:

3.3-235 Standards for Hazardous Materials within Time of Travel Zones

Applications shall comply with the following standards. Where the following standards are more restrictive than the standards of the Springfield Fire Code, the following standards apply:

A. 0 -1 year TOTZ Standards.

- 1. Within the 0-1 year TOTZ, hazardous materials that pose a risk to groundwater may be stored in aggregate quantities of no more than 500 gallons if in original containers not exceeding 5 gallons* in size. Within that aggregated 500-gallon inventory, no more than 150 gallons of hazardous materials that pose a risk to groundwater may be on the premises in opened containers for handling, treatment, use production, or dispensing on site. Hazardous materials that pose a risk to groundwater are allowed only upon compliance with containment and safety standards specified by the most recent Fire Code adopted by the City.**

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

- 2. Unless exempted, all hazardous or other materials that pose a risk to groundwater shall be stored in areas with approved secondary containment in place Springfield Fire Code 2702.1 and 2704.2.2).**
- 3. All new uses of Dense Non-Aqueous Phase Liquids (DNAPLs) are prohibited.**
- 4. Any change in type of use or an increase in maximum daily inventory quantity of any DNAPL shall be considered a new use and prohibited.**
- 5. The following certain types of new facilities or changes in use and/or storage of hazardous or other materials that pose a risk to groundwater are prohibited:**
 - a. Underground hazardous material storage facilities;**
 - b. Hazardous material product pipelines used to transport the hazardous material off of the tax lot where it is produced or used;**
 - c. Injection wells**

EXCEPTION: Dry wells for roof drainage;
 - d. Solid waste landfills and transfer stations;**
 - e. Fill materials containing hazardous materials;**

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

EXCEPTION: Dry wells for roof drainage;

- c. Solid waste landfills and transfer stations;
 - d. Fill materials containing hazardous materials;
 - e. Land uses and new facilities that will use, store, treat handle, and/or produce DNAPLs.
6. Requirements found in Springfield Fire Code 2704.2.2.5 for a monitoring program and monitoring methods to detect hazardous or other materials in the secondary containment system shall be met for all amounts of hazardous materials that pose a risk to groundwater unless exempted.
7. The following requirements for inspection and record keeping procedures for monthly in-house inspection and maintenance of containment and emergency equipment for all amounts of hazardous or other materials that pose a risk to groundwater shall be met unless exempted: Schedules and procedures for inspecting safety and monitoring and emergency equipment. The applicant shall develop and follow a written inspection procedure acceptable to the Director for inspecting the facility for events or practices which could lead to unauthorized discharges or hazardous materials. An inspection check sheet shall be developed to be used in conjunction with routine inspections. The check sheet shall provide for the date, time, and location of inspection; note problems and dates and times of corrective actions taken; and include the name of the inspector and the countersignature of the designated safety manager for the facility.

C. 5-10 year TOTZ Standards.

- 1. The storage, handling, treatment, use, production or otherwise keeping on premises of more than 20 gallons of hazardous materials that pose a risk to groundwater in aggregate quantities not containing DNAPLs is allowed upon compliance with containment and safety standards specified by the most recent Fire Code adopted by the City
- 2. All hazardous or other materials that pose a risk to groundwater shall be stored in areas with approved secondary containment in place (Springfield Fire Code 2702.1 and 2704.2.2).
- 3. All new use of DNAPLs are prohibited.
- 4. Any change in type of use or an increase in the maximum daily inventory quantity of any DNAPL is considered a new use and is prohibited.
- 5. The following requirements for inspection and record keeping procedures for monthly in-house inspection and maintenance of containment and

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

- D. 10-20 year TOTZ Standards. The storage, handling, treatment, use, production or keeping on premises of more than 20 gallons of hazardous materials that pose a risk to groundwater in aggregate quantities is allowed only upon compliance with containment and safety standards specified by the most recent Fire Code adopted by the City.”

SECTION 11: CHAPTER 3 LAND USE DISTRICTS, Section 3.3-815 is hereby amended to read as follows:

”3.3-815 Schedule of Use Categories when there is an Underlying Residential, Commercial, or Industrial District

The following uses may be permitted in the underlying residential, commercial, or industrial district subject to the provisions, additional restrictions and exceptions specified in this Code. **EXCEPT AS SPECIFIED IN SECTION 3.3-810B., URBAN USES (e.g., multiple-family or churches) NOT LISTED IN THE UF-10 OVERLAY DISTRICT ARE NOT PERMITTED.**

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

“S” = **SPECIAL DEVELOPMENT STANDARDS** subject to special locational and/or siting standards as specified in Section 4.7-100.

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

“N” = **NOT PERMITTED**

* = **SITE PLAN REVIEW REQUIRED**

<i>Use Category</i>	<i>Underlying Zoning District</i>		
	<i>Residential</i>	<i>Commercial</i>	<i>Industrial</i>
Agricultural uses and structures	P	P	P
Child care facility (Section 4.7-125)	S	N	N
Detached single-family dwellings and manufactured homes (Section 3.3-825)	P	N	N
Home Occupations (Section 4.7-165)	S	S	S
Neighborhood parks that do not require urban services (Section	S*	N	N

4.7-200)			
Partitions (Section 3.3-825E.)	P	N	N
Property Line Adjustments	P	N	N
High Impact Facilities (Section 4.7-160)	S*	S*	S*
Low Impact Facilities	P	P	P
Temporary sales/display of produce, the majority of which is grown on the premises (Section 4.8-125)	P	P	P
Tree felling (Section 5.19-100)	P	P	P
R.V. parks and campgrounds (Section 4.7-220D.)	S*	N	N
RV parks and campgrounds that do not require urban services (Section 4.7-220D.)	N	D*	D*
Expansion of non-conforming uses existing on the effective date of Lane County's application (on either the /ICU or I/U District to the property (Section 3.3-385F.)	N	D*	D*
Expansion or replacement of lawful uses permitted in the underlying commercial or industrial district (Section 3.3-825F.)	N	P*	P*
Expansion or replacement of lawful Discretionary Uses in the underlying zoning district (Section 3.3-825F.)	N	D*	D*
New Permitted and Specific Development Standards in the underlying zoning district within existing structures (Section 3.3-825F.)	N	P*	P*
Manufactured home (night watch person) or manufactured unit (office) in an industrial district (Sections 4.7-185 and 4.7-170)	N	N	S*
Certain Wireless Telecommunications Systems Facilities	See Section 4.3-145	See Section 4.3-145	See Section 4.3-145"

SECTION 12: CHAPTER 3 LAND USE DISTRICTS, Section 3.3-825G. is hereby amended to read as follows:

"3.3-825 Additional Provisions

- G. R.V. parks and campgrounds shall be located on land classified Public Land and Open Space (PLO) and be subject to the specific development standards specified Section 4.7-220."

SECTION 13: CHAPTER 3 LAND USE DISTRICTS, Section 3.3-910B. is hereby amended to read as follows:

"3.3-910 Applicability

- B. On the adopted Historic Landmark Inventory within the City or its urbanizing areas, including the following individually designated Historic Landmarks:

Historic Site/ Structure	Address
Stevens and Perkins Building	330 Main Street
I.O.O.F. Building	346 Main Street
Pacific Power & Light Building	590 Main Street

Southern Pacific Railroad Depot	101 South A Street
Brattain / Hadley House	1260 Main Street
Stewart House	214 Pioneer Pkwy. West
Douglas House	3362 Osage Street
Thurston Grange	66 th Street and Thurston Rd.”

SECTION 14: CHAPTER 4 DEVELOPMENT STANDARDS, Section 4.3-110E. is hereby amended to read as follows:

"4.3-110 Stormwater Management

- E. A development is required to employ stormwater management practices approved by the Public Works Director and consistent the *Engineering Design Standards and Procedures Manual*, which minimize the amount and rate of surface water run-off into receiving streams. The following stormwater management practices may be required in order to relieve demand on the City's piped drainage system and to alleviate future costs of treating the piped discharge; to promote water quality, to preserve groundwater and the vegetation and rivers it supports, and to reduce peak storm flows:
1. Temporary ponding of water;
 2. Permanent storage basins;
 3. Minimizing impervious surfaces;
 4. Emphasizing natural water percolation and natural drainageways;
 5. Preventing water flowing from the street in an uncontrolled fashion;
 6. Stabilizing natural drainageways as necessary below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion, as permitted/allowed by City, State and Federal regulations;
 7. On-site filtration or skimming of run-off, which will enter natural drainageways to maintain water quality; and
 8. On-site constructed wetlands.”

SECTION 15: CHAPTER 4 DEVELOPMENT STANDARDS, Table 4.4-1 is hereby amended to read as follows:

"Table 4.4-1

Yard Type	Base Height by Zoning District				
	Residential	Commercial	Industrial	PLO	MS
Front Yard (1)	6' (2)	6'	6' / 8' (3)	6'	6'
Street Side Yard (4)	6'	6'	6' / 8' (3)	6'	6'
Rear Yard	6'	6'	6' / 8' (3)	6'	6'
Height Exceptions	8' / 10' (5)	8'	8' (6)	8'	N/A
Vision Clearance Area (7)	2 ½'	2 ½'	2 ½'	2 ½'	2 ½'
Barbed/ Razor Wire/ Electric	Y(8)	Y(8)	Y(8)	Y/N (8)	N

- (1) The fence shall be located behind the front yard setback in all districts unless allowed in (2).
- (2) Fences may be allowed within the front yard setback as follows:
 - (a) 4' high unslatted chain link – this standard does not apply to multi-family developments.
 - (b) 3' high sight obscuring fence.
- (3) In the Campus Industrial District the base height standard is 6'. In all other industrial districts, the base height standard is 8'.
- (4) In the residential districts, a fence may be located along the property line. In all other districts, the fence shall be located behind the street yard setback.
- (5) Situations where the base fence height may be exceeded:
 - (a) 8' in residential, commercial and the PLO Districts for public utility facilities, school yards and playgrounds, provided that the fence is located behind the front yard and street side yard landscaped area and outside of the vision clearance area. Residential districts abutting these facilities, railroad tracks or residential property side and rear yards abutting streets with 4 or more travel lanes, may have fences of 8' along common property lines and right-of-way.
 - (b) 10' for residential properties abutting commercial or industrial districts along common property lines, and around permitted storage areas in residential districts. Yards of single-family homes shall not constitute permitted storage areas.
 - (c) In residential districts, any fence located within a required setback, and which exceeds the allowable fence height for that setback by more than 20 percent, shall be reviewed under Discretionary Use procedure for fences as specified in Section 5.9-100.
- (6) Special standards in the Campus Industrial District:
 - (a) No fencing shall be permitted within 35' of a CI District perimeter or 20 feet of any development area perimeter or within interior lots/parcels of development areas.
EXCEPTION: 3' maximum height decorative fencing or masonry walls may be permitted as screening devices around parking lots.
 - (b) Chain link fences shall be permitted only when combined with plantings of evergreen shrubs or climbing vines that will completely cover the fence(s) within 5 years of installation (as certified by a landscape architect or licensed nursery operator).
 - (c) Painted fences shall match the building color scheme of the development area.
- (7) No fence shall exceed the 2½' height limitation within the vision clearance area as specified in Section 4.2-130.
- (8) Barbed wire, razor wire or electrified fencing shall be permitted atop a six foot chain link fence. The total height of the fence and barbed wire shall not exceed 8'. These materials shall not extend into the vertical plane of adjoining public sidewalks. Barbed wire or razor wire only fences are prohibited. Electrified fencing shall be posted with warning signs every 24 feet.
EXCEPTIONS:
 - (a) In the PLO District in the Downtown Exception Area and in the MUC, MUE and MUR Districts, no barbed razor wire or electrified fences shall be permitted.
 - (b) In the residential districts, barb-wire and electrified fencing on lots/parcels less than 20,000 square feet, and razor wire on any lot/parcel, regardless of size, shall be reviewed under

Discretionary Use procedure as specified in Section 5.9-100, using the criteria specified in Subsection C., below.”

SECTION 16: CHAPTER 4 DEVELOPMENT STANDARDS, Section 4.7-105A. is hereby amended to read as follows:

”4.7-105 Accessory Structures

This Subsection regulates structures that are incidental to allowed residential uses to prevent them from becoming the predominant element of the site.

- A. Accessory Structure Groups.** Accessory structures are divided into 3 groups based on their characteristics. Accessory structures may be attached or separate from primary structures.
1. **Group A.** This group includes buildings and covered structures for example, garages, bedrooms or living rooms, including bathrooms that are not an accessory dwelling unit as defined in Section 5.5-100, art studios, gazebos, carports, greenhouses, storage buildings, boathouses, covered decks and recreational structures. Agricultural structures as defined in this Code are deemed Group A accessory structures if located on lots/parcels less than 2 acres in size.
 2. **Group B. (Architectural extensions)** This group includes uncovered, generally horizontal structures for example, decks, stairways, in ground or above ground swimming pools, tennis courts, and hot tubs.
 3. **Group C. (Incidental equipment)** This group includes generally vertical structures for example, flag-poles, trellises and other garden structures, play structures, radio antennas, satellite receiving dishes and lampposts. This group also includes rooftop solar collectors. Fences are addressed in Section 4.4-115.”

SECTION 17: CHAPTER 4 DEVELOPMENT STANDARDS, Section 4.7-140 is hereby amended to read as follows:

”4.7-140 Duplexes

- A.** A duplex may be on located on corner lots/parcels of 6,000 square feet in the LDR District, unless as may be permitted below. A corner duplex or duplex lot/parcel in any residential district may be partitioned for the purpose of allowing independent ownership of each dwelling unit, if each of the two resulting lots/parcels meets the *size* standards specified in Section 3.2-215. Duplexes or duplex lots/parcels eligible for this type of partition shall meet the partition standards of Section 5.12-100 and the following:
1. Utility service to each unit shall be separate.
 2. All walls connecting abutting units shall be fire resistive walls as specified in the Structural Specialty Code and Fire and Life Safety Code.

3. The property line separating the two units shall have not more than two angle points. The angle points shall not occur within the wall between abutting units.
- B. Duplexes on interior lots/parcels zoned Low Density Residential, approved prior to the adoption of this Code, as part of a Planned Unit Development shall not be considered to be non-conforming uses.
 - C. Duplexes on interior lots/parcels zoned Low Density Residential, approved prior to the adoption of this Code on property previously zoned RG Garden Apartments shall not be considered to be a non-conforming use.
 - D. Duplexes on interior lots/parcels zoned Low Density Residential, which meets the density requirements of this zoning district, shall not be considered a non-conforming use.”

SECTION 18: CHAPTER 4 DEVELOPMENT STANDARDS, Section 4.7-180 is hereby amended to read as follows:

“4.7-180	Mixed Use Districts
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- A. Specific development standards for the MUC District shall be the same as those specified in Section 3.2-310 as an “S” use and listed in applicable Subsections of Section 4.7-100, and the following:

EXCEPTIONS:

1. Drive-through uses may conflict with safe and convenient movement of pedestrians and bicycles within MUC Districts. A drive-through use, for the purposes of this Section, is defined as a business activity involving buying or selling goods or provision of services wherever one of the parties conducts the activity from within a motor vehicle. Facilities usually associated with a drive-through usually involve queuing lines, service windows, service islands, and service bays for vehicular use. Drive-through uses are therefore not permitted in MUC Districts unless the use is incidental to a primary site use, and when designed in conformance with the following standards:
 - a. The drive-through use shall be limited to service windows which are part of a primary use structure, and no more than 2 queuing lanes.
 - b. Drive-up facilities shall be designed so that circulation and drive-up windows are not adjacent to sidewalks or between buildings and the street, to the maximum extent practicable.
2. Parking Lots and Parking Structures, Public and Private.

- a. In MUC Districts, surface parking lots abutting public streets shall include perimeter landscaping and shade trees as specified in Sections 3.2-315 and 4.4-100.
- b. Parking structures located within 20 feet of pedestrian facilities, including, but not limited to: public or private streets, pedestrian accessways, greenways, transit stations, shelters, or plazas, shall provide a pedestrian-scale environment on the façade facing the pedestrian facility. One or more of the following techniques may be used:
 - i. Provide retail or office uses on the ground floor of the parking structure facing the pedestrian facility;
 - ii. Provide architectural features that enhance the ground floor of a parking structure adjacent to the pedestrian facility, for example, building articulation, awnings, canopies, building ornamentation and art; and/or
 - iii. Provide pedestrian amenities in the transition area between the parking structure and pedestrian facility, including landscaping, trellises, seating areas, kiosks, water features with a sitting area, plazas, outdoor eating areas, and drinking fountains.
- c. In MUC Districts, parking lots shall be located beside or behind buildings, internal to the development on a site. Existing or new outparcel buildings between a large parking lot and the street shall be used to help define the streetscape, and lessen the visual impact of the parking lot from the street.

SECTION 19: CHAPTER 4 DEVELOPMENT STANDARDS, Section 4.7-190A. is hereby amended to read as follows:

"4.7-190 Professional Offices

- A. Professional offices in residential districts are permitted when:
 - 1. The lots/parcels are adjacent to CC, MUC or MRC Districts; and
 - 2. The majority of the square footage of the structure on the lot/parcel is not more than 100 feet from CC, MUC or MRC Districts. Where public-right-of-way separates the residential district from the commercial district, the right-of-way width is not counted in the measurement."

SECTION 20: CHAPTER 5 THE DEVELOPMENT REVIEW PROCESS AND APPLICATIONS, Section 5.1-120 is hereby amended to read as follows:

"5.1-120 Pre-Development Meetings

Pre-Development Options. The City has established three pre-development processes to assist prospective applicants through the application review process:

- A. The Development Issues Meeting. The purpose of the Development Issues Meeting is to give a prospective applicant the opportunity to discuss a limited number of development issues with City staff. The discussions can be general or specific depending on the questions submitted with the application. The Development Issues Meeting is voluntary, unless specifically required elsewhere in this Code.
- B. Pre-Application Report. The purpose of the Pre-Application Report is to give a prospective applicant the opportunity to discuss an entire development proposal with City Staff. This meeting is recommended for large and/or complex proposals to avoid unanticipated costs or delay during the formal application process.

EXCEPTION: The Pre-Application Report is required for a Master Plan application as specified in Section 5.13-115.

- C. The Pre-Submittal Meeting. The purpose of the Pre-Submittal Meeting is to provide an opportunity for the property owner, applicant and the development team to meet with City staff to determine that an application is complete for processing prior to formal submittal to the City. A complete application will facilitate the review process. The Pre-Submittal Meeting will examine key elements of the application, including, but not limited to: transportation, stormwater management, wastewater facilities, and landscaping. The Pre-Submittal Meeting is mandatory for all Site Plan Review, Subdivision, Partition and Master Plan applications. The Pre-Submittal Meeting is required even if the meetings specified in Subsections A. and B., above have been utilized. Applications shall be reviewed by the Director within 30 days of receipt to determine if they meet the requirements specified in Section 5.4-105 and are complete.”

SECTION 21: CHAPTER 5 THE DEVELOPMENT REVIEW PROCESS AND APPLICATIONS, Section 5.3-115C. is hereby amended to read as follows:

”5.3-115 Appeals of the Director’s or Hearings Official’s Type II Decision

- C. Notice. The Director shall provide notice of the public hearing to the property owner, applicant, if different, the appellant and all persons who submitted comments or requested notice of the decision as part of the process leading to the Director’s or Hearings Official’s decision. The notice of the appeal hearing shall be as specified in Section 5.2-115.”

SECTION 22: CHAPTER 5 THE DEVELOPMENT REVIEW PROCESS AND APPLICATIONS, Table 5.4-1 is hereby amended to read as follows:

“Table 5.4-1 Development Applications

<i>Type of Application</i>	<i>Decision Type</i>	<i>Applicable SDC Sections</i>
Accessory Dwelling Unit	Type I	5.5-100
Amendment of Development Code Text	Type IV	5.6-100
Amendment of Refinement Plan Text or Diagram	Type IV	5.6-100
Annexation	Type IV	5.7-100
Appeal of a Type II Director’s Decision	Type III	5.3-100
Appeal of Type III Decision to City Council	Type IV	5.3-100

Appeal of an Expedited Land Division	Type III	5.3-125
Conceptual Development Plan	Type III	Applicable Section
Conceptual Development Plan Amendment	Type III	Applicable Section
Demolition of Historic Landmark	Type III	3.3-900
Determination of Non-Conforming Use Status	Type I	5.8-100
Development Issues Meeting	Type I	5.1-100
Discretionary Use	Type III	5.9-100
Drinking Water Protection Overlay District Development	Type I	3.3-200
Establishment of Historic Landmark Inventory	Type III	3.3-900
Expansion/Modification of a Non-Conforming Use	Type II	5.8-100
Expedited Land Division	Type II	5.1-145
Extraterritorial Extension of Water or Sewer Service	Type IV	3.3-825
Final Site Plan Equivalent	Type I	5.17-100
Final Site Plan Review/Development Agreement	Type I	5.17-100
Floodplain Development	Type I	3.3-400
Hillside Development Overlay District	Type II	3.3-500
Historical Commission Review—Major Alteration	Type II	3.3-900
Historical Commission Review—Minor Alterations	Type I	3.3-900
Home Occupations	Type I	4.7-165
HS Hospital Support Overlay District	Type II	3.3-1100
Interpretation involving policy	Type IV	5.11-100
Interpretation not involving policy	Type II	5.11-100
Land Use and Zoning Compatibility Statement	Type I	3.1-100
Major Variance	Type III	5.21-100
Emergency Medical Hardship	Type II	5.10-100
Manufactured Dwelling Park	Type II	3.2-235
Manufactured Dwelling Park Space Line Adjustment	Type I	3.2-235
Manufactured Home—Temporary Residential Use	Type I	3.2-235
Master Plan	Type II	5.13-100
Master Plan Amendment	Type I or II	5.13-100
Metro Plan Amendment Type I (text) or Type II (diagram)	Type IV	5.14-100
Minimum Development Standards	Type I	5.15-100
Minor Variance	Type II	5.21-100
Partition Replat Tentative Plan	Type II	5.12-100
Partition Tentative Plan	Type II	5.12-100
Pre-Application Report	Type I	5.1-100
Property Line Adjustment—Single	Type I	5.16-100
Property Line Adjustment—Serial	Type II	5.16-100
Site Plan Modification—Minor	Type I	5.17-100
Site Plan Review Modification—Major	Type II	5.17-100
Site Plan Review	Type II	5.17-100
Solar Access Protection	Type II	5.18-100
Subdivision Replat Tentative Plan	Type II	5.12-100

Subdivision Tentative Plan	Type II	5.12-100
Subdivision/Replat Plat	Type I	5.12-100
Tree Felling Permit	Type II	5.19-100
Vacation of Plats, Public Right-of-way, or Other Public Property	Type IV	5.20-100
Vacation of Public Easements	Type II	5.20-100
Willamette Greenway Overlay District Development	Type III	3.3-300
Wireless Telecommunications Systems Facilities	Type I, II, or III	4.3-145
Zoning Map Amendment	Type III	5.22-100"

SECTION 23: CHAPTER 5 THE DEVELOPMENT REVIEW PROCESS AND APPLICATIONS, Section 5.13-100 is hereby amended to read as follows:

"Section 5.13-100 Master Plans

Subsections:

- 5.13-105 Purpose**
- 5.13-110 Applicability**
- 5.13-115 Preliminary Master Plan – Review**
- 5.13-116 Preliminary Master Plan – Application Concurrency**
- 5.13-117 Preliminary Master Plan – Neighborhood Meeting**
- 5.13-120 Preliminary Master Plan – Submittal Requirements**
- 5.13-125 Preliminary Master Plan – Criteria**
- 5.13-130 Preliminary Master Plan – Conditions**
- 5.13-131 Final Master Plan – Review**
- 5.13-132 Final Master Plan – Submittal Requirements**
- 5.13-133 Final Master Plan – Criteria, Recordation and Effective Date**
- 5.13-134 Final Master Plan – Phasing Implementation**
- 5.13-135 Final Master Plan – Modifications**
- 5.13-140 Final Master Plan – Assurance to the Applicant and City Disclaimers"**

SECTION 24: CHAPTER 5 THE DEVELOPMENT REVIEW PROCESS AND APPLICATIONS, Section 5.13-105 is hereby amended to read as follows:

"5.13-105 Purpose

- A. A Master Plan allows phasing the development of a specific property over several years.**
- B. The purpose of a Master Plan is to:**
 - 1. Facilitate the review of multi-phased developments that are desired to be constructed over a 3 to 7 year period and ensure that individual phases will be coordinated with each other over the duration of the Final Master Plan;**
 - 2. Ensure that a full range of public facilities and services are available or will be provided for the proposed phased development and to plan the extension of necessary public infrastructure in a timely and efficient manner;**

3. Determine specific land uses, a range of minimum to maximum square footage of non-residential uses and a range of minimum to maximum densities of residential uses, the arrangement of uses, and the location of public facilities and transportation systems;
4. Identify, during the public review process, potential impacts, including, but not limited to noise, shading, glare, utility capacity and traffic and consider alternatives for mitigating these impacts to affected properties and/or public facilities;
5. Provide the property owner an opportunity for the concurrent review of discretionary land use decisions; and
6. Provide the property owner with the assurance needed over the long term to plan for and execute the proposed development.”

SECTION 25: CHAPTER 5 THE DEVELOPMENT REVIEW PROCESS AND APPLICATIONS, Section 5.13-110 is hereby amended to read as follows:

”5.13-110 Applicability

- A. Approval of a Master Plan is a two-step process that includes a Preliminary Master Plan application and a Final Master Plan application. This process applies when the following criteria are met:
 1. The property is under single ownership; or if the property has multiple owners, all owners of record consent in writing to the Master Plan review process; and
 2. The property is 5 acres or greater and the applicant desires development to be phased over a period not to exceed 7 years, unless modified as specified in Section 5.13.135.

EXCEPTION: The Director may allow an exception to the 5 acre minimum, if the applicant requests phasing for more than 3 years.
- B. A Master Plan may include public, commercial, industrial or residential development, or any combination thereof.”

SECTION 26: CHAPTER 5 THE DEVELOPMENT REVIEW PROCESS AND APPLICATIONS, Section 5.13-115 is hereby amended to read as follows:

”5.13-115 Preliminary Master Plan – Review

- A. The Preliminary Master Plan shall be reviewed under Type II procedure.

EXCEPTIONS: The Preliminary Master Plan shall be reviewed under Type III procedure if:

 1. During the Pre-Application Report process, the Director determines that the proposed development is:

- a. Complex; and/or
 - b. May have potential impacts on public facilities, including, but not limited to availability and capacity; and/or other properties including, but not limited to noise and traffic; and/or
2. The applicant chooses to submit concurrent Type III procedure applications as may be permitted in Section 5.13-116.B.
- B.** Prior to the submittal of a Preliminary Master Plan application:
- 1. A Pre-Application Report application, as specified in Section 5.1-120.B., is required prior to the formal submittal of the Preliminary Master Plan application.
 - 2. A Pre-Submittal Meeting application, as specified in Section 5.1-120.C., is required prior to the formal submittal of the Preliminary Master Plan application.”

SECTION 27: CHAPTER 5 THE DEVELOPMENT REVIEW PROCESS AND APPLICATIONS, Section 5.13-116 is hereby added:

5.13-116 Preliminary Master Plan – Application Concurrency

- A.** If the applicant requires or proposes to change the Metro Plan diagram and/or text, the applicant shall apply for and obtain approval of a Metro Plan diagram and/or text amendment prior to the submittal of the Preliminary Master Plan application. The Metro Plan diagram and/or text amendment may also require amendment of an applicable refinement plan diagram or Plan District Map.
- B.** The Preliminary Master Plan may be reviewed concurrently with other Type III applications including a Zoning Map amendment, Discretionary Use, Major Variance, or a Willamette Greenway Permit application.
- C.** Subdivision and/or Site Plan applications that initiate the various phases of proposed development shall not be submitted concurrently with the Preliminary Master Plan. These applications shall not be submitted until Final Master Plan approval is effective, as specified in Section 5.13-133.”

SECTION 28: CHAPTER 5 THE DEVELOPMENT REVIEW PROCESS AND APPLICATIONS, Section 5.13-117 is hereby added:

5.13-117 Preliminary Master Plan – Neighborhood Meeting

To provide the opportunity for early citizen involvement in the Master Plan review process, the applicant shall provide notice and invite citizen participation by initiating a Neighborhood Meeting. The meeting shall be scheduled after receipt of staff’s response to the Pre-Application Report application required in Subsection 5.13-115B.1., and prior to the formal submittal of a Preliminary Master Plan application. The meeting is not intended to produce complete consensus on all applications. It is intended to encourage applicants to be good neighbors. The applicant shall be responsible for scheduling and organizing the meeting, arranging the meeting place, notice and all related costs. City staff will attend the neighborhood meeting in an advisory capacity to answer

questions. The notice shall provide a brief description of the proposal and shall be mailed to those property owners and residents within 300 feet of the proposed development. The meeting may be held in any public or private building capable of accommodating the proceeding. The building selected should be in the vicinity of the proposed development. The applicant shall submit a summary of the questions raised and responses made at this meeting with the Preliminary Master Plan application as required in Subsection 5.13-120N."

SECTION 29: CHAPTER 5 THE DEVELOPMENT REVIEW PROCESS AND APPLICATIONS, Section 5.13-120 is hereby amended to read as follows:

"5.13-120 Preliminary Master Plan – Submittal Requirements

The Preliminary and Final Master Plan applications shall be prepared by a professional design team. The applicant shall select a project coordinator. All related maps, excluding vicinity and detail maps, shall be at the same scale. A Preliminary Master Plan shall contain all of the elements necessary to demonstrate compliance with the applicable provisions of this Code and shall include, but not be limited to:

- A. General Submittal Requirements.** The applicant shall submit a Preliminary Master Plan that includes all applicable elements described below and a narrative generally describing the purpose and operational characteristics of the proposed development. The narrative shall include:
 - 1.** The existing Metro Plan designation and zoning. Where the proposed Master Plan site is within an overlay district, Plan District or Refinement Plan the applicable additional standards shall also be addressed;
 - 2.** The location and proposed number of residential units and/or square footage of commercial, industrial and/or public uses;
 - 3.** The density or intensity of proposed uses, including applicable Floor Area Ratios (FARs); and
 - 4.** The applicant shall attach:
 - a.** A map depicting existing zoning and land uses within 300 feet of the proposed Master Plan boundary;
 - b.** A Vicinity Map drawn to scale depicting existing bus stops, streets, driveways, pedestrian connections, fire hydrants and other transportation/fire access issues within 300 feet of the proposed Master Plan site; and
 - c.** A legal description of the property within the proposed Master Plan boundary.
- B. A Site Assessment** of the entire proposed Master Plan site that precisely maps and delineates the existing conditions on the site. Proposed modifications to physical features shall be clearly indicated. Information required for adjacent properties may be generalized to show the connections to physical features. A Site Assessment shall contain the following information, as applicable:

1. A full size map depicting the proposed Master Plan boundary together with existing lot/parcel lines;
 2. The 100-year floodplain and floodway boundaries on the proposed Master Plan site, as specified in the latest adopted FEMA Flood Insurance Rate Maps or FEMA approved Letter of Map Amendment or Letter of Map Revision;
 3. The Time of Travel Zones, as specified in Section 3.3-200 and delineated on the Wellhead Protection Areas Map on file in the Development Services Department;
 4. Physical features including, but not limited to significant clusters of trees and shrubs, wetlands as specified in Section 4.3-117, rock outcroppings and watercourses shown on the Water Quality Limited Watercourse (WLQW) Map and their riparian areas on file in the Development Services Department. In the latter case, the name, location, dimensions, direction of flow and top of bank shall be depicted. If the proposed Master Plan site is located within 150 feet of the top of bank of any WQLW or within 100 feet of the top of bank of any WQLW direct tributary, a Riparian Area Protection Report is required;
 5. Soil types and water table information as mapped and specified in the *Soils Survey of Lane County*. A Geotechnical report prepared by a licensed Geotechnical Engineer shall be submitted concurrently if the Soils Survey indicates the proposed Master Plan site has unstable soils and/or a high water table; and
 6. Existing elevations and contours.
- C. A Grading Plan which includes: existing and proposed elevations and where 2 or more feet of fill or grading is anticipated for portions of, or the entire proposed Master Plan site. On hillsides, the plan shall show pad sites and their relationship to the public right-of-way with existing contours at 1-foot intervals and percent of slope. In areas where the percent of slope is 10 percent or more, contours may be shown at 5-foot intervals.
- D. A Stormwater Management Plan diagram which includes the stormwater management system for the entire proposed Master Plan site and any impacts on adjacent properties. The plan shall contain the following components:
1. Roof drainage patterns and discharge locations;
 2. Pervious and impervious area drainage patterns;
 3. The size and location of stormwater management systems components, including, but not limited to: drain lines, catch basins, dry wells and/or detention ponds; stormwater quality measures; and natural drainageways to be retained and/or modified;
 4. Existing and proposed elevations, site grades and contours; and

5. A stormwater management system plan with supporting calculations and documentation as specified in Section 4.3-110 shall be submitted supporting the proposed system. The plan, calculations and documentation shall be consistent with the *Engineering Design Standards and Procedures Manual*.
- E. A Wastewater Management Plan with maps and a narrative depicting the location and size of existing and proposed wastewater facilities with supporting calculations and documentation consistent with the *Engineering Design Standards and Procedures Manual*.
- F. A Utilities Plan with maps and a narrative depicting the location and size of existing and proposed water, electrical, gas and telephone service; and the location of existing and required traffic control devices, fire hydrants, street lights, power poles, transformers, neighborhood mailbox units and similar public facilities.
- G. A conceptual Landscape Plan with maps and a narrative illustrating proposed landscaping for the entire proposed Master Plan site, including, but not limited to: where existing vegetation is proposed for preservation, especially riparian and wetland areas and trees; installation of vegetative buffering; street trees; general landscaping; and a percentage range for the total amount of required open space, broken down by the type of open space, public and private, as applicable. A conceptual Landscape Plan is more appropriate at the Master Plan level. A detailed Landscape Plan will be required during the Site Plan Review application process required to implement the Final Master Plan.
- H. An Architectural Plan with maps, including:
 1. Building elevations, overall commercial, industrial or public floor area, the number of dwelling units, building height, number of stories and the building location or building mass of the primary structures (as defined in this Code);
 2. Illustrative examples of applicable SDC design standards and building materials may be considered conceptual. In this case, this requirement, if changed in the future, will not require Final Master Plan modification as specified in Section 5.13-135; and a
 3. Narrative. A narrative providing sufficient information to describe the proposed Architectural Plan.
- I. A Parking Plan and Parking Study.
 1. A Parking Plan shall be submitted for all proposed development and shall contain the following information:
 - a. The location and number of proposed parking spaces;
 - b. On-site vehicular and pedestrian circulation;

proposed type of financial guarantee, including, but not limited to a bond, letter of credit, joint deposit or other security in a form acceptable to the City, submitted by the property owner, a future buyer and/or a developer, to ensure planned infrastructure improvements will occur with each phase, if necessary, or when required by the City, affected local agency or the State (the formal submittal of a required guarantee typically occurs during the Final Master Plan review process and/or development implementation); a statement of the applicant's intentions with regard to the future selling or leasing (if known at the time of Preliminary Master Plan submittal) of all or portions of the proposed development (where a residential subdivision is proposed, the statement shall also include the applicant's intentions whether the applicant or others will construct the homes); and the relationship of pedestrian and bicycle connectivity and open space requirements to the proposed phasing.

- N. Neighborhood Meeting Summary. The applicant shall submit a summary of issues raised at the neighborhood meeting as specified in Section 5.13-117.
- O. A copy of all proposed and any existing covenants, conditions, and restrictions that may control development, if applicable.
- P. Annexation. A general schedule of proposed annexation consistent with the phasing plan, if applicable.
- Q. The Director may require additional information necessary to evaluate the proposed development, including, but not limited to:
 - 1. An ESEE analysis, as may be needed to comply with Statewide Planning Goal 5, Natural Resources, for site attributes that may not be on an adopted City inventory;
 - 2. A wetland delineation approved by the Oregon Department of State Lands shall be submitted concurrently with the Preliminary Master Plan application, where there is a wetland on the proposed Master Plan site; and
 - 3. Historical and/or archaeological studies.
- R. Any concurrent land use applications as specified in Subsections 5.13-116B.”

SECTION 30 CHAPTER 5 THE DEVELOPMENT REVIEW PROCESS AND APPLICATIONS, Section 5.13-125 is hereby amended to read as follows:

”5.13-125 Preliminary Master Plan – Criteria

A Preliminary Master Plan shall be approved, or approved with conditions, if the Approval Authority finds that the proposal conforms with all of the applicable approval criteria.

- A. Plan/Zone consistency. The existing or proposed zoning shall be consistent with the Metro Plan diagram and/or applicable text. In addition, the Preliminary Master Plan shall be in compliance with applicable City Refinement Plan, Conceptual Development Plan or Plan District standards, policies and/or diagram and maps.
- B. Zoning district standards. The Preliminary Master Plan shall be in compliance with applicable standards of the specific zoning district and/or overlay district.

- C. Transportation system capacity.** With the addition of traffic from the proposed development, there is either sufficient capacity in the City's existing transportation system to accommodate the development proposed in all future phases or there will be adequate capacity by the time each phase of development is completed. Adopted State and/or local mobility standards, as applicable, shall be used to determine transportation system capacity. The Preliminary Master Plan shall also comply with any conditions of approval from a Metro Plan diagram and/or text amendment regarding transportation and all applicable transportation standards specified in SDC Chapter 4.
- D. Parking.** Parking areas have been designed to: facilitate traffic safety and avoid congestion; provide bicycle and pedestrian connectivity within the property and to nearby transit stops and public areas. The Preliminary Master Plan shall also comply with all applicable vehicular and bicycle parking standards specified in SDC Chapter 4.
- E. Ingress-egress.** Ingress-egress points have been designed to: facilitate traffic safety and avoid congestion; provide bicycle and pedestrian connectivity within the property and to adjacent residential areas, transit stops, neighborhood activity centers, and commercial, industrial and public areas; and minimize driveways on arterial and collector streets as specified in this Code or other applicable City and State regulations. The Preliminary Master Plan shall also comply with all applicable ingress/egress standards specified in SDC Chapter 4.
- F. Availability of public utilities.** Existing public utilities, including, but not limited to, water, electricity, wastewater facilities, and stormwater management facilities either have sufficient capacity to support the proposed development in all future phases adequately, or there will be adequate capacity available by the time each phase of development is completed. The Public Works Director or appropriate utility provider shall determine capacity issues. The Preliminary Master Plan shall also comply with applicable utility standards specified in SDC Chapters 4 and 5.
- G. Protection of physical features.** Physical features, including, but not limited to slopes 15 percent or greater with unstable soil or geologic conditions, areas with susceptibility to flooding, significant clusters of trees and shrubs, watercourses shown on the Water Quality Limited Watercourses (WQLW) Map and their associated riparian areas, wetlands, rock outcroppings and open spaces and areas of historic and/or archaeological significance as may be specified in Section 3.3-900 or ORS 97.740-760, 358.905-955 and 390.235-240 shall be protected as specified in this Code or in State or Federal law. The Preliminary Master Plan shall also comply with applicable physical feature protection standards specified in SDC Chapter 4.
- H. Phasing Plan.** The Phasing Plan shall: demonstrate that the construction of required public facilities shall occur in a logical sequence, either in conjunction with, or prior to each phase, or that there are appropriate financial guarantees as specified in Subsection 5.13-120M. to ensure the phased public facilities construction will occur.
- I. Adjacent use protection.** The proposed Preliminary Master Plan contains design, elements including, but not limited to landscaping/screening, parking/traffic management, and multi-modal transportation that limit and/or mitigate identified conflicts between the site and adjacent uses."

SECTION 31: CHAPTER 5 THE DEVELOPMENT REVIEW PROCESS AND APPLICATIONS, Section 5.13-130 is hereby amended to read as follows:

"5.13-130 Preliminary Master Plan – Conditions

The Approval Authority may attach conditions as may be reasonably necessary to the Preliminary Master Plan in order to ensure compliance with the approval criteria in Section 5.13-125, and with all other applicable provisions of this Code. All conditions shall be satisfied prior to Final Master Plan approval. Certain conditions may require an adequate financial guarantee in a form acceptable to the City to ensure compliance."

SECTION 32: CHAPTER 5 THE DEVELOPMENT REVIEW PROCESS AND APPLICATIONS, Section 5.13-131 is hereby added as follows:

"5.13-131 Final Master Plan – Review

- A. A Final Master Plan application shall be reviewed under Type I procedure. However, if the Preliminary Master Plan approval was reviewed under Type III procedure, the Director may require the Final Master Plan to be reviewed under Type II procedure.
- B. A Pre-Submittal Meeting application, as specified in Section 5.1-120.C., is required prior to the formal submittal of the Final Master Plan application."

SECTION 33: CHAPTER 5 THE DEVELOPMENT REVIEW PROCESS AND APPLICATIONS, Section 5.13-132 is hereby added as follows:

"5.13-132 Final Master Plan – Submittal Requirements

- A. Within one year of Preliminary Master Plan Approval, the applicant shall submit the Final Master Plan. The Final Master Plan shall illustrate the location of proposed buildings, streets, utilities, parking and landscape areas. The Final Master Plan shall incorporate all Approval Authority conditions of approval. The Final Master Plan application shall include:
 - 1. A narrative that lists the conditions of approval, explains how each condition is met and references the applicable Preliminary Master Plan maps and diagrams or plan sheets that required revision as a condition of approval;
 - 2. The specific maps, diagrams, plan sheets or other documents referenced above that have been revised and/or demonstrate conformance with the Preliminary Master Plan approval; and
 - 3. Any other information that may be required by the Director.

EXCEPTION: The applicant may request an extension of the Final Master Plan submittal for up to one additional year. The applicant shall submit the request for the extension in writing to the Director no later than 30 days prior to the expiration of the Preliminary Master Plan effective date as specified in Section 5.13-133C. The applicant shall explain why the request is necessary and demonstrate how the Final Master Plan application will be submitted within the requested extension time line. The Director may grant or amend the extension request upon determining that the applicant is making progress on the Final Master Plan application.

- B. A Pre-Submittal Meeting application, as specified in Section 5.1-120.C., is required prior to the formal submittal of the Final Master Plan application.”

SECTION 34: CHAPTER 5 THE DEVELOPMENT REVIEW PROCESS AND APPLICATIONS, Section 5.13-133 is hereby added as follows:

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

- A. Criteria. The Approval Authority shall grant Final Master Plan approval upon finding that:
1. The Final Master Plan substantially conforms to the provisions of the Preliminary Master Plan approval; and
 2. All approval conditions have been met or can be guaranteed to be met.
- B. Recordation. The applicant shall record a Memorandum of Final Master Plan approval in a format approved by the City Attorney, any other required documents at Lane County Deeds and Records and return a recorded copy of the Memorandum of Final Master Plan approval and all other applicable documents to the Development Services Department.
- C. Effective Date.
1. Final Master Plan approval is effective on the date of recordation of the Memorandum of Final Master Plan Approval, the effective date, for not more than 7 years, unless modified as specified in Section 5.13-135.
 2. The Final Master Plan remains in effect until the permitted development has been constructed or it is modified, superseded or expires.
- D. Once the Final Master Plan effective date is established, all persons and parties, and their successors, heirs or assigns, who have or will have any interest in the real property within the Final Master Plan boundary, shall be bound by the terms and conditions of approval of the Final Master Plan and the provisions of this Section. Notice of the Final Master Plan effective date will be mailed to the applicant.”

SECTION 35: CHAPTER 5 THE DEVELOPMENT REVIEW PROCESS AND APPLICATIONS, Section 5.13-134 is hereby added as follows:

5.13-134 Final Master Plan – Phasing Implementation

- A. No Subdivision and/or Site Plan Review applications (phasing implementation) shall be submitted until the Memorandum of Final Master Plan has been recorded, delineating the effective date, and returned to the City.
- B. The approved Final Master Plan shall be the basis for the evaluation of all phases of proposed development, including Subdivision and/or Site Plan Review applications.
- C. The approved Final Master Plan and all applicable conditions of approval shall be addressed for each Subdivision and/or Site Plan Review application (phasing implementation) as part of application completeness during the Pre-Submittal Meeting application process, specified in Section 5.1-120C.”

SECTION 36: CHAPTER 5 THE DEVELOPMENT REVIEW PROCESS AND APPLICATIONS, Section 5.13-135 is hereby amended to read as follows:

5.13-135 Final Master Plan – Modifications

A proposed Final Master Plan modification, or a proposed modification to a Master Plan approved prior to the effective date of this regulation, shall be processed under the applicable procedures described below:

- A.** The following modifications to a Final Master Plan shall be processed under Type I procedure. These modifications include a request:
1. By the applicant to modify the Master Plan phasing schedule for a specific phase of development when the proposed change does not affect the construction of scheduled public improvements;
 2. By the City based on the requirement to implement newly adopted State or Federal regulations; or
 3. By the applicant for a one time extension of the approved time limit for up to 3 years. An extension request shall be filed in writing with the Director at least 60 days prior to the expiration of the initial 7 year period. If the applicant has made reasonable progress, as determined by the Director, in the implementation of the Final Master Plan and public services and public facilities will be available to serve the site, the time line extension will be granted.
 4. By the applicant for modifications that are less than the 10 percent thresholds specified in those specific instances specified in Subsection B., below.
- B.** The following modifications to the Final Master Plan shall be processed under Type II procedure, unless the Director determines that the proposed modification should be reviewed as a Type III procedure, based on the proposed size of the Master Plan site; and/or the availability/capacity of public facilities; and/or impacts to adjacent properties including, but not limited to noise and traffic. These modifications include a request:
1. By the applicant if a proposed permitted non-residential use, for example, a church or a school, affects the approved Final Master Plan residential density;
 2. By the applicant for 10 percent or greater increases or decreases in the overall gross floor area of commercial, industrial or public buildings; the number of dwelling units; building height; and the location or building mass of the primary structure (as defined in this Code);
 3. By the applicant for increases or decreases in the amount of approved or required parking by a factor of 10 percent or greater. The applicant shall provide a new parking analysis related to the proposal;
 4. By the applicant for a Zoning Map amendment or Discretionary Use application;
 5. By the applicant for proposals that would increase the number of PM peak-hour vehicular trips by 10 percent or greater, except in cases where a trip cap has been imposed on development of the property. Where such a trip cap is in effect, a

modification of the land use decision that imposed the trip cap shall be required. In all cases, the applicant shall provide a Traffic Impact Analysis supporting the proposal;

6. By the applicant to alter the placement of interior streets by 10 percent or greater from their approved location, as long as the modification maintains the connectivity established by the approved Final Master Pan.
 7. By the City or the applicant when essential public infrastructure cannot be provided;
 8. By the applicant to modify the Master Plan phasing schedule for a specific phase of development when the proposed change affects the construction of scheduled public improvements;
 9. By the applicant for extension of the Final Master Plan time limit beyond the maximum approved time limit of 7 years or the extension permitted in Subsection B.3., above. In no case shall the extension exceed 15 years from the date of Final Master Plan approval as specified in Subsection 5.13-133.C. An extension request shall be filed in writing with the Director at least 60 days prior to the expiration of the initial 7 year period or any subsequently approved extensions. The time line extension will be granted provided the applicant has made reasonable progress in the implementation of the Final Master Plan and public services and facilities remain available;
 10. By the applicant for a change to the approved Final Master Plan boundary.
- C. Proposed Final Master Plan modifications other than those described in Subsections A. and B., above, shall require the submittal of a new Preliminary Master Plan application.
- D. The following modifications to the Final Master Plan do not require subsequent land use review and are allowed upon issuance of a building permit, if required:
1. Building interior improvements;
 2. Exterior improvements associated with existing buildings that do not involve a change in floor area, subject to all applicable base zone development and design standards and relevant conditions of approval as approved in the Final Master Plan;
 3. Installation of new mechanical or electrical equipment, or modification of existing equipment, subject to all applicable base zone development and design standards and relevant conditions of approval as approved in the Final Master Plan;
 4. Routine maintenance of existing buildings, facilities and landscaping; and/or
- E. A Pre-Submittal Meeting application, as specified in Section 5.1-120.C., is required prior to the formal submittal of the Final Master Plan modification application.
- F. For all Final Master Plan modification applications described in Subsections A and B, above, the applicant shall demonstrate compliance with the following:

1. Any applicable Preliminary Master Plan criteria of approval specified in Section 5.13-125; and
 2. Any other applicable standard of this Code that may be required to justify the proposed modification.
- G. The Master Plan procedures in Appendix 3 of this Code regarding Master Plan Modifications and/or new Master Plans shall apply to properties within the Glenwood Riverfront Plan District, Section 3.4-200, until these regulations are updated.”

SECTION 37: CHAPTER 5 THE DEVELOPMENT REVIEW PROCESS AND APPLICATIONS, Section 5.13-140 is hereby amended to read as follows:

”5.13-140 Final Master Plan – Assurance to the Applicant and City Disclaimers

A. Assurances to the applicant:

1. The applicant is entitled to rely on standards and criteria in effect on the date the Preliminary Master Plan application was submitted, in accordance with ORS 227.178(3) for the 7 year approval time limit, with a single 3 year extension, or as otherwise previously approved.

EXCEPTION: Any time line extension proposed for more than a combined total of 10 years shall comply with on standards and criteria in effect at the time of the time line extension application submittal as specified in Subsection 5.13-135.B.9.

2. The applicant shall have the right to proceed with development as long as it is in substantial compliance with the Final Master Plan and other required approvals and permits, subject to any modifications as may be approved as specified in Section 5.13-135.

B. City Disclaimers:

1. The City will not be required to approve development of any phase described in the Final Master Plan if the approval violates applicable Federal or State statutes or administrative rules.
2. The City will not be obligated to provide public improvements affecting implementation of the Final Master Plan if public funds are not available.”

SECTION 38: CHAPTER 5 THE DEVELOPMENT REVIEW PROCESS AND APPLICATIONS, Section 5.14-110A. is hereby amended to read as follows:

”5.14-110 Review

- A. A Development Issues Meeting is encouraged prior to a formal Metro Plan amendment application.”

SECTION 39: CHAPTER 5 THE DEVELOPMENT REVIEW PROCESS AND APPLICATIONS, Section 5.15-120H. is hereby amended to read as follows:

"5.15-120 SDC Standards Applicable to MDS Approval

- H. The development shall connect to public utilities as specified in Sections 4.3-105, 4.3-110, 4.3-120, 4.3-125 and 4.3-130 and comply with the Springfield Building Safety Codes, where applicable. Easements may be required as specified in Subsection 4.3-140."

SECTION 40: CHAPTER 5 THE DEVELOPMENT REVIEW PROCESS AND APPLICATIONS, Section 5.15-125 is hereby amended to read as follows:

"5.15-125 Timelines and Conditions

The property owner and/or applicant shall comply with the standards specified in Subsection 5.15-120 within 90 days of the Director's approval as follows:

- A. Submittal of a Final Plot Plan within 30 days of the Director's approval that states the starting date of all required improvements demonstrating compliance with all approval conditions required to meet the standards specified in Subsection 5.15-120. Submittal of a Final Plot Plan shall include the following additional material, where applicable:

1. The original recorded Improvement Agreement.
2. Any required ODOT Right-of-Way Approach Permit.

EXCEPTION: If the ODOT Right-of-Way Approach Permit cannot be obtained by the time line specified in Subsection A., above, the Director may defer the submittal of this document until the start of construction date specified in Subsection C., below.

3. A copy of a recorded joint use access/parking agreement.
 4. A copy of a recorded private easement or the original public utility easement.
- B. The signing of a Development Agreement by the property owner within 45 days of the Director's approval of the Final Plot Plan.
- C. The construction of the required improvements shall begin within 90 days of the MDS decision. If this time line cannot be met, the applicant may submit a written request for a time line extension as specified in Subsection D., below.
- D. The Director may allow a one-time extension of the 90-day start of construction time line specified in Subsection C., above due to situations including, but not limited to, required permits from the City or other agencies, weather conditions, and the unavailability of asphalt or street trees. If the time extension is allowed, security shall be provided as specified in Section 5.17-150. The time line extension shall not exceed 90 days.
- E. If the time line established in Subsection C., above is not met and the applicant has not requested an extension as specified in Subsection D., above, then the Director shall declare the application null and void if the property is occupied and the property owner shall be considered in violation of this Code.
- F. If the time line established in Subsection C., above is not met and the applicant has requested an extension as specified in Subsection D., above and that time line as not

been met, then the Director may require that the improvements be installed as specified in Subsection 5.17-150.”

SECTION 41: CHAPTER 5 THE DEVELOPMENT REVIEW PROCESS AND APPLICATIONS, Section 5.16-120B. is hereby amended to read as follows:

”5.16-120 Submittal Requirements

- B.** The following additional information shall be submitted with the Preliminary Survey:
1. A brief narrative explaining reason for the proposed Property Line Adjustment and the existing use of the lots/parcels.
 2. A copy of the current deeds for the lots/parcels.
 3. A draft of the Property Line Adjustment deeds. For serial Property Line Adjustments that are reviewed under Type II procedure, separate deeds shall be prepared for each adjustment.
 4. For serial Property Line Adjustments reviewed under Type II procedure, the following shall be submitted:
 - a. A written explanation of the sequencing of adjustments; and
 - b. A diagram identifying each adjustment, in sequence, cross referenced to the Property line Adjustment deeds required in Subsection 4., above.”

SECTION 42: CHAPTER 5 THE DEVELOPMENT REVIEW PROCESS AND APPLICATIONS, Section 5.20-120C. is hereby amended to read as follows:

”5.20-120 Submittal Requirements

- C.** The application shall include:
1. A legal description of the public rights-of-way, easement or Plat to be vacated prepared by an Oregon Licensed Land Surveyor or other professional approved by the Director;
 2. The reason for the Vacation;
 3. The proposed use of the property after Vacation;
 4. For citizen initiated Vacations of public rights-of-way or Partition and Subdivision Plats, the petition of affected property owners;
 5. A map prepared by an Oregon Licensed Land Surveyor or other professional approved by the Director of the area proposed to be vacated. The map shall show:
 - a. The date, north arrow, and standard scale;

- b. The Assessor's Map and Tax Lot numbers of the affected properties and adjacent properties;
- c. A Vicinity Map on the Site Plan (Vicinity Map does not need to be to scale);
- d. All adjacent streets including street name, alleys, and accessways, and right-of-way and paving widths;
- e. All dimensions of existing public utility easements and any other areas restricting use of the parcels, for example: conservation areas, slope easements, access easements;
- f. Existing dimensions and square footage of the lots/parcels involved;
- g. Proposed dimensions and square footage of the lots/parcels involved (applies to Vacations of undeveloped Subdivision Plats and right-of-way Vacations);
- h. For public easement and right-of-way Vacations, clearly show dimensions of entire easement or right-of-way on or adjacent to the subject lots/parcels. Also clearly show dimensions of that portion proposed for Vacation, including square footage; and
- i. For right-of-way Vacations, demonstrate compliance with the boundary requirements of ORS 271.080 et seq."

SECTION 43: CHAPTER 5 THE DEVELOPMENT REVIEW PROCESS AND APPLICATIONS, Section 5.20-140 is hereby added:

"5.20-140 Zoning of Vacated Right-of-Way

Vacated right-of-way is incorporated into the abutting property, typically to the centerline. However, in cases where only one abutting property dedicated right-of-way, all the vacated right-of-way would be incorporated into that property. In any case, the vacated right-of-way acquires the zoning of the abutting property, without the need of a separate Zoning Map amendment."

SECTION 44: CHAPTER 6 DEFINITIONS Section 6.1-110 is hereby amended as follows:

"Downtown Exception Area. An area defined by the Willamette River on the west, 8th Street on the east, the alley between north B and north C Streets on the north, and a line north of the Southern Pacific Railroad tracks on the south."

"Incidental Equipment. Rooftop or pole mounted structures that cast insubstantial shadows or have minimal visual impact, including, but not limited to: antennas, chimneys, solar collectors, small satellite dishes and flagpoles, but excluding large satellite dishes (See also **Accessory Structure**)."

"Partition Plat. A final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition."

SECTION 45: APPENDIX 3 TEMPORARY GLENWOOD RIVERFRONT PLAN DISTRICT MASTER PLAN STANDARDS is hereby added:

"Appendix 3

TEMPORARY GLENWOOD RIVERFRONT PLAN DISTRICT MASTER PLAN STANDARDS

Section 5.13-100 Master Plans

Subsections:

- 5.13-105 Purpose**
- 5.13-110 Applicability**
- 5.13-115 Review**
- 5.13-120 Submittal Requirements**
- 5.13-125 Criteria**
- 5.13-130 Conditions**
- 5.13-135 Modifications to the Master Plan and Schedule**
- 5.13-140 Assurance to the Applicant**

5.13-105 Purpose

- A.** A Master Plan is a comprehensive plan that allows phased development on a site over several years for public, commercial, industrial or residential development. A Master Plan, in this context, is specific to this Code and is 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, these impacts and requirements need not be readdressed at subsequent phases and the developer may rely on the Master Plan approval in implementing the development.
- B.** The purpose of a Master Plan is to:
 - 1.** Provide preliminary approval for the entire development area in relation to land uses, a range of minimum to maximum potential intensities and densities, arrangement of uses, and the location of public facilities and transportation systems when a development area is proposed to be developed in phases;
 - 2.** Assure that individual phases of a development will be coordinated with each other;
 - 3.** Provide the applicant an assurance of the City's requirements for the overall development as a basis for detailed planning and investment by the developer.
- C.** The Master Plan shall be approved by the Planning Commission prior to City approval of a related Subdivision or Site Plan application; however, the Master Plan may be

reviewed concurrently with a Zoning Map amendment, Discretionary Use, Variance and/or any other application or approval sought by the applicant related to the Master Plan.

- D. Subject to prior approval of a Master Plan, a separate Subdivision or Site Plan application shall be approved for each phase. The Master Plan shall be the basis for the evaluation of all phases of development on any issues that it addresses. Phases may be combined for consideration.
- E. Approval of a Master Plan is effective for up to 7 years; however the approved Master Plan time limit may be extended pursuant to Section 5.13-135, *Modifications to the Master Plan and Schedule*.

5.13-110 Applicability

The Master Plan process applies when initiated by an applicant when the following criteria are met:

- A. The development area is under 1 ownership; or
- B. If the development area has multiple owners, then all owners of record have consented in writing to the Master Plan review process; and
- C. The development area is 5 acres or greater;
- D. Notwithstanding the foregoing, the Director may determine that the proposed development is inappropriate as a Master Plan and the application will not be accepted.

5.13-115 Review

- A. Master Plans are 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.
- B. A Pre-Application Report application as specified in Section 5.1-100 is required prior to submittal of a Master Plan application.

5.13-120 Submittal Requirements

A Master Plan shall contain all of the elements prepared in a clear and legible manner necessary to demonstrate that the provisions of this Code are being fulfilled and shall include but not be limited to the following:

- A. The existing Metro Plan designation and zone classification.

- B.** A vicinity map drawn to scale on a street base map.
- C.** A legal description of the property together with a map drawn to scale depicting the legal boundaries of the subject property.
- D.** A topography map and narrative depicting present uses of the land, existing structures, streets, significant vegetation, wetlands, drainage ways and other relevant natural and man-made features.
- E.** A site plan showing location and type of all land uses proposed, approximate acreage and approximate number of units or square footage of uses, adjacent property uses and relevant features.
- F.** The density or intensity of proposed uses.
- G.** The maximum height and size of proposed structures.
- H.** A public facilities plan showing existing and proposed streets, utilities, sanitary sewer, natural and piped storm drainage system, water service, bike and pedestrian ways and transit locations.
- I.** Maps and narrative showing off-site public improvements necessary to serve the proposed development and/or to mitigate impacts to adjacent property or public facilities.
- J.** The Director may require additional information necessary to evaluate the proposed development, including, but not limited to: an ESEE analysis, geology, soils, stormwater, sanitary, tree preservation, historical, archaeological, and traffic impact. All related maps, excluding vicinity and detail maps, shall be at the same scale.
- K.** Provisions, if any, for reservation, dedication, or use of land for public purposes, including, but not limited to: rights-of-way, easements, parks, open spaces, and school sites.
- L.** An overall schedule or description of phasing; and the development to occur in each phase. If phasing alternatives are contemplated, these alternatives shall be described.
- M.** Where off-site or other infrastructure improvements are required, the applicant shall specify the timing and method of securing the improvement, including bond, letter of credit, joint deposit or other security satisfactory for said improvement construction.
- N.** Designation of responsibility for providing infrastructure and services.
- O.** A general schedule of annexation consistent with the phasing plan, if applicable.

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 apply:

- A. 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;
- B. The request, as conditioned, shall conform to applicable Springfield Development Code requirements, Metro Plan policies, Refinement Plan, Plan District, and Conceptual Development Plan policies;
- C. Proposed on-site and off-site improvements, both public and private, are sufficient to accommodate the proposed phased development and any capacity requirements of public facilities plans; and provisions are made to assure construction of off-site improvements in conjunction with a schedule of the phasing;
- D. The request shall provide adequate guidance for the design and coordination of future phases;
- E. Physical features, including, but not limited to: steep slopes with unstable soil or geologic conditions; areas with susceptibility of flooding; significant clusters of trees and shrubs; watercourses shown on the WQLW Map and their associated riparian areas; other riparian areas and wetlands specified in Section 4.3-117; rock outcroppings; open spaces; and areas of historic and/or archaeological significance, as may be specified in Section 3.3-900 or ORS 97.740-760, 358.905-955 and 390.235-240, shall be protected as specified in this Code or in State or Federal law;
- F. Local public facilities plans and local street plans shall not be adversely impacted by the proposed development.

5.13-130	Conditions
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The Approval Authority may attach reasonably necessary conditions to minimize negative impacts as specified in this Code to ensure that the proposed development can fully meet the criteria of Section 5.13-125, and may require guarantees to ensure compliance. Additionally, the approval may contain any conditions necessary to implement the provisions of Section 5.13-120 including a schedule of fees and charges, a schedule of compliance review and the extent to which the Master Plan is assignable.

5.13-135	Modifications to the Master Plan and Schedule
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Applications for phase modification approval which are in substantial conformity with an approved Master Plan shall not be deemed a modification of the plan. Modifications to the Master Plan shall be processed under the applicable procedures described below to amend the Plan:

- A.** Modifications that do not affect the basic underlying assumptions of the adopted Master Plan and which are not determined to be similar to Subsection B. or C., below shall be processed as a ministerial decision by the Director.

- B.** Modifications that are significant, but do not affect the basic underlying assumptions of the approved Master Plan, shall be processed under Type II procedure. These modifications include a request:
 - 1. By the applicant for a change of density allocation with in the density range allowed in the applicable zoning district;
 - 2. By the applicant for a change to the alignment of right-of-way requirements of local streets;
 - 3. By the applicant or City for a change to the sizes or location of public facilities;
 - 4. By the applicant for a change of scheduled phasing beyond the approved time limit for the phased development when the proposed change affects the construction of scheduled public improvements;
 - 5. By the City based on the requirement to implement newly adopted State or Federal regulations;
 - 6. By the applicant for a 1-time extension of the approved time limit for up to 3 years. The time line extension will be granted provided the applicant has made reasonable progress in the implementation of the Master Plan and public services and facilities remain available;
 - 7. By the applicant to alter significant natural resources, wetlands, open space areas, archaeological and historic features beyond the scope of the approved Master Plan; or
 - 8. By the applicant for other modifications to the approved Master Plan that the Director determines to be similar to the modifications specified in this Subsection.

- C.** Modifications which affect the underlying basic assumptions of the approved Master Plan or that prohibit, restrict or significantly affect its implementation shall be processed under the Type III procedure, and include:
 - 1. A Zoning Map amendment or Discretionary Use application initiated by the applicant;
 - 2. A request for the re-alignment or re-designation of arterial or collector streets initiated by the applicant;
 - 3. The inability of the City or the applicant to provide essential public infrastructure;

4. A request by the City based on the requirement to implement newly adopted State or Federal regulations;
5. A request by the applicant for extension of the time limit of the Master Plan beyond the approved time limit specified in Subsection B.6., above or the extension permitted in Section 5.13-135, but in no case shall the extension exceed 15 years from the original Master Plan approval date; or
6. Other changes to the final approved Master Plan as requested by the applicant that the Director determines to be similar to the modifications specified in this Subsection.

5.13-140 Assurance to the Applicant
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- A. Approval of the Master Plan shall assure the applicant the right to proceed with the development in substantial conformity with the Master Plan, subject to any modifications as may be approved as specified in Section 5.13-135. Changes to Ordinances, policies and standards adopted after the date of approval of the Master Plan shall not apply to the development.
- B. Phase approvals shall occur through the land division review process, as specified in Section 5.12-100, or the Site Plan review process, as specified in Section 5.17-100, as applicable.
- C. The Master Plan shall be the basis for the evaluation of all phases of development on any issues which it addresses. Approval of development phases will be granted subject to the terms and conditions of the Master Plan, but subject to the applicable Development Code provisions and City Ordinances on issues which the Master Plan does not address.
- D. Notwithstanding the preceding provision, the City shall not be obligated to provide public improvements affecting implementation of the Master Plan if public funds are not available.
- E. The City shall not be required to approve development of any phase described in the Master Plan if the approval violates applicable Federal or State statutes or administrative rules.
- F. The approved Master Plan shall be recorded at Lane County Deeds and Records and the original returned to the City."

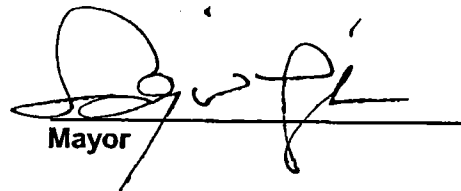
SECTION 46: Severability Clause. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and individual provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 47: The Springfield Common Council has reviewed the findings and conclusions set forth in the staff report (Case Number 2008-00011), and adopts them in support of this Ordinance as Exhibit 1 attached hereto.

ADOPTED by the Common Council of the City of Springfield by a vote of 6 for and against, this 2nd day of March, 2009.

APPROVED by the Mayor of the City of Springfield, this 2nd day of March, 2009.

ATTEST:


Mayor


City Recorder

RECEIVED & APPROVED
BY
Joseph J. Leahy
2/5/09
CITY ATTORNEY

City of Springfield, Oregon

CERTIFIED TRUE COPY


City Recorder

ORDINANCE NO. 6238

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, 2-06, 16-07 and 4-09.

(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; 2-06, 4.14.06; 16-07, 1.4.08)*

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)*

At right margin indicates changes
Bold indicates material being added
Strikethrough indicates material being deleted

LEGISLATIVE
FORMAT

10.600-10 Lane Code 10.600-25
**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, 2-06, ~~and 16-07~~ and 4-09.

(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; 2-06, 4.14.06; 16-07, 1.4.08)*

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)*

Ordinance No. 4 -09
Findings of Fact and Compliance With
Statewide Planning Goals

1. City of Springfield has updated and amended the Springfield Development Code (SDC) Section 5.13-100 Master Plans; Section 3.3-200 Drinking Water Protection (DWP) Overlay District; and various sections to correct Scrivener's errors created with the adoption of the reformatted SDC in 2007.
2. Proposed Master Plan amendments. The proposed amendment of Section 5.13-100 Master Plans arises from issues occurring during and after the review of the Marcola Meadows, RiverBend and MountainGate Master Plan applications. The proposed amendment addresses the following issues:
 - a. Incomplete applications - by requiring the same Pre-Submittal Meeting review process that currently applies to Site Plan, Subdivision and Partition applications to also apply to Preliminary and Final Master Plan applications (see Sections 5.13-115 and 5.13-132).
 - b. The lack of a formal Final Master Plan review process - by establishing a specific Preliminary Master Plan application review process (see Sections 5.13-115 through 5.13-130) and a specific Final Master Plan application review process (see Sections 5.13-131 through 5.13-134).
 - c. The broad purpose statement - by stating that the Master Plan specifically applies to phasing of development over several years (see Section 5.13-105).
 - d. The appropriate level of review - by limiting the Master Plan process purpose to phasing, the level of Preliminary Master Plan review can be reduced from an initial Type III/IV procedure to an initial Type II/III procedure. The Final Master Plan application is specified as a Type I/II procedure (see Sections 5.13-115 and 5.13-131).
 - e. Broad Preliminary Master Plan submittal requirements and approval criteria - by establishing clearer Preliminary Master Plan submittal requirements and approval criteria sections (see Sections 5.13-120 and 5.13-125).
 - f. Vague regulation - by deleting the reference to "basic underlying assumptions" that had to be addressed during the Master Plan modification process (see Sections 5.13-120 and 5.13-135).
 - g. Perceived lack of public involvement - by requiring the applicant to hold a Neighborhood Meeting prior to Preliminary Master Plan submittal (see Section 5.13-117).
2. Proposed Drinking Water Protection Overlay District amendments: The amendment to the Drinking Water Overlay District is primarily necessitated by the recently adopted Springfield Fire Code which supersedes the current Uniform Fire Code. This requires amending the appropriate Fire Code references specified in this Section. In addition to the specific Fire Code references, there are several instances where text is added from the current Uniform Fire Code because the Springfield Fire Code does not have any requirements equivalent to the inspection and record-keeping requirements (see Sections 3.3-235A.7., B.7., and C.5.). This is necessary in order to preserve the existing inspection and record-keeping requirement for drinking water protection. The inserted text does not represent a policy change since these requirements in the Uniform Fire Code have been and continue to be the

standard used for drinking water protection. Also, the phrase “hazardous materials that pose a risk to groundwater” is changed to “hazardous or other materials that pose a risk to groundwater.” (See Sections 3.3-205 through 3.3-225 and 3.3-235) because while the SDC defines hazardous materials according to Fire Code definitions, some materials that pose a risk to groundwater (e.g., certain pharmaceuticals, fertilizers) may not currently be regulated by this Section. This amendment is considered to be a clarification of current practice.

3. Proposed Scrivener’s Errors amendments. The reformatted Springfield Development Code (SDC) was adopted by the Springfield City Council on September 17, 2007. The reformatting process was a substantial undertaking that resulted in the reorganization of hundreds of Code regulations in what were formerly 45 “Articles” into 6 Chapters. The volume of the reorganization task resulted in some unintentional omissions; some inaccurate references due to renumbering; and some errors in punctuation known as Scrivener’s errors. Thus, on December 3, 2007 the City Council adopted the first round of what are called Scrivener’s errors. The proposed SDC amendments in this staff report are the second, and hopefully the last round of Scrivener’s errors. The proposed amendments do not include policy or policy implementation changes.

Lane Code, The Eugene-Springfield Metro Plan, State Law And Statewide Planning Goals

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. Adoption of consistent development regulations 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 throughout the urban transition area of Springfield. These amendments are consistent with and support the purposes of the existing applicable zone district classifications. Therefore, the adoption of the SDC amendments by reference for application to developing property in the urbanizable area of Springfield meets the general purpose of this chapter, and will be specifically referenced in Lane Code 10.600-20. These findings respond to applicable Metro Plan policies, the Statewide Planning Goals and applicable State Statutes.

SDC 5.6-115 of the Springfield Development Code establishes criteria that must be met in order to approve this request.

“In reaching a decision on these actions, the Planning Commission and the City Council shall adopt findings which demonstrate conformance to the following: A.

The Metro Plan; B. Applicable State statutes; and C. Applicable State-wide Planning Goals and Administrative Rules.”

A. 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

Staff Response and Finding:

The proposed Master Plan amendments involve proposed process changes discussed in general in B.1., above and specifically in the proposed text in Attachment 4. The term “Master Plan” is mentioned in the Metro Plan, but not in the context of Springfield’s utilization of the word. In the Metro Plan there is a reference to the *Eugene Airport Master Plan* and Local Facility Master Plans. Springfield’s use of the term “Master Plan” regards approval of phased development for at least 7 years. The proposed amendment to the Master Plan regulations concerns an existing process. When this process was added to the SDC in 1994, that application addressed all applicable Metro Plan policies. Therefore, there are no applicable Metro Plan policies that apply to this proposed amendment.

The proposed Drinking Water Protection Overlay District amendments involve changes in the Fire Code. There are no policy implementation issues regarding this amendment. While there are goals, findings and policies in the Metro Plan’s Environmental Resources Element, the proposed Drinking Water Protection Overlay District amendments amend existing regulations and regard Fire Code references/text only. When this process was added to the SDC in 2000, that application addressed all applicable Metro Plan policies. Therefore, there are no applicable Metro Plan policies that apply to this proposed amendment.

The proposed Scrivner’s errors amendments correct; they do not seek to add, delete or amend the intent, purpose or meaning of any of these provisions, regulations or standards. Nothing about the original instruction from Council during the SDC Reformat Project allowed any change to policy implementation; nothing about the reformatting end product contained any change to policy implementation; nothing about any of these proposed corrections changes any policies or the implementation of policies held forth in this Code. The Springfield Development Code implements Metro Plan policies. The proposed amendments do not rise to the Metro Plan policy level. The proposed amendments, as with the reformatted Code, continue to implement the Eugene-Springfield Metropolitan Area General Plan as demonstrated in the findings of Journal LRP 2007-00020 adopted on September 17, 2007. Therefore, there are no applicable Metro Plan policies that apply to this proposed amendment.

“B.) Applicable State statutes,”

Staff Response and Finding:

As stated under criterion A., above, the proposed Master Plan amendments revise existing procedure and the proposed Drinking Water Protection Overlay District amendments are necessary due to changes in Fire Code regulations. The Scrivener’s error amendments are undertaken exclusively to correct omissions, reference citations and punctuation that resulted in the reformatting of the Springfield Development Code. Nothing contained in any of these proposed amendments is of sufficient magnitude, impact or effect to rise to the level of assessment intended by the application of state statutes. Except as specified below in response to ORS 197.610, there are no other applicable ORS that apply.

POST ACKNOWLEDGEMENT PROCEDURES

ORS 197.610

“197.610 Local government notice of proposed amendment or new regulation; exceptions; report to commission.

(1) A proposal to amend a local government acknowledged comprehensive plan or land use regulation or to adopt a new land use regulation shall be forwarded to the Director of the Department of Land Conservation and Development at least 45 days before the first evidentiary hearing on adoption. The proposal forwarded shall contain the text and any supplemental information that the local government believes is necessary to inform the director as to the effect of the proposal. The notice shall include the date set for the first evidentiary hearing. The director shall notify persons who have requested notice that the proposal is pending.

(2) When a local government determines that the goals do not apply to a particular proposed amendment or new regulation, notice under subsection (1) of this section is not required. In addition, a local government may submit an amendment or new regulation with less than 45 days’ notice if the local government determines that there are emergency circumstances requiring expedited review. In both cases:

(a) The amendment or new regulation shall be submitted after adoption as provided in ORS 197.615 (1) and (2); and

(b) Notwithstanding the requirements of ORS 197.830 (2), the director or any other person may appeal the decision to the board under ORS 197.830 to 197.845....”

Staff Response and Finding:

Although these amendments have no direct impact or consequential degree of impact on the Goals, staff FedExed the 45 day notice to Department of Land Conservation and Development (DLCD) prior to the first evidentiary hearing at the city as required on August 22, 2008. The first hearing was held by city Planning Commission on October 7, 2008. The Department received notice of Council adoption as specified in (2)(a) above. Lane County submitted an update to add Lane County as co-adopting jurisdiction to the DLCD Notice of Proposed Amendment to co-adopt the SDC Amendments.

“C. Applicable State-wide Planning Goals and Administrative Rules.”

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

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

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

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

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

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

GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS

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

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

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

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

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

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

GOAL 14: URBANIZATION OAR 660-015-0000(14)

GOAL 15: WILLAMETTE RIVER GREENWAY OAR 660-015-000(15)

GOAL 16: ESTUARINE RESOURCES OAR 660-015-000(16)

GOAL 17: COASTAL SHORELANDS OAR 660-015-000(17)

GOAL 18: BEACHES AND DUNES OAR 660-015-000(18)

GOAL 19: OCEAN RESOURCES OAR 660-015-000(19)

Staff Response and Finding:

Goal 1 Citizen Involvement: The city public hearings to consider these amendments were noticed in the Eugene Register Guard on Monday, September 29, 2008. A public hearing on these amendments was conducted by the city Planning Commission on Tuesday, October 7, 2008; and a public hearing was conducted by the City Council on Monday, November 17, 2008. In addition, the city held a Planning Commission work session on September 16, 2008 and a City Council work session on November 3, 2008. The proposed Master Plan amendment, specifically, SDC Section 5.13-117 adds

language that requires an applicant to schedule and hold a public meeting to explain the proposed development to neighboring property owners prior to the public hearing process. This allows the public to be involved in a major development while still in its early stages and complies with/utilizes State-wide Planning Goal 1, Citizen Involvement. Lane County noticed the public hearing before the Board of Commissioners in the Register Guard on Wednesday, August 26. A public hearing was held by the Board on adopting these amendments for application within the urbanizable area of Springfield on September 16, 2009.

Goal 2 Land Use Planning: Although these amendments are exclusively corrections to an existing land use document, that document was adopted in compliance with the Goals; implements an acknowledged comprehensive plan in compliance with the Goals; and therefore furthers the state's interest in the proper and appropriate observation of land use planning goals and guidelines.

Goals 3-15. Except for portions of the Master Plan process and the changes to the Fire Code references in the Drinking Water Protection Overlay District, these amendments do not change any of the provisions, standards or regulations in the recently reformatted Code. However, nothing about these amendments rises to the level of assessment of impact or relation to the Goals contemplated by the legislature or the Commission when post acknowledgment provisions were adopted.

Goals 16-19. These goals do not apply because there are no coastal, ocean, estuarine, or beach and dune resources within the City's jurisdiction.

There are no State-wide Planning Goals or Administrative Rules which apply to this amendment or which this amendment seeks to implement other than compliance with Goal 1, Citizen Involvement, pertaining to public notice for these proposed amendments and the Master Plan neighborhood meeting process. Notice of Planning Commission and City Council work sessions and public hearings were printed in the Eugene Register Guard and placed on the City's web site on September 29, 2008. Notice of the Lane County hearing was printed in the Register Guard on Wednesday, August 26, 2009.

CONCLUSION

Staff has demonstrated consistency with criteria of approval listed in Lane Code Chapter 10, SDC Chapter 5, Section 5.6-115; with Metro Plan policies; with State statutes; and with State-wide Planning Goals and Administrative Rules where such law applies to these amendments. Staff recommends the Board adopt Ordinance No. 4-09 for amendment of Chapters 3, 4, 5 and 6 of the SDC as applicable within the Springfield urban growth boundary.

**LEGISLATIVE FORMAT
MASTER PLAN PROCESS
DRINKING WATER PROTECTION OVERLAY DISTRICT
SCRIVENER'S ERRORS**

SECTION 5.13-100 MASTER PLANS

Commentary. Current Section 5.13-100 is deleted in its entirety to make room for the proposed amendments. However, the term "Master Plan" is currently mentioned in SDC Sections 3.4-215 through 3.4-225 (the Glenwood Riverfront Plan District). This current version will be placed in SDC Appendix until such time as the Glenwood Refinement Plan and the Glenwood Riverfront Plan District are updated. Text proposed to be deleted is shown as: [strike through]. Language proposed to be added is shown as: language added.

[Section 5.13-100 Master Plans

5.13-105 Purpose

- ~~A. A Master Plan is a comprehensive plan that allows phasing of a specific development area over several years for public, commercial, industrial or residential development. A Master Plan, in this context, is specific to this Code and is 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, these impacts and requirements need not be readdressed at subsequent phases and the developer may rely on the Master Plan approval in implementing the development.~~
- ~~B. The purpose of a Master Plan is to:~~
- ~~1. Provide preliminary approval for the entire development area in relation to land uses, a range of minimum to maximum potential intensities and densities, arrangement of uses, and the location of public facilities and transportation systems when a development area is proposed to be developed in phases;~~
 - ~~2. Assure that individual phases of a development will be coordinated with each other;~~
 - ~~3. Provide the applicant an assurance of the City's expectation for the overall development as a basis for detailed planning and investment by the developer.~~
- ~~C. The Planning Commission shall approve the Master Plan prior to City approval of a related Subdivision or Site Plan application; however, the Master Plan may be reviewed concurrently with a Zoning Map amendment, Discretionary Use, Variance and/or any other application or approval sought by the applicant related to the Master Plan.~~
- ~~D. Subject to prior approval of a Master Plan, a separate Subdivision or Site Plan application shall be approved for each phase. The Master Plan shall be the basis for the evaluation of all phases of development on any issues that it addresses. Phases may be combined for consideration.~~

- E. ~~Approval of a Master Plan is effective for up to 7 years; however the approved Master Plan time limit may be extended pursuant to Section 5.13-135, *Modifications to the Master Plan and Schedule.*~~

5.13-110 Applicability

The Master Plan process applies when initiated by an applicant when the following criteria are met:

- A. ~~The development area is under one ownership; or~~
- B. ~~If the development area has multiple owners, then all owners of record have consented in writing to the Master Plan review process; and~~
- C. ~~The development area is 5 acres or greater.~~
- D. ~~Notwithstanding the foregoing, the Director may determine that the proposed development is inappropriate as a Master Plan and the application will not be accepted.~~

5.13-115 Review

- A. ~~Master Plans are 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.~~
- B. ~~A Pre-Application Report application as specified in Section 5.1-100 is required prior to submittal of a Master Plan application.~~

5.13-120 Submittal Requirements

A Master Plan shall contain all of the elements prepared in a clear and legible manner necessary to demonstrate that the provisions of this Code are being fulfilled and shall include but not be limited to the following:

- A. ~~The existing Metro Plan designation and zone classification.~~
- B. ~~A vicinity map drawn to scale on a street base map.~~
- C. ~~A legal description of the property together with a map drawn to scale depicting the legal boundaries of the subject property.~~
- D. ~~A topography map and narrative depicting present uses of the land, existing structures, streets, significant vegetation, wetlands, drainage ways and other relevant natural and man-made features.~~
- E. ~~A site plan showing location and type of all land uses proposed, approximate acreage and approximate number of units or square footage of uses, adjacent property uses and relevant features.~~

- F. ~~The density or intensity of proposed uses.~~
- G. ~~The maximum height and size of proposed structures.~~
- H. ~~A public facilities plan showing existing and proposed streets, utilities, sanitary sewer, natural and piped storm drainage system, water service, bike and pedestrian ways and transit locations.~~
- I. ~~Maps and narrative showing off-site public improvements necessary to serve the proposed development and/or to mitigate impacts to adjacent property or public facilities.~~
- J. ~~The Director may require additional information necessary to evaluate the proposed development, including, but not limited to: an ESEE analysis, geology, soils, stormwater, sanitary, tree preservation, historical, archaeological, and traffic impact. All related maps, excluding vicinity and detail maps, shall be at the same scale.~~
- K. ~~Provisions, if any, for reservation, dedication, or use of land for public purposes, including, but not limited to: rights-of-way, easements, parks, open spaces, and school sites.~~
- L. ~~An overall schedule or description of phasing; and the development to occur in each phase. If phasing alternatives are contemplated, these alternatives shall be described.~~
- M. ~~Where off-site or other infrastructure improvements are required, the applicant shall specify the timing and method of securing the improvement, including bond, letter of credit, joint deposit or other security satisfactory for said improvement construction.~~
- N. ~~Designation of responsibility for providing infrastructure and services.~~
- O. ~~A general schedule of annexation consistent with the phasing plan, if applicable.~~

5.13-125 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 apply.

- A. ~~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;~~
- B. ~~The request, as conditioned, shall conform to applicable Springfield Development Code requirements, Metro Plan policies, Refinement Plan, Plan District, and Conceptual Development Plan policies.~~
- C. ~~Proposed on-site and off-site improvements, both public and private, are sufficient to accommodate the proposed phased development and any capacity requirements of public facilities plans; and provisions are made to assure construction of off-site improvements in conjunction with a schedule of the phasing.~~
- D. ~~The request shall provide adequate guidance for the design and coordination of future phases;~~

- ~~E. Physical features, including but not limited to steep slopes with unstable soil or geologic conditions, areas with susceptibility to flooding, significant clusters of trees and shrubs, watercourses shown on the WQLW Map and their associated riparian areas, wetlands, rock outcroppings and open spaces and areas of historic and/or archaeological significance as may be specified in Section 3.3-000 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~~
- ~~F. Local public facilities plans and local street plans shall not be adversely impacted by the proposed development.~~

5.13-130 Conditions

~~The Approval Authority may attach reasonably necessary conditions to minimize negative impacts as specified in this Code to ensure that the proposed development can fully meet the criteria of Section 5.13-125, and may require guarantees to ensure compliance. Additionally, the approval may contain any conditions necessary to implement the provisions of Section 5.13-120 including a schedule of fees and charges, a schedule of compliance review and the extent to which the Master Plan is assignable.~~

5.13-135 Modifications to the Master Plan and Schedule

~~Applications for phase modification approval which are in substantial conformity with an approved Master Plan shall not be deemed a modification of the plan. Modifications to the Master Plan shall be processed under the applicable procedures described below to amend the Plan:~~

- ~~A. Modifications that do not affect the basic underlying assumptions of the adopted Master Plan and which are not determined to be similar to Subsection B. or C., below shall be processed as a ministerial decision by the Director.~~
- ~~B. Modifications that are significant, but do not affect the basic underlying assumptions of the approved Master Plan, shall be processed under Type II procedure. These modifications include a request:~~
- ~~1. By the applicant for a change of density allocation within the density range allowed in the applicable zoning district;~~
 - ~~2. By the applicant for a change to the alignment of right of way requirements of local streets;~~
 - ~~3. By the applicant or City for a change to the sizes or location of public facilities;~~
 - ~~4. By the applicant for a change of scheduled phasing beyond the approved time limit for the phased development when the proposed change affects the construction of scheduled public improvements;~~
 - ~~5. By the City based on the requirement to implement newly adopted State or Federal regulations;~~
 - ~~6. By the applicant for a one time extension of the approved time limit for up to three years. The time line extension will be granted provided the applicant has made~~

reasonable progress in the implementation of the Master Plan and public services and facilities remain available;

7. ~~By the applicant to alter significant natural resources, wetlands, open space areas, archaeologic and historic features beyond the scope of the approved Master Plan;~~
or

8. ~~By the applicant for other modifications to the approved Master Plan that the Director determines to be similar to the modifications specified in this Subsection.~~

C. ~~Modifications which affect the underlying basic assumptions of the approved Master Plan or that prohibit, restrict or significantly affect its implementation shall be processed under the Type III procedure, and include:~~

1. ~~A Zoning Map amendment or Discretionary Use application initiated by the applicant;~~

2. ~~A request for the re-alignment or re-designation of arterial or collector streets initiated by the applicant;~~

3. ~~The inability of the City or the applicant to provide essential public infrastructure;~~

4. ~~A request by the City based on the requirement to implement newly adopted State or Federal regulations;~~

5. ~~A request by the applicant for extension of the time limit of the Master Plan beyond the approved time limit specified in Subsection B.6., above or the extension permitted in Section 5.13-135, but in no case shall the extension exceed 15 years from the original Master Plan approval date; or~~

6. ~~Other changes to the final approved Master Plan as requested by the applicant that the Director determines to be similar to the modifications specified in this Subsection.~~

5.13-140 Assurance to the Applicant

A. ~~Approval of the Master Plan shall assure the applicant the right to proceed with the development in substantial conformity with the Master Plan, subject to any modifications as may be approved as specified in Section 5.13-135. Changes to Ordinances, policies and standards adopted after the date of approval of the Master Plan shall not apply to the development.~~

B. ~~Phase approvals shall occur through the land division review process, as specified in Section 5.12-100, or the Site Plan review process, as specified in Section 5.17-100, as applicable.~~

C. ~~The Master Plan shall be the basis for the evaluation of all phases of development on any issues which it addresses. Approval of development phases will be granted subject to the terms and conditions of the Master Plan, but subject to the applicable Development Code provisions and City Ordinances on issues which the Master Plan does not address.~~

- ~~D. Notwithstanding the preceding provision, the City shall not be obligated to provide public improvements affecting implementation of the Master Plan if public funds are not available.~~
- ~~E. The City shall not be required to approve development of any phase described in the Master Plan if the approval violates applicable Federal or State statutes or administrative rules.~~
- ~~F. The approved Master Plan shall be recorded at Lane County Deeds and Records and the original returned to the City.]~~

Section 5.13-100 Master Plans

Subsections:

- 5.13-105 Purpose
- 5.13-110 Applicability
- 5.13-115 Preliminary Master Plan – Review
- 5.13-116 Preliminary Master Plan – Application Concurrency
- 5.13-117 Preliminary Master Plan – Neighborhood Meeting
- 5.13-120 Preliminary Master Plan – Submittal Requirements
- 5.13-125 Preliminary Master Plan – Criteria
- 5.13-130 Preliminary Master Plan – Conditions
- 5.13-131 Final Master Plan – Review
- 5.13-132 Final Master Plan – Submittal Requirements
- 5.13-133 Final Master Plan – Criteria, Recordation and Effective Date
- 5.13-134 Final Master Plan – Phasing Implementation
- 5.13-135 Final Master Plan – Modifications
- 5.13-140 Final Master Plan – Assurance to the Applicant and City Disclaimers

<u>5.13-105 Purpose</u>

Commentary. The “definition” of a Master Plan is clearer – the specific purpose is to allow phasing of development over time.

A. A Master Plan allows phasing the development of a specific property over several years.

Commentary. The current purpose statements are revised to give them more substance.

B. The purpose of a Master Plan is to:

1. Facilitate the review of multi-phased developments that are desired to be developed for more than 3 years and ensure that individual phases will be coordinated with each other over the duration of the Final Master Plan;
2. Ensure that a full range of public facilities and services are available or will be provided for the proposed phased development and to plan the extension of necessary public infrastructure in a timely and efficient manner;
3. Determine specific land uses, a range of minimum to maximum square footage of non-residential uses and a range of minimum to maximum densities of residential

uses, the arrangement of uses, and the location of public facilities and transportation systems;

4. Identify, during the public review process, potential impacts, including but not limited to noise, shading, glare, utility capacity and traffic and consider alternatives for mitigating these impacts to affected properties and/or public facilities;
5. Provide the property owner an opportunity for the concurrent review of discretionary land use decisions; and
6. Provide the property owner with the assurance needed over the long term to plan for and execute the proposed development.

5.13-110 Applicability

Commentary. *The current SDC Master Plan review process implies there is a two-step process, but is not specific. The proposed review process is formalized into two distinct steps – the Preliminary Master Plan and the Final Master Plan.*

A. Approval of a Master Plan is a two-step process that includes Preliminary Master Plan Approval and Final Master Plan Approval. This process applies when the following criteria are met:

1. The property is under single ownership; or if the property has multiple owners, all owners of record consent in writing to the Master Plan review process; and

Commentary. *There is no change to the current 5 acre minimum, except that there may be situations where a person owns less than 5 acres and desires more time to develop than is currently allowed by the Site Plan Review process, which is 2 years, with up to a one year extension. There is no change to the current maximum allowable time line of 7 years, unless an extension is requested and granted as discussed in Section 5.13-135.*

- 2 The property is 5 acres or greater and the applicant desires development to be phased over a period not to exceed 7 years, unless modified as specified in Section 5.13.135.

EXCEPTION: The Director may allow an exception to the 5 acre minimum, if the applicant requests phasing for more than 3 years.

Commentary. *Originally, the Master Plan process was adopted in the 1980's to apply to MountainGate, a residential development. Most recent Master Plan applications have involved either commercial or commercial/residential mixed use. Subsection B. lists proposed development options that may occur in a number of zones or mix of zones.*

B. A Master Plan may include public, commercial, industrial or residential development, or any combination thereof.

5.13-115 Preliminary Master Plan – Review

Commentary. *There is a change proposed for the level of review for a Preliminary Master Plan. Currently, a Type III procedure (Planning Commission review) is required for all Master Plan applications. A Type II procedure is proposed because the intent of the Master Plan process is similar to a Site plan application, which is a Type II review. The difference between the two applications is that Site Plan approval is good for 2 years and the Master Plan approval is good for 7 years and the Site Plan Review application requires more specific information.*

A. The Preliminary Master Plan shall be reviewed under Type II procedure.

EXCEPTIONS: The Preliminary Master Plan shall be reviewed under Type III procedure if:

1. The Director determines during the Pre-Application Report process that a Type II procedure is not acceptable based on the proposed size of the Master Plan site; and/or the availability/capacity of public facilities; and/or impacts to adjacent properties including but not limited to noise and traffic; and/or
2. The applicant chooses to submit concurrent Type III procedure applications as may be permitted in SDC 5.13-116.B.

B. Prior to the submittal of a Preliminary Master Plan application:

Commentary. *The "Pre-Application Report" process is currently used to allow the applicant to ask staff an unlimited number of questions regarding the proposed development. No change is proposed regarding the use of this process.*

1. A Pre-Application Report application, as specified in Section 5.1-120.B., is required prior to the formal submittal of the Preliminary Master Plan application.

Commentary. *A Master Plan is a multifaceted application. Requiring the Pre-Submittal Meeting application will allow staff to evaluate the Preliminary Master Plan application for completeness, prior to formal submittal by the applicant and the start of the State-mandated 120-day review time line.*

2. A Pre-Submittal Meeting application, as specified in Section 5.1-120.C., is required prior to the formal submittal of the Preliminary Master Plan application.

5.13-116 Preliminary Master Plan – Application Concurrency

Commentary. *Currently, there is no prohibition on concurrent Metro Plan diagram and/or text amendment applications, but past City practice has been that any required Metro Plan diagram and/or text amendment application was approved prior to the submittal of the Preliminary Master Plan application. The text in Subsection A., below continues this past practice.*

A. If the applicant requires or proposes to change the Metro Plan diagram and/or text, the applicant shall apply for and obtain approval of a Metro Plan diagram and/or text amendment prior to the submittal of the Preliminary Master Plan application. The Metro Plan diagram and/or text amendment may also require amendment of an applicable refinement plan diagram or Plan District Map.

- B.** The Preliminary Master Plan may be reviewed concurrently with other Type III applications including a Zoning Map amendment, Discretionary Use, Major Variance, or a Willamette Greenway development application.

Commentary. *Currently, SDC Section 5.13-105C. states: "The Planning Commission shall approve the Master Plan prior to City approval of a related Subdivision or Site Plan application...." This language now specifically refers to the "Final" Master Plan. There is no change to the intent of this requirement.*

- C.** Subdivision and/or Site Plan applications that initiate the various phases of proposed development shall not be submitted concurrently with the Preliminary Master Plan. These applications shall not be submitted until Final Master Plan approval is effective, as specified in Section 5.13-133.

5.13-117 Preliminary Master Plan – Neighborhood Meeting

Commentary. *During the Marcola Meadows Metro Plan diagram and Zoning Map amendment process, the applicant voluntarily provided notice and held a neighborhood meeting to explain the proposed development. This undertaking helped educate neighbors to the intent of the proposal prior to the public hearing process. This is now a requirement for Master Plan applications because it allows the public to be involved in a major development while still in its early stages and complies with/utilizes State-wide planning Goal 1, Citizen Involvement.*

To provide the opportunity for early citizen involvement in the Master Plan review process, the applicant shall provide notice and invite citizen participation by initiating a Neighborhood Meeting. The meeting shall be scheduled after receipt of staff's response to the Pre-Application Report application required in Subsection 5.13-117B.1., and prior to the formal submittal of a Preliminary Master Plan application. The meeting is not intended to produce complete consensus on all applications. It is intended to encourage applicants to be good neighbors. The applicant shall be responsible for scheduling and organizing the meeting, arranging the meeting place, notice and all related costs. City staff will attend the neighborhood meeting in an advisory capacity to answer questions. The notice shall provide a brief description of the proposal and shall be mailed to those property owners and residents within 300 feet of the proposed development. The meeting may be held in any public or private building capable of accommodating the proceeding. The building selected should be in the vicinity of the proposed development. The applicant shall submit a summary of the questions raised and responses made at this meeting with the Preliminary Master Plan application as required in Subsection 5.13-120N.

5.13-120 Preliminary Master Plan – Submittal Requirements

Commentary. *The submittal requirements Section is updated to incorporate certain aspects of the Site Plan Review application in order to provide more specificity to the applicant. The basis for the detail required in these submittal requirements is found in Section 5.13-140A.1., which states: "The applicant is entitled to rely on land use regulations in effect on the date the Master Plan application was submitted, in accordance with ORS 227.178(3) for the 7 year approval time limit, with a single 3 year extension, or as otherwise previously approved." Staff needs to determine that the application of the current standards will allow for approval of the Preliminary Master Plan application. In addition, the terms: "Certified Planner" and "Civil Engineer" have been added to the design team.*

The Preliminary and Final Master Plan applications shall be prepared by a professional Design Team. The applicant shall select a project coordinator. All related maps, excluding vicinity and detail maps, shall be at the same scale. A Preliminary Master Plan shall contain all of the elements necessary to demonstrate compliance with the applicable provisions of this Code and shall include, but not be limited to:

A. General Submittal Requirements. The applicant shall submit a Preliminary Master Plan that includes all applicable elements described below and a narrative generally describing the purpose and operational characteristics of the proposed development. The narrative shall include:

1. The existing Metro Plan designation and zoning. Where the proposed Master Plan site is within an overlay district, Plan District or Refinement Plan the applicable additional standards shall also be addressed;
2. The location and proposed number of residential units and/or square footage of commercial, industrial and/or public uses;
3. The density or intensity of proposed uses, including applicable Floor Area Ratios (FARs); and
4. The applicant shall attach:
 - a. A map depicting existing zoning and land uses within 300 feet of the proposed Master Plan boundary;
 - b. A Vicinity Map drawn to scale depicting existing bus stops, streets, driveways, pedestrian connections, fire hydrants and other transportation/fire access issues within 300 feet of the proposed Master Plan site; and
 - c. A legal description of the property within the proposed Master Plan boundary.

B. A Site Assessment of the entire proposed Master Plan site that precisely maps and delineates the existing conditions on the site. Proposed modifications to physical features shall be clearly indicated. Information required for adjacent properties may be generalized to show the connections to physical features. A Site Assessment shall contain the following information, as applicable:

1. A full size map depicting the proposed Master Plan boundary together with existing lot/parcel lines;
2. The 100-year floodplain and floodway boundaries on the proposed Master Plan site, as specified in the latest adopted FEMA Flood Insurance Rate Maps or FEMA approved Letter of Map Amendment or Letter of Map Revision;
3. The Time of Travel Zones, as specified in Section 3.3-200 and delineated on the Wellhead Protection Areas Map on file in the Development Services Department;

4. Physical features including, but not limited to significant clusters of trees and shrubs, wetlands as specified in Section 4.3-117, rock outcroppings and watercourses shown on the Water Quality Limited Watercourse (WQLW) Map and their riparian areas on file in the Development Services Department. In the latter case, the name, location, dimensions, direction of flow and top of bank shall be depicted. If the proposed Master Plan site is located within 150 feet of the top of bank of any WQLW or within 100 feet of the top of bank of any WQLW direct tributary, a Riparian Area Protection Report is required;
 5. Soil types and water table information as mapped and specified in the *Soils Survey of Lane County*. A Geotechnical report prepared by a licensed Geotechnical Engineer shall be submitted concurrently if the Soils Survey indicates the proposed Master Plan site has unstable soils and/or a high water table; and
 6. Existing elevations and contours.
- C. A Grading Plan which includes: existing and proposed elevations and where 2 or more feet of fill or grading is anticipated for portions of or the entire proposed Master Plan site. On hillsides, the plan shall show pad sites and their relationship to the public right-of-way with existing contours at 1-foot intervals and percent of slope. In areas where the percent of slope is 10 percent or more, contours may be shown at 5-foot intervals.
- D. A Stormwater Management Plan diagram which includes the stormwater management system for the entire proposed Master Plan site and any impacts on adjacent properties. The plan shall contain the following components:
1. Roof drainage patterns and discharge locations;
 2. Pervious and impervious area drainage patterns;
 3. The size and location of stormwater management systems components, including but not limited to: drain lines, catch basins, dry wells and/or detention ponds; stormwater quality measures; and natural drainageways to be retained and/or modified;
 4. Existing and proposed elevations, site grades and contours; and
 5. A stormwater management system plan with supporting calculations and documentation as specified in Section 4.3-110 shall be submitted supporting the proposed system. The plan, calculations and documentation shall be consistent with the *Engineering Design Standards and Procedures Manual*.
- E. A Wastewater Management Plan with maps and a narrative depicting the location and size of existing and proposed wastewater facilities with supporting calculations and

documentation consistent with the *Engineering Design Standards and Procedures Manual*.

- F.** A Utilities Plan with maps and a narrative depicting the location and size of existing and proposed water, electrical, gas and telephone service; and the location of existing and required traffic control devices, fire hydrants, street lights, power poles, transformers, neighborhood mailbox units and similar public facilities.

Commentary. *The Landscape Plan can remain conceptual to help reduce development costs. The detailed SDC landscape standards will be required to be addressed and met during the Site Plan Review process.*

- G.** A conceptual Landscape Plan with maps and a narrative illustrating proposed landscaping for the entire proposed Master Plan site, including, but not limited to: where existing vegetation is proposed for preservation, especially riparian and wetland areas and trees; installation of vegetative buffering; street trees; general landscaping; and a percentage range for the total amount of required open space, broken down by the type of open space, public and private, as applicable. A conceptual Landscape Plan is more appropriate at the Master Plan level. A detailed Landscape Plan will be required during the Site Plan Review application process required to implement the Final Master Plan.

Commentary. *The need for an overall Site Plan and whether or not the Architectural Plan should be made conceptual has been addressed in Subsection A., above. However, for the purpose of reducing applicant costs and to clarify which portions of the Architectural Plan may be modified, the text has been revised. The detailed SDC design standards will be required to be addressed and met during the Site Plan Review process.*

- H.** An Architectural Plan with maps, including:

- 1.** Building elevations, overall commercial, industrial or public floor area, the number of dwelling units, building height, number of stories and the building location or building mass of the primary structure (as defined in this Code);
- 2.** Illustrative examples of applicable SDC design standards and building materials may be considered conceptual. In this case, this requirement, if changed in the future, will not require Final Master Plan modification as specified in Section 5.13-135; and a
- 3.** Narrative. A narrative providing sufficient information to describe the proposed Architectural Plan.

- I.** A Parking Plan and Parking Study.

- 1.** A Parking Plan shall be submitted for all proposed development and shall contain the following information:
 - a.** The location, dimensions and number of proposed parking spaces;
 - b.** On-site vehicular and pedestrian circulation;

- c. Access to streets, alleys and properties to be served, including the location and dimensions of existing and proposed driveways and any existing driveways proposed to be closed;
 - d. The location of and number proposed bicycle spaces;
 - e. The amount of gross floor area applicable to the parking requirements for the proposed use; and
 - f. The location and dimensions of off-street loading areas, if any.
2. A Parking Study, for other than single family developments, with maps and a narrative depicting projected parking impacts, including, but not limited to: projected peak parking demand; an analysis of peak demand compared to, or use of, the proposed on-site and off-site supply; potential impacts to the on-street parking system and adjacent land uses; and proposed mitigation measures, if necessary.
- J. An On-site Lighting Plan depicting the location and maximum height of all proposed exterior light fixtures, both free standing and attached.
- K. A Public Right-of-Way/Easement/Public Place Map depicting the reservation, dedication, or use of the proposed Master Plan site for public purposes, including, but not limited to: rights-of-way showing the name and location of all existing and proposed public and private streets within or on the boundary of the proposed Master Plan site, the right-of-way and paving dimensions, and the ownership and maintenance status, if applicable, and the location, width and construction material of all existing and proposed sidewalks; pedestrian access ways and trails; proposed easements; existing easements; parks; open spaces, including plazas; transit facilities; and school sites.
- L. A Traffic Impact Study, as specified in Section 4.2-105.A.4, the scope of which may be established by the Public Works Director. The Traffic Impact Study shall contain maps and a narrative depicting projected transportation impacts, including, but not limited to: the expected number of vehicle trips that may be generated by the proposed development (peak and daily); an analysis of the impact of vehicle trips on the adjacent street system; and proposed mitigation measures to limit any projected negative impacts. Mitigation measures may include improvements to the street system itself or specific programs and strategies to reduce traffic impacts such as encouraging the use of public transit, carpools, vanpools, and other alternatives to single occupant vehicles.
- M. A Phasing Plan. The Phasing Plan shall illustrate the proposed location of buildings, streets, utilities and landscaping. Phasing shall progress in a sequence that provides street connectivity between the various phases and accommodates other required public improvements such as wastewater facilities, stormwater management, electricity and water. The Phasing Plan shall consist of maps and a narrative with an overall schedule or description of on-/off-site phasing including, but not limited to: the type, location and timing of proposed uses, building locations; proposed public facilities including on-/off-site streets and traffic signals or other traffic control devices and utilities with the designation of

construction and maintenance responsibility; estimated start/completion dates with a proposed type of financial guarantee, including but not limited to a bond, letter of credit, joint deposit or other security in a form acceptable to the City, submitted by the property owner, a future buyer and/or a developer, to ensure planned infrastructure improvements will occur with each phase, if necessary, or when required by the City, affected local agency or the State (the formal submittal of a required guarantee typically occurs during the Final Master Plan review process and/or development implementation); a statement of the applicant's intentions with regard to the future selling or leasing (if known at the time of Preliminary Master Plan submittal) of all or portions of the proposed development (where a residential subdivision is proposed, the statement shall also include the applicant's intentions whether the applicant or others will construct the homes); and the relationship of pedestrian and bicycle connectivity and open space requirements to the proposed phasing.

N. Neighborhood Meeting Summary. The applicant shall submit a summary of issues raised at the neighborhood meeting as specified in Section 5.13-117.

O. A copy of all proposed and any existing covenants, conditions, and restrictions that may control development, if applicable.

P. Annexation. A general schedule of proposed annexation consistent with the phasing plan, if applicable.

Q. The Director may require additional information necessary to evaluate the proposed development, including, but not limited to a:

1. ESEE analysis, as may be needed to comply with Statewide Planning Goal 5, Natural Resources for site attributes that may not be on an adopted City inventory;
2. Wetland delineation approved by the Oregon Department of State Lands shall be submitted concurrently with the Preliminary Master Plan application, where there is a wetland on the proposed Master Plan site; and
3. Historical and/or archaeological studies.

R. Any concurrent land use applications as specified in Subsections 5.13-116B.

5.13-125 Preliminary Master Plan – Criteria

Commentary. The Preliminary Master Plan approval criteria are clearer. For example, criterion 5.13-125 B. currently states: "The request, as conditioned, shall conform to applicable Springfield Development Code requirements." This is too broad because it refers to any SDC requirement. The following Subsections now connect specific aspects of the proposed Preliminary Master Plan criteria to the applicable SDC Chapter and/or Sections. The SDC defines "Approval Authority" as the Director, Hearings Official, Planning Commission or the City Council.

A Preliminary Master Plan shall be approved, or approved with conditions, if the Approval Authority finds that the proposal conforms with all of the applicable approval criteria.

Commentary. The current "Metro Plan diagram" reference is deleted because either the applicant has recently applied for and obtained a Metro Plan diagram and/or text amendment,

and/or the “correct” designation is already in place. Therefore, there should be no need to revisit Metro Plan policy as part of the Master Plan review process.

- A.** Plan/Zone consistency. The existing or proposed zoning shall be consistent with the Metro Plan diagram and/or applicable text. In addition, the Preliminary Master Plan shall be in compliance with applicable City Refinement Plan, Conceptual Development Plan or Plan District standards, policies and/or diagram and maps.

Commentary. *This criterion specifically refers to “all applicable standards of the zoning district” which include building height, setbacks, specific design standards, etc.*

- B.** Zoning district standards. The Preliminary Master Plan shall be in compliance with applicable standards of the specific zoning district and/or overlay district.

Commentary. *This criterion specifically refers to the required Traffic Impact Analysis from a transportation system capacity aspect in relation to proposed phases, in addition to the transportation standards contained in SDC Chapter 4.*

- C.** Transportation system capacity. With the addition of traffic from the proposed development, there is either sufficient capacity in the City’s existing transportation system to accommodate the development proposed in all future phases or there will be adequate capacity by the time each phase of development is completed. Adopted State and/or local mobility standards, as applicable, shall be used to determine transportation system capacity. The Preliminary Master Plan shall also comply with any conditions of approval from a Metro Plan diagram and/or text amendment regarding transportation and all applicable transportation standards specified in SDC Chapter 4.

Commentary. *This criterion refers to current parking standards in SDC Chapter 4 Development Standards that apply to specific transportation issues.*

- D.** Parking. Parking areas have been designed to: facilitate traffic safety and avoid congestion; provide bicycle and pedestrian connectivity within the property and to nearby transit stops and public areas. The Preliminary Master Plan shall also comply with all applicable vehicular and bicycle parking standards specified in SDC Chapter 4.

Commentary. *This criterion refers to current ingress-egress standards in SDC Chapter 4 Development Standards that apply to specific transportation issues.*

- E.** Ingress-egress. Ingress-egress points have been designed to: facilitate traffic safety and avoid congestion; provide bicycle and pedestrian connectivity within the property and to adjacent residential areas, transit stops, neighborhood activity centers, and commercial, industrial and public areas; and minimize driveways on arterial and collector streets as specified in this Code or other applicable City and State regulations. The Preliminary Master Plan shall also comply with all applicable ingress/egress standards specified in SDC Chapter 4.

Commentary. *This criterion refers to current standards in SDC Chapters 4 and 5 that apply to specific utility issues.*

- F.** Availability of public utilities. Existing public utilities, including but not limited to, water, electricity, wastewater facilities, and stormwater management facilities either have

sufficient capacity to support the proposed development in all future phases adequately, or there will be adequate capacity available by the time each phase of development is completed. The Public Works Director or appropriate utility provider shall determine capacity issues. The Preliminary Master Plan shall also comply with applicable utility standards specified in SDC Chapters 4 and 5.

Commentary. *This criterion refers to current standards in SDC Chapter 4 Development Standards that apply to specific physical feature issues.*

G. Protection of physical features. Physical features, including but not limited to slopes 15 percent or greater with unstable soil or geologic conditions, areas with susceptibility to flooding, significant clusters of trees and shrubs, watercourses shown on the Water Quality Limited Watercourses (WQLW) Map and their associated riparian areas, wetlands, rock outcroppings and open spaces and areas of historic and/or archaeological significance as may be specified in Section 3.3-900 or ORS 97.740-760, 358.905-955 and 390.235-240 shall be protected as specified in this Code or in State or Federal law. The Preliminary Master Plan shall also comply with applicable physical feature protection standards specified in SDC Chapter 4.

Commentary. *This criterion addresses a specific phasing issue that arose during the Marcola Meadows Master Plan review process.*

H. Phasing Plan. The Phasing Plan shall: demonstrate that the construction of required public facilities shall occur in a logical sequence, either in conjunction with, or prior to each phase, or that there are appropriate financial guarantees as specified in Subsection 5.13-120M. to ensure the phased public facilities construction will occur.

I. Adjacent use protection. The proposed Preliminary Master Plan contains design, elements including, but not limited to landscaping/screening, parking/traffic management, and multi-modal transportation that limit and/or mitigate identified conflicts between the site and adjacent uses.

5.13-130 Preliminary Master Plan – Conditions

The Approval Authority may attach conditions as may be reasonably necessary to the Preliminary Master Plan in order to ensure compliance with the approval criteria in Section 5.13-125, and with all other applicable provisions of this Code. All conditions shall be satisfied prior to Final Master Plan approval. Certain conditions may require an adequate financial guarantee in a form acceptable to the City to ensure compliance.

5.13-131 Final Master Plan – Review

Commentary. *Currently, there is no formalized “Final” Master Plan process; it’s implied by past practice. This Section establishes the “Final” Master Plan review process.*

A. A Final Master Plan application shall be reviewed under Type I procedure. However, if the Preliminary Master Plan approval was reviewed under Type III procedure, the Director shall require the Final Master Plan to be reviewed under Type II procedure.

B. A Pre-Submittal Meeting application, as specified in Section 5.1-120.C., is required prior to the formal submittal of the Final Master Plan application.

5.13-132 Final Master Plan – Submittal Requirements

Commentary. *Currently there is no time line for Final Master Plan submittal. The one year time line is the same as the current Partition Plat submittal time line. Additionally, there is a time line extension similar to the current Partition Plat submittal process because of the complexity of most Master Plan applications. The Final Master Plan submittal packet is also described.*

- A.** Within one year of Preliminary Master Plan Approval, the applicant shall submit the Final Master Plan. The Final Master Plan shall illustrate the location of proposed buildings, streets, utilities, parking and landscape areas. The Final Master Plan shall incorporate all Approval Authority conditions of approval. The Final Master Plan application shall include:
1. A narrative that lists the conditions of approval, explains how each condition is met and references the applicable Preliminary Master Plan maps, diagrams or plan sheets that require revision;
 2. The specific maps, diagrams, plan sheets or other documents have been revised and/or demonstrate conformance with the Preliminary Master Plan approval; and
 3. Any other information that may be required by the Director.

EXCEPTION: The applicant may request an extension of the Final Master Plan submittal for up to one additional year. The applicant shall submit the request for the extension in writing to the Director no later than 30 days prior to the expiration of the Preliminary Master Plan effective date. The applicant shall explain why the request is necessary and demonstrate how the Final Master Plan application will be submitted within the requested extension time line. The Director may grant or amend the extension request upon determining that the applicant is making progress on the Final Master Plan application.

Commentary. *Requiring the Pre-Submittal Meeting application will allow staff to evaluate the Final Master Plan application for completeness, prior to formal submittal by the applicant.*

- B.** A Pre-Submittal Meeting application, as specified in Section 5.1-120.C., is required prior to the formal submittal of the Final Master Plan application.

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

Commentary. *There are two criteria for Final Master Plan approval.*

- A.** Criteria. The Approval Authority shall grant Final Master Plan approval upon finding that:
1. The Final Master Plan substantially conforms to the provisions of the Preliminary Master Plan approval; and
 2. All approval conditions have been met or can be guaranteed to be met.

Commentary. *Staff is aware of the cost and difficulty of recording the Final Master Plan as the regulations are currently written. The recordation of a Memorandum of Final Master Plan approval vs. all approval documents will reduce costs to the applicant.*

B. Recordation. The applicant shall record a Memorandum of Final Master Plan Approval in a format approved by the City Attorney and any other required documents at Lane County Deeds and Records and return a recorded copy of the Memorandum of Final Master Plan Approval and all other applicable documents to the Development Services Department.

C. Effective Date.

1. Final Master Plan approval is effective on the date of recordation of the Memorandum of Final Master Plan Approval, the effective date, for not more than 7 years, unless modified as specified in Section 5.13-135.

Commentary. *Currently, there is no language regarding an "end time" for Final Master Plan approval.*

2. The Final Master Plan remains in effect until the permitted development has been constructed or the plan is modified, superseded or expires.

D. Once the Final Master Plan effective date is established, all persons and parties, and their successors, heirs or assigns, who have or will have any interest in the real property within the Final Master Plan boundary, shall be bound by the terms and conditions of approval of the Final Master Plan and the provisions of this Section. Notice of the Final Master Plan effective date will be mailed to the applicant.

5.13-134 Final Master Plan – Phasing Implementation

A. No Subdivision and/or Site Plan Review applications (phasing implementation) shall be submitted until the Memorandum of Final Master Plan has been recorded (effective date) and returned to the City.

B. The approved Final Master Plan shall be the basis for the evaluation of all phases of proposed development, including Subdivision and/or Site Plan Review applications.

Commentary. *A Pre-Submittal Meeting application is currently required for all Subdivision and Site Plan Review applications. This is not another layer of staff review. However, it is necessary to determine Master Plan compliance and which Master Plan conditions of approval apply to a particular development phase. Not all approval conditions may apply to a particular phase.*

C. The approved Final Master Plan and all applicable conditions of approval shall be addressed for each Subdivision and/or Site Plan Review application (phasing implementation) as part of application completeness during the Pre-Submittal Meeting application process, specified in Section 5.1-120.C.

5.13-135 Final Master Plan – Modifications

Commentary. *This Section specifically states that modifications are made to the "Final" Master Plan. The current review categories remain, but the level of review is changed from Type II/III to the proposed Type I/II because the "basic underlying assumptions" category has been deleted. Additionally, the permitted Master Plan amendments are now limited to those listed below in order to reduce the number of modification applications. If an applicant requests a modification of an item that is not listed, then a new Master Plan application would be required. Finally, Subsection D. is added to list those modifications for which no planning review is required.*

A proposed Final Master Plan modification, or a proposed modification to a Master Plan approved prior to the effective date of this regulation, shall be processed under the applicable procedures described below:

A. The following modifications to a Final Master Plan shall be processed under Type I procedure. These modifications include a request:

Commentary. As part of this additional review, staff is reevaluating all of the current and proposed Final Master Plan modification categories.

1. By the applicant to modify the Master Plan phasing schedule for a specific phase of development when the proposed change does not affect the construction of scheduled public improvements;
2. By the City based on the requirement to implement newly adopted State or Federal regulations; or
3. By the applicant for a one time extension of the approved time limit for up to 3 years. An extension request shall be filed in writing with the Director at least 60 days prior to the expiration of the initial 7 year period. If the applicant has made reasonable progress, as determined by the Director, in the implementation of the Final Master Plan and public services and public facilities will be available to serve the site, the time line extension will be granted.

Commentary. Those categories that require the 10 percent standard in Subsection B., below will be processed as a Type I procedure..

4. By the applicant for modifications that are less than the 10 percent thresholds specified in those specific instances specified in Subsection B., below.

Commentary. This Subsection is based upon current text and adds specific thresholds in certain situations. The level of review is reduced to a Type II or Type III procedure to be consistent with the level of review for the Preliminary Master Plan application.

B. The following modifications to the Final Master Plan shall be processed under Type II procedure, unless the Director determines that the proposed modification should be reviewed as a Type III procedure, based on the proposed size of the Master Plan site; and/or the availability/capacity of public facilities; and/or impacts to adjacent properties including but not limited to noise and traffic. These modifications include a request:

1. By the applicant if a proposed permitted non-residential use for example, a church or a school, affects the approved Final Master Plan residential density;
2. By the applicant for 10 percent or greater increases or decreases in the overall gross floor area of commercial, industrial or public buildings; the number of dwelling units; building height; and the location or building mass of the primary structure (as defined in this Code);
3. By the applicant for increases or decreases in the amount of approved or required parking by a factor of 10 percent or greater. The applicant shall provide a new parking analysis related to the proposal;

4. By the applicant for a Zoning Map amendment or Discretionary Use application;
5. By the applicant for proposals that would increase the number of PM peak-hour vehicular trips by 10 percent or greater, except in cases where a trip cap has been imposed on development of the property. Where such a trip cap is in effect, a modification of the land use decision that imposed the trip cap shall be required. In all cases, the applicant shall provide a Traffic Impact Analysis supporting the proposal;
6. By the applicant to alter the placement of interior streets by 10 percent or greater from their approved location, as long as the modification maintains the connectivity established by the approved Final Master Plan.
7. By the City or the applicant when essential public infrastructure cannot be provided;
8. By the applicant to modify the Master Plan phasing schedule for a specific phase of development when the proposed change affects the construction of scheduled public improvements;
9. By the applicant for extension of the Final Master Plan time limit beyond the maximum approved time limit of 7 years or the extension permitted in Subsection B.3., above. In no case shall the extension exceed 15 years from the date of Final Master Plan approval as specified in Subsection 5.13-133.C. An extension request shall be filed in writing with the Director at least 60 days prior to the expiration of the initial 7 year period or any subsequently approved extensions. The time line extension will be granted provided the applicant has made reasonable progress in the implementation of the Final Master Plan and public services and facilities remain available;
10. By the applicant for a change to the approved Final Master Plan boundary.

C. Proposed Final Master Plan modifications other than those described in Subsections A. and B., above, shall require the submittal of a new Preliminary Master Plan application.

D. The following modifications to the Final Master Plan do not require subsequent land use review and are allowed upon issuance of a building permit, if required:

1. Building interior improvements;
2. Exterior improvements associated with existing buildings that do not involve a change in floor area, subject to all applicable base zone development and design standards and relevant conditions of approval as approved in the Final Master Plan;
3. Installation of new mechanical or electrical equipment, or modification of existing equipment, subject to all applicable base zone development and design standards and relevant conditions of approval as approved in the Final Master Plan;
4. Routine maintenance of existing buildings, facilities and landscaping; and/or

E. A Pre-Submittal Meeting application, as specified in Section 5.1-120.C., is required prior to the formal submittal of the Final Master Plan modification application.

Commentary. *Criteria are established for modifications.*

F. For all Final Master Plan modification applications described in Subsections A and B, above, the applicant shall demonstrate compliance with the following:

1. Any applicable Preliminary Master Plan criteria of approval specified in Section 5.13-125; and
2. Any other applicable standard of this Code that may be required to justify the proposed modification.

Commentary. *This Subsection adds specific situations where additional Planning review of Final Master Plan modifications is not necessary.*

G. The Master Plan procedures in Appendix 3 of this Code regarding Master Plan Modifications and/or new Master Plans shall apply to properties within the Glenwood Riverfront Plan District, Section 3.4-200, until these regulations are updated.

5.13-140 Final Master Plan – Assurance to the Applicant and City Disclaimers

Commentary. *The specific intent of this assurance is to protect the applicant from “new” development standards for the first 7 year time line granted upon Final Master Plan approval and one 3 year extension for a total of 10 years. Final Master Plan time line extensions that are more than 10 years, and up to the 15 year maximum would be under regulations in effect at the time of submittal of this additional time line extension.*

A. Assurances to the applicant:

Commentary. *A question arose regarding the appropriate review regulations for existing Master Plan applications approved prior to the adoption of this proposed amendment regarding Section 5.13-135 Modifications. The current text has no specific criteria but refers to “basic underlying assumptions”, which was deleted as part of this project because it is vague. Staff has proposed specific criteria of approval in Section 5.13-135F1. and 2.: “Any applicable Preliminary Master Plan criteria of approval specified in Section 5.13-125; and Any other applicable standard of this Code that may be required to justify the proposed modification.” Staff contends that the portion of Section 5.13-135 that lists the categories of Final Master Plan have had the review procedure reduced from a Type II and III to a Type I and II and have been made clearer by adding 10 percent thresholds, in some cases, but do not substantially differ from those listed in the current text. In addition, the proposed specific review criteria are the clarification of a common practice – addressing the Preliminary Master Plan criteria of approval and any applicable SDC standards. The “or as otherwise previously approved” is added to assure applicants of previously approved Master Plans that their approvals are vested for the timelines established as approved.*

1. The applicant is entitled to rely on standards and criteria in effect on the date the Master Plan application was submitted, in accordance with ORS 227.178(3)(a) for

the 7 year approval time limit, with a single 3 year extension, or as otherwise previously approved.

EXCEPTION: Any time line extension proposed for more than a combined total of 10 years shall comply with on standards and criteria in effect at the time of the time line extension application submittal as specified in Subsection 5.13-135.B.9.

2. The applicant shall have the right to proceed with development as long as it is in substantial compliance with the Final Master Plan and other required approvals and permits, subject to any modifications as may be approved as specified in Section 5.13-135.

Commentary. *These Subsections appear in other Sections of the current SDC.*

B. City Disclaimers:

1. The City shall not be required to approve development of any phase described in the Final Master Plan if the approval violates applicable Federal or State statues or administrative rules.
2. The City shall not be obligated to provide public improvements affecting implementation of the Final Master Plan if public funds are not available.

Commentary. *Currently, SDC Section 3.4-200 Glenwood Riverfront Plan District utilizes the Master Plan if an applicant desires to modify development standards. The Glenwood Refinement Plan Update Project is now underway and will include a review of the Plan District development standard and the process for modifying those standards. These standards will remain in effect to be utilized in the Plan District until such time the Plan District is amended. These standards will be placed in SDC Appendix 3 and will be deleted upon the adoption of any amendment of the Plan District.*

Appendix 3

For use with SDC Section 3.4-200 Glenwood Riverfront Plan District until amended

Section 5.13-100 Master Plans

Subsections:

- 5.13-105 Purpose**
- 5.13-110 Applicability**
- 5.13-115 Review**
- 5.13-120 Submittal Requirements**
- 5.13-125 Criteria**
- 5.13-130 Conditions**
- 5.13-135 Modifications to the Master Plan and Schedule**
- 5.13-140 Assurance to the Applicant**

5.13-105 Purpose

- A.** A Master Plan is a comprehensive plan that allows phasing of a specific development area over several years for public, commercial, industrial or residential development. A Master Plan, in this context, is specific to this Code and is 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, these impacts and requirements need not be readdressed at subsequent phases and the developer may rely on the Master Plan approval in implementing the development.
- B.** The purpose of a Master Plan is to:
- 1.** Provide preliminary approval for the entire development area in relation to land uses, a range of minimum to maximum potential intensities and densities, arrangement of uses, and the location of public facilities and transportation systems when a development area is proposed to be developed in phases;
 - 2.** Assure that individual phases of a development will be coordinated with each other;
 - 3.** Provide the applicant an assurance of the City's expectation for the overall development as a basis for detailed planning and investment by the developer.
- C.** The Planning Commission shall approve the Master Plan prior to City approval of a related Subdivision or Site Plan application; however, the Master Plan may be reviewed concurrently with a Zoning Map amendment, Discretionary Use, Variance and/or any other application or approval sought by the applicant related to the Master Plan.
- D.** Subject to prior approval of a Master Plan, a separate Subdivision or Site Plan application shall be approved for each phase. The Master Plan shall be the basis for the evaluation of all phases of development on any issues that it addresses. Phases may be combined for consideration.
- E.** Approval of a Master Plan is effective for up to 7 years; however the approved Master Plan time limit may be extended pursuant to Section 5.13-135, *Modifications to the Master Plan and Schedule.*

5.13-110 Applicability

The Master Plan process applies when initiated by an applicant when the following criteria are met:

- A.** The development area is under 1 ownership; or

- B. If the development area has multiple owners, then all owners of record have consented in writing to the Master Plan review process; and
- C. The development area is 5 acres or greater;
- D. Notwithstanding the foregoing, the Director may determine that the proposed development is inappropriate as a Master Plan and the application will not be accepted.

5.13-115 Review

- A. Master Plans are 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.
- B. A Pre-Application Report application as specified in Section 5.1-100 is required prior to submittal of a Master Plan application.

5.13-120 Submittal Requirements

A Master Plan shall contain all of the elements prepared in a clear and legible manner necessary to demonstrate that the provisions of this Code are being fulfilled and shall include but not be limited to the following:

- A. The existing Metro Plan designation and zone classification.
- B. A vicinity map drawn to scale on a street base map.
- C. A legal description of the property together with a map drawn to scale depicting the legal boundaries of the subject property.
- D. A topography map and narrative depicting present uses of the land, existing structures, streets, significant vegetation, wetlands, drainage ways and other relevant natural and man-made features.
- E. A site plan showing location and type of all land uses proposed, approximate acreage and approximate number of units or square footage of uses, adjacent property uses and relevant features.
- F. The density or intensity of proposed uses.
- G. The maximum height and size of proposed structures.
- H. A public facilities plan showing existing and proposed streets, utilities, sanitary sewer, natural and piped storm drainage system, water service, bike and pedestrian ways and transit locations.

- I. Maps and narrative showing off-site public improvements necessary to serve the proposed development and/or to mitigate impacts to adjacent property or public facilities.
- J. The Director may require additional information necessary to evaluate the proposed development, including, but not limited to: an ESEE analysis, geology, soils, stormwater, sanitary, tree preservation, historical, archaeological, and traffic impact. All related maps, excluding vicinity and detail maps, shall be at the same scale.
- K. Provisions, if any, for reservation, dedication, or use of land for public purposes, including, but not limited to: rights-of-way, easements, parks, open spaces, and school sites.
- L. An overall schedule or description of phasing; and the development to occur in each phase. If phasing alternatives are contemplated, these alternatives shall be described.
- M. Where off-site or other infrastructure improvements are required, the applicant shall specify the timing and method of securing the improvement, including bond, letter of credit, joint deposit or other security satisfactory for said improvement construction.
- N. Designation of responsibility for providing infrastructure and services.
- O. A general schedule of annexation consistent with the phasing plan, if applicable.

5.13-125 <u>Criteria</u>

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 apply:

- A. 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;
- B. The request, as conditioned, shall conform to applicable Springfield Development Code requirements, Metro Plan policies, Refinement Plan, Plan District, and Conceptual Development Plan policies;
- C. Proposed on-site and off-site improvements, both public and private, are sufficient to accommodate the proposed phased development and any capacity requirements of public facilities plans; and provisions are made to assure construction of off-site improvements in conjunction with a schedule of the phasing;
- D. The request shall provide adequate guidance for the design and coordination of future phases;

- E. Physical features, including, but not limited to: steep slopes with unstable soil or geologic conditions; areas with susceptibility of flooding; significant clusters of trees and shrubs; watercourses shown on the WQLW Map and their associated riparian areas; other riparian areas and wetlands specified in Section 4.3-117; rock outcroppings; open spaces; and areas of historic and/or archaeological significance, as may be specified in Section 3.3-900 or ORS 97.740-760, 358.905-955 and 390.235-240, shall be protected as specified in this Code or in State or Federal law;
- F. Local public facilities plans and local street plans shall not be adversely impacted by the proposed development.

5.13-130 Conditions

The Approval Authority may attach reasonably necessary conditions to minimize negative impacts as specified in this Code to ensure that the proposed development can fully meet the criteria of Section 5.13-125, and may require guarantees to ensure compliance. Additionally, the approval may contain any conditions necessary to implement the provisions of Section 5.13-120 including a schedule of fees and charges, a schedule of compliance review and the extent to which the Master Plan is assignable.

5.13-135 Modifications to the Master Plan and Schedule

Applications for phase modification approval which are in substantial conformity with an approved Master Plan shall not be deemed a modification of the plan. Modifications to the Master Plan shall be processed under the applicable procedures described below to amend the Plan:

- A. Modifications that do not affect the basic underlying assumptions of the adopted Master Plan and which are not determined to be similar to Subsection B. or C., below shall be processed as a ministerial decision by the Director.
- B. Modifications that are significant, but do not affect the basic underlying assumptions of the approved Master Plan, shall be processed under Type II procedure. These modifications include a request:
1. By the applicant for a change of density allocation with in the density range allowed in the applicable zoning district;
 2. By the applicant for a change to the alignment of right-of-way requirements of local streets;
 3. By the applicant or City for a change to the sizes or location of public facilities;

4. By the applicant for a change of scheduled phasing beyond the approved time limit for the phased development when the proposed change affects the construction of scheduled public improvements;
 5. By the City based on the requirement to implement newly adopted State or Federal regulations;
 6. By the applicant for a 1-time extension of the approved time limit for up to 3 years. The time line extension will be granted provided the applicant has made reasonable progress in the implementation of the Master Plan and public services and facilities remain available;
 7. By the applicant to alter significant natural resources, wetlands, open space areas, archaeological and historic features beyond the scope of the approved Master Plan; or
 8. By the applicant for other modifications to the approved Master Plan that the Director determines to be similar to the modifications specified in this Subsection.
- C. Modifications which affect the underlying basic assumptions of the approved Master Plan or that prohibit, restrict or significantly affect its implementation shall be processed under the Type III procedure, and include:
1. A Zoning Map amendment or Discretionary Use application initiated by the applicant;
 2. A request for the re-alignment or re-designation of arterial or collector streets initiated by the applicant;
 3. The inability of the City or the applicant to provide essential public infrastructure;
 4. A request by the City based on the requirement to implement newly adopted State or Federal regulations;
 5. A request by the applicant for extension of the time limit of the Master Plan beyond the approved time limit specified in Subsection B.6., above or the extension permitted in Section 5.13-135, but in no case shall the extension exceed 15 years from the original Master Plan approval date; or
 6. Other changes to the final approved Master Plan as requested by the applicant that the Director determines to be similar to the modifications specified in this Subsection.

- A. Approval of the Master Plan shall assure the applicant the right to proceed with the development in substantial conformity with the Master Plan, subject to any modifications as may be approved as specified in Section 5.13-135. Changes to Ordinances, policies and standards adopted after the date of approval of the Master Plan shall not apply to the development.
- B. Phase approvals shall occur through the land division review process, as specified in Section 5.12-100, or the Site Plan review process, as specified in Section 5.17-100, as applicable.
- C. The Master Plan shall be the basis for the evaluation of all phases of development on any issues which it addresses. Approval of development phases will be granted subject to the terms and conditions of the Master Plan, but subject to the applicable Development Code provisions and City Ordinances on issues which the Master Plan does not address.
- D. Notwithstanding the preceding provision, the City shall not be obligated to provide public improvements affecting implementation of the Master Plan if public funds are not available.
- E. The City shall not be required to approve development of any phase described in the Master Plan if the approval violates applicable Federal or State statutes or administrative rules.
- F. The approved Master Plan shall be recorded at Lane County Deeds and Records and the original returned to the City.

SDC SECTION 3.3-200 DRINKING WATER PROTECTION OVERLAY DISTRICT

Commentary. *The amendment to the Drinking Water Overlay District is primarily necessitated by the recently adopted Springfield Fire Code which supersedes the current Uniform Fire Code. This requires amending the appropriate Fire Code references specified in this Section. In addition to the specific Fire Code references, there are several instances where text is added from the current Uniform Fire Code because the Springfield Fire Code does not have any requirements equivalent to the inspection and record-keeping requirements (see Sections 3.3-235A.7., B.7., and C.5.). This is necessary in order to preserve the existing inspection and record-keeping requirement for drinking water protection. The inserted text does not represent a policy change since these requirements in the Uniform Fire Code have been and continue to be the standard used for drinking water protection. Also, the phrase "hazardous materials that pose a risk to groundwater" is changed to "hazardous or other materials that pose a risk to groundwater." (See Sections 3.3-205 through 3.3-225 and 3.3-235) because while the SDC defines hazardous materials according to Fire Code definitions, some materials that pose a risk to groundwater (e.g., certain pharmaceuticals, fertilizers) may not currently be regulated by this Section. This amendment is considered to be a clarification of current practice. Only those specific Sections being amended are listed below.*

Section 3.3-200 Drinking Water Protection Overlay District

3.3-205 Purpose

- A.** The Drinking Water Protection (DWP) Overlay District is established to protect aquifers used as potable water supply sources by the City from contamination. This Section establishes procedures and standards for the physical use of hazardous or other materials harmful to groundwater within TOTZ by new and existing land uses requiring development approval. The provisions of this Section are designed to:
1. Protect the City's drinking water supply which is obtained from groundwater resources from impacts by facilities that store, handle, treat, use, produce, or otherwise have on premises substances that pose a hazard to groundwater quality; and
 2. Provide standards for hazardous or other materials that pose a risk to groundwater within the TOTZ.
- B.** In order to accomplish this purpose, the DWP Overlay District includes methods and provisions to:
1. Restrict or prohibit the use of hazardous or other materials which are potential groundwater contaminants;
 2. Set standards for the storage, use, handling, treatment, and production of hazardous or other materials that pose a risk to groundwater within TOTZ; and
 3. Review new or expanded uses of hazardous or other materials that pose a risk to groundwater.

3.3-220 Time of Travel Zones

- A.** The DWP Overlay District includes 4 TOTZ: 0-1 year; 1-5 years; 5-10 years; and 10-20 years. The locations of the TOTZ for each wellhead are shown on Drinking Water Protection Area Maps on file with the City's Development Services, Public Works, and Fire and Life Safety Departments; and Springfield Utility Board (SUB) and Rainbow Water District (RWD).
- B.** The areas within specified wellhead TOTZ are those drinking water protection areas certified by the Oregon Health Division, under the Oregon Administrative Rules that apply to Oregon's EPA-approved Drinking Water Protection Program, in Oregon Health Division Delineation Certification #0002R, March 18, 1999.
- C.** In determining the location of a property within a TOTZ, the following criteria apply:
1. The Lane County Department of Assessment and Taxation maps shall be used as a base map with the addition of TOTZ boundaries.

2. That portion of a tax lot that lies within a TOTZ is governed by the restrictions applicable to that TOTZ.
3. Tax lots having parts lying within more than one TOTZ are governed by the standards of the more restrictive TOTZ.

EXCEPTION: The Director may waive the requirement that the more restrictive standards apply when all of the following apply:

- a. Storage, use, handling, treatment, and/or production of hazardous or other materials that pose a risk to groundwater will not take place within the portion of the tax lot having the more restrictive TOTZ standards; and
 - b. Storage, use, handling, treatment, and/or production of hazardous or other materials that pose a risk to groundwater will not take place within 50 feet of the portion of the tax lot having more restrictive TOTZ standards; and
 - c. The tax lot is 20,000 square feet or larger.
4. A property owner may request the TOTZ be modified by submitting a Zone Change application to the City. Any request for modification of the TOTZ shall be accompanied by certification of the TOTZ as proposed to be modified by the Oregon Health Division, under the Administrative Rules that apply to Oregon's EPA-approved Drinking Water Protection Program.

3.3-225 Review

- A. A DWP Overlay District Development Application is required when the criteria of both Subsections A.1. and 2., below are met:
 1. A site is affected by one of the following:
 - a. There is a change of land use, occupancy or tenancy of a property, including, but not limited to: a change from vacant to occupied; or
 - b. During the Building Permit process; or
 - c. In conjunction with any development application, including, but not limited to: Site Plan review and Minimum Development Standards.
 2. The action in Subsection A.1., above will:
 - a. Affect the storage, use, and/or production of hazardous or other materials that pose a risk to groundwater; or

- b.** Increase the quantity of hazardous or other materials that pose a risk to groundwater that are stored, used and/or produced.
- B.** Prior to the submittal of a DWP Overlay District Development Application, an exemption request may be submitted to the Director as specified in Section 3.3-230B.1.
- C.** DWP Overlay District applications shall be reviewed under Type I procedures.
- D.** Prior to undertaking an activity covered by Section 3.3-225 A., the owner or tenant shall submit a DWP Overlay District Application to the City for review and approval. Applications shall include the following information:
 - 1.** A Hazardous Material Inventory Statement and a Material Safety Data Sheet for any or all materials entered in the Statement unless exempted under Section 3.3-230. Hazardous material weights shall be converted to volume measurement for purposes of determining amounts - 10 pounds shall be considered equal to one gallon as specified in [~~Uniform Fire Code 8001.15-1~~] Springfield Fire Code 2703.1.2.;
 - 2.** A list of the chemicals to be monitored through the analysis of groundwater samples and a monitoring schedule if ground water monitoring is anticipated to be required;
 - 3.** A detailed description of the activities conducted at the facility that involve the storage, handling, treatment, use or production of hazardous materials in quantities greater than the maximum allowable amounts as stated in Section 3.3-235 A.;
 - 4.** A description of the primary and any secondary containment devices proposed, and, if applicable, clearly identified as to whether the devices will drain to the storm or sanitary sewer;
 - 5.** A proposed Hazardous Material Management Plan for the facility that indicates procedures to be followed to prevent, control, collect and dispose of any unauthorized release of a hazardous material;
 - 6.** A description of the procedures for inspection and maintenance of containment devices and emergency equipment;
 - 7.** A description of the plan for disposition of unused hazardous materials or hazardous material waste products over the maximum allowable amounts including the type of transportation, and proposed routes.
- E.** For those development proposals requiring Site Plan Review (Section 5.17-100) or Minimum Development Standards review (Section 5.15-100), applications may be submitted concurrently.
- F.** The Director shall review the application and make a decision based on the standards contained in Section 3.3-235, after consulting with the Building Official,

Fire Marshall, Public Works Director, and the managers of SUB and RWD, as appropriate.

3.3-235 Standards for Hazardous Materials within Time of Travel Zones

Applications shall comply with the following standards. Where the following standards are more restrictive than the standards of the ~~[Uniform]~~ Springfield Fire Code, the following standards apply:

A. 0 -1 year TOTZ Standards.

1. Within the 0-1 year TOTZ, hazardous materials that pose a risk to groundwater may be stored in aggregate quantities of no more than 500 gallons if in original containers not exceeding 5 gallons* in size. Within that aggregated 500-gallon inventory, no more than 150 gallons of hazardous materials that pose a risk to groundwater may be on the premises in opened containers for handling, treatment, use production, or dispensing on site. Hazardous materials that pose a risk to groundwater are allowed only upon compliance with containment and safety standards specified by the most recent Fire Code adopted by the City.

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

2. Unless exempted, all hazardous or other materials that pose a risk to groundwater shall be stored in areas with approved secondary containment in place ~~[(Uniform Fire Code Articles 2 and 8003.1.3.3]~~ Springfield Fire Code 2702.1 and 2704.2.2).
3. All new uses of Dense Non-Aqueous Phase Liquids (DNAPLs) are prohibited.
4. Any change in type of use or an increase in maximum daily inventory quantity of any DNAPL shall be considered a new use and prohibited.
5. The following certain types of new facilities or changes in use and/or storage of hazardous or other materials that pose a risk to groundwater are prohibited:
 - a. Underground hazardous material storage facilities;
 - b. Hazardous material product pipelines used to transport the hazardous material off of the tax lot where it is produced or used;
 - c. Injection wells
EXCEPTION: Dry wells for roof drainage;
 - d. Solid waste landfills and transfer stations;

- e. Fill materials containing hazardous materials;
 - f. Land uses and new facilities that will use, store, treat, handle, and/or produce DNAPLs.
6. Requirements found in ~~[(Uniform Fire Code Appendix II-E 3.2.6]~~ Springfield Fire Code 2704.2.2.5) for a monitoring program and ~~[in 8003.1.3.3 for]~~ monitoring methods to detect hazardous materials in the secondary containment system shall be met for all amounts of hazardous or other materials that pose a risk to groundwater unless exempted.
 7. The following requirements [found in Uniform Fire Code Appendix II-E Section 3.2.7] for inspection and record keeping procedures for monthly in-house inspection and maintenance of containment and emergency equipment for all amounts of hazardous or other materials that pose a risk to groundwater shall be met unless exempted: Schedules and procedures for inspecting safety and monitoring and emergency equipment. The applicant shall develop and follow a written inspection procedure acceptable to the Director for inspecting the facility for events or practices which could lead to unauthorized discharges or hazardous materials. An inspection check sheet shall be developed to be used in conjunction with routine inspections. The check sheet shall provide for the date, time, and location of inspection; note problems and dates and times of corrective actions taken; and include the name of the inspector and the countersignature of the designated safety manager for the facility.
 8. Application of fertilizers containing nitrates are restricted to no more than the amount recommended by the Lane County, Oregon State University Extension Service for turf grass and are prohibited within 100 feet of a wellhead. In no event shall a single application exceed one half pound per 1,000 square feet of area per single application or a total yearly application of 5 pounds nitrogen fertilizer per 1,000 square feet.
- B. 1-5 year TOTZ Standards.**
1. The storage, handling, treatment, use, application, or production or otherwise keeping on premises of more than 20 gallons of hazardous materials that pose a risk to groundwater in aggregate quantities not containing DNAPLs are allowed only upon compliance with containment and safety standards specified by the most recent Fire Code adopted by the City.
 2. Unless exempted, all hazardous or other materials that pose a risk to groundwater shall be stored in areas with approved secondary containment in place ~~[(Uniform Fire Code Articles 2 and 8003.1.3.3 Springfield Fire Code 2702.1 and 2704.2.2).~~
 3. All new use of DNAPLs are prohibited.
 4. Any change in the type of use or an increase in maximum daily inventory quantity of any DNAPL is considered a new use and is prohibited.

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

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

b. Injection wells.

EXCEPTION: Dry wells for roof drainage;

c. Solid waste landfills and transfer stations;

d. Fill materials containing hazardous materials;

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

6. Requirements found in [~~Uniform Fire Code Appendix II-E 3.2.6 for a monitoring program and in 8003.1.3.3 for~~] Springfield Fire Code 2704.2.2.5 for a monitoring program and monitoring methods to detect hazardous or other materials in the secondary containment system shall be met for all amounts of hazardous materials that pose a risk to groundwater unless exempted.

7. The following requirements [found in Uniform Fire Code Appendix II-E Section 3.2.7] for inspection and record keeping procedures for monthly in-house inspection and maintenance of containment and emergency equipment for all amounts of hazardous or other materials that pose a risk to groundwater shall be met unless exempted: Schedules and procedures for inspecting safety and monitoring and emergency equipment. The applicant shall develop and follow a written inspection procedure acceptable to the Director for inspecting the facility for events or practices which could lead to unauthorized discharges or hazardous materials. An inspection check sheet shall be developed to be used in conjunction with routine inspections. The check sheet shall provide for the date, time, and location of inspection; note problems and dates and times of corrective actions taken; and include the name of the inspector and the countersignature of the designated safety manager for the facility.

C. 5-10 year TOTZ Standards.

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

2. All hazardous or other materials that pose a risk to groundwater shall be stored in areas with approved secondary containment in place (~~Uniform~~

~~Fire Code Articles 2 and 8003.1.3.3]~~ Springfield Fire Code 2702.1 and 2704.2.2).

3. All new use of DNAPLs are prohibited.
 4. Any change in type of use or an increase in the maximum daily inventory quantity of any DNAPL is considered a new use and is prohibited.
 5. The following requirements [found in Uniform Fire Code Appendix II-E Section 3.2.7] for inspection and record keeping procedures for monthly in-house inspection and maintenance of containment and emergency equipment for all amounts of hazardous or other materials that pose a risk to groundwater shall be met unless exempted: Schedules and procedures for inspecting safety and monitoring and emergency equipment. The applicant shall develop and follow a written inspection procedure acceptable to the Director for inspecting the facility for events or practices which could lead to unauthorized discharges or hazardous materials. An inspection check sheet shall be developed to be used in conjunction with routine inspections. The check sheet shall provide for the date, time, and location of inspection; note problems and dates and times of corrective actions taken; and include the name of the inspector and the countersignature of the designated safety manager for the facility.
- D. 10-20 year TOTZ Standards. The storage, handling, treatment, use, production or keeping on premises of more than 20 gallons of hazardous materials that pose a risk to groundwater in aggregate quantities is allowed only upon compliance with containment and safety standards specified by the most recent Fire Code adopted by the City.

VARIOUS SECTIONS – SCRIVENER’S ERRORS

OVERVIEW

The reformatted Springfield Development Code (SDC) was adopted by the Springfield City Council on September 17, 2007. The reformatting process was a substantial undertaking that resulted in the reorganization of hundreds of Code regulations in what were formerly 45 “Articles” into 6 Chapters. The volume of the reorganization task resulted in some unintentional omissions; some inaccurate references due to renumbering; and some errors in punctuation known as Scrivener’s errors. Thus, on December 3, 2007 the City Council adopted the first round of what are called Scrivener’s errors. The items listed below are the second, and hopefully the last round of Scrivener’s errors. The proposed amendments do not include policy or policy implementation changes.

ADDITIONAL SCRIVENER’S ERRORS PART 2

Commentary. *Proposed changes are highlighted. Revised text is underlined. [Deleted text is within brackets, with “strike out”]*

3.2-210 Schedule Of Use Categories

Commentary. "Day Care Center" was previously changed to "Child Care Center" to be consistent with State regulations, but the "old SDC" listing for the use on collector and local streets was inadvertently omitted. This is the only use in this Section that is being amended.

Use Categories/ Uses	Zoning Districts		
	LDR	MDR	HDR
Residential Uses			
Child Care Center -13 or more children (abutting a collector or local street) (Section 4.7-125)	<u>D</u>	<u>S*</u>	<u>S*</u>

Commentary. Several footnotes are amended due to inadvertently deleted "old SDC" text when creating the table and/or for clarity. The footnotes to the base zone development standards are the only portion of this Section that is being amended.

3.2-215 Base Zone Development Standards

- (1) 6,000 square feet in area for one duplex in the LDR District. This standard prohibits the division of the lot/parcel to create separate ownership for each duplex dwelling unit.
- (2) 10,000 square feet in area for one duplex in the LDR District as specified in this Section and Section 4.7-140. This standard [~~is required to~~] allows for the future the division of the lot/parcel to create separate ownership for each half of the duplex [dwelling unit].
- (3) The 45 percent coverage standard applies to covered structures only. On lots/parcels with more than 15 percent slope or above an elevation of 670 feet, the maximum impervious surface inclusive of structures, patios, and driveways, shall not exceed 35 percent, unless specified in Section 3.3-500.
- [14]** In the MDR and HDR Districts, the building height may be increased to 50 feet as specified in Subsection 3.2-240D.3.c.

3.2-235 Residential Manufactured Dwellings

Commentary. The text added was inadvertently deleted during the SDC Reformat Project.

The siting of manufactured dwellings in Low and Medium Density Residential Districts is permitted subject to the provisions of this Section:

- A. Manufactured Home - as a permitted use in manufactured home subdivisions, manufactured dwelling parks and all lots/parcels zoned and designated Low and Medium Density Residential provided that units placed on individual lots/parcels outside of existing platted manufactured home subdivisions shall be Type 1 classification and all density standards are satisfied. A Type 2 manufactured home may be sited in manufactured dwelling parks, interior lots of existing platted manufactured home subdivisions and in multi-family developments.

Commentary. This CI Section requires amendment because the Master Plan is required. The Master Plan currently in SDC Sections 3.4-215 through 3.4-225 (the Glenwood Riverfront Plan District) will be addressed during the Glenwood Refinement Plan amendment process. No amendment is required for Section 3.2-630 (Mixed Use).

3.2-440 CI District - Conceptual Development Plans and Master Plans

A Conceptual Development Plan is required for all new CI Districts over 50 acres in size approved after July 6, 2004, unless a Site Plan or Master Plan is proposed for the entire CI District. A Master Plan [~~is required~~] may be submitted when phased developments exceeding [~~two~~] 3 years in duration are proposed. A Master Plan shall comply with any applicable approved Conceptual Development Plan or upon approval of a Master Plan or Site Plan for the entire CI District, the Master Plan or Site Plan may supplant and take precedence over an approved Conceptual Development Plan. Master Plan approval for a CI District site shall be as specified in Section 5.13-100.

Commentary. *Hotels were inadvertently omitted from the MUC use list. The intent to allow hotels as a MUC use has been established by the following text in the Glenwood Riverfront Plan District, specifically, Subsection 3.4-260B.4.c. under view protection: "Restaurants, outdoor cafes, housing, public gathering places and hotels shall be oriented to available views, especially views of the Willamette River, wherever possible."*

3.2-610	Schedule of Use Categories
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The following uses are permitted in the districts as indicated, subject to the provisions, additional restrictions and exceptions specified in this Code. Uses not specifically listed may be approved as specified in Section 5.11-100.

"P" = PERMITTED USE subject to the standards of this Code.

"S" = SPECIAL DESIGN STANDARDS subject to special locational and siting standards to be met prior to being deemed a permitted use (Section 4.7-100).

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

"N" = NOT PERMITTED

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

Categories/Uses	Districts		
	MUC	MUE	MUR
<i>Transient Accommodations</i>			
Bed and breakfast facilities (Section 4.7-120)	P	N	S
Emergency shelter facilities	N	N	P
<u>Hotels (Section 4.7-180)</u>	S	N	N
Youth hostels	P	N	N

Commentary. *SDC Section 3.2-310 (under recreational facilities) lists non-alcoholic nightclubs as a special use; Section 4.7-205 limits where this use may be located. Section 3.2-610 (under recreational facilities) lists this use and should have the same reference. This is the only use under Recreational Facilities in this Section that is being amended.*

3.2-610 Schedule of Use Categories

Categories/Uses	Districts		
	MUC	MUE	MUR
Recreational Facilities:			
Non Alcoholic Night Club (Section 4.7-205)	[P]S	P	N

3.2-715 Base Zone Development Standards

Commentary. *The Downtown Refinement Plan was amended in 2006. Specific setback regulations in the Downtown Exception area were revised, but the SDC was never amended.*

The following base zone development standards are established. The base zone development standards of this Section and any other additional provisions, restrictions or exceptions specified in this Code shall apply.

Development Standard	PLO Zoning District Requirement
Minimum Lot/parcel Size	None
Lot/parcel Coverage and Planting Standard	Parking, driveways and structures shall not exceed 65 percent of the development area. At least 25 percent of the development area shall be landscaped. EXCEPTION: In the Downtown Exception Area, there shall be no minimum lot coverage standards and no minimum planted area, except for parking lots (6).
Landscaped Setbacks (1), (2), (3) and(4)	
Street Setback	15 feet (6)
Residential Property Line	20 feet (6)
Parking and Driveway	5 feet
Maximum Building Height (5)	None, unless abutting a residential district
PLO District abuts Residential District	When a PLO District abuts a residential district, the maximum building height shall be defined as the height standard of the applicable residential district for a distance of 50 feet measured from the boundary of the adjacent residential zoning district. Beyond the 50 foot measurement, there is no building height limitation.

- (1) Where an easement is larger than the required setback standard, no building or above grade structure, except a fence, shall be built upon or over that easement.
- (2) When additional right-of-way is required, whether by City Engineering standards, the Metro Plan (including TransPlan), or the City's Conceptual Street Plan, setbacks are based on future right-of-way locations. Dedication of needed right-of-way shall be required prior to the issuance of any building permit that increases parking or gross floor area.
- (3) Structural extensions may extend into any 5 foot or larger setback area by not more than 2 feet.
- (4) In the Downtown Exception Area, there are no minimum setbacks for administrative offices and other public uses listed under Section 3.2-710.
- (5) Incidental equipment may exceed the height standards.
- (6) In the Downtown Exception Area, there shall be no minimum planted area except for parking lots as specified elsewhere in this Code.

3.3-815 Schedule of Use Categories when there is an Underlying Residential, Commercial, or Industrial District

Commentary. *Development in the Urban Fringe -10 Overlay zone is limited. The proposed amendments revises references to permitted development listed in Section 3.3-825. These are the only uses in this Section that are being amended.*

Use Category	Underlying Zoning District		
	Residential	Commercial	Industrial
Expansion or replacement of lawful uses permitted in the underlying commercial or industrial district (Section 3.3-825[H] F.)	N	P*	P*
Expansion or replacement of lawful Discretionary Uses in the underlying zoning district (Section 3.3-825[H] F.)	N	D*	D*
New Permitted and Specific Development Standards in the underlying zoning district within existing structures (Section 3.3-825[H] F.)	N	P*	P*

3.3-825 Additional Provisions

Commentary. *Development in the Urban Fringe -10 Overlay zone is limited. The proposed amendments to Section 3.3-815 were required due to the deletion of duplicative language in current Subsection G. Therefore, Subsection H. becomes the "new" Subsection G. These are the only items in this Section that are being amended.*

~~[G. — New permitted uses and expansions of permitted uses in commercial and industrial districts shall demonstrate that the use will not generate singly, or in the aggregate, additional need for key urban services.]~~

[H] G. R.V. parks and campgrounds shall be located on land classified Public Land and Open Space (PLO) and be subject to the specific development standards specified Section 4.7-220.

3.3-910 Applicability

Commentary. *The Thurston Grange was inadvertently omitted from the Historic Landmark Inventory list.*

B. On the adopted Historic Landmark Inventory within the City or its urbanizing areas, including the following individually designated Historic Landmarks:

Historic Site/ Structure	Address
Stevens and Perkins Building	330 Main Street
I.O.O.F. Building	346 Main Street
Pacific Power & Light Building	590 Main Street
Southern Pacific Railroad Depot	101 South A Street
Brattain / Hadley House	1260 Main Street
Stewart House	214 Pioneer Pkwy. West
Douglas House	3362 Osage Street
Thurston Grange	66 th Street and Thurston Rd.

Commentary. The barbed wire standards apply in the residential, commercial and industrial zoning districts, except as specified in notation (8).

Table 4.4-1

Yard Type	Base Height by Zoning District				
	Residential	Commercial	Industrial	PLO	MS
Front Yard (1)	6' (2)	6'	6' 8' (3)	6'	6'
Street Side Yard (4)	6'	6'	6' 8' (3)	6'	6'
Rear Yard	6'	6'	6' 8' (3)	6'	6'
Height Exceptions	8' 10' (5)	8'	8' (6)	8'	N/A
Vision Clearance Area (7)	2 ½'	2 ½'	2 ½'	2 ½'	2 ½'
Barbed/ Razor Wire/ Electric	Y(8)	Y(8)	Y(8)	Y/N (8)	N

- (1) The fence shall be located behind the front yard setback in all districts unless allowed in (2).
- (2) Fences may be allowed within the front yard setback as follows:
 - (a) 4' high unslatted chain link – this standard does not apply to multi-family developments.
 - (b) 3' high sight obscuring fence.
- (3) In the Campus Industrial District the base height standard is 6'. In all other industrial districts, the base height standard is 8'.
- (4) In the residential districts, a fence may be located along the property line. In all other districts, the fence shall be located behind the street yard setback.
- (5) Situations where the base fence height may be exceeded:
 - (a) 8' in residential, commercial and the PLO Districts for public utility facilities, school yards and playgrounds, provided that the fence is located behind the front yard and street side yard landscaped area and outside of the vision clearance area. Residential districts abutting these facilities, railroad tracks or residential property side and rear yards abutting streets with 4 or more travel lanes, may have fences of 8' along common property lines and right-of-way.
 - (b) 10' for residential properties abutting commercial or industrial districts along common property lines, and around permitted storage areas in residential districts. Yards of single-family homes shall not constitute permitted storage areas.
 - (c) In residential districts, any fence located within a required setback, and which exceeds the allowable fence height for that setback by more than 20 percent, shall be reviewed under Discretionary Use procedure for fences as specified in Section 5.9-100.
- (6) Special standards in the Campus Industrial District:
 - (a) No fencing shall be permitted within 35' of a CI District perimeter or 20 feet of any development area perimeter or within interior lots/parcels of development areas.
EXCEPTION: 3' maximum height decorative fencing or masonry walls may be permitted as screening devices around parking lots.
 - (b) Chain link fences shall be permitted only when combined with plantings of evergreen shrubs or climbing vines that will completely cover the fence(s) within 5 years of installation (as certified by a landscape architect or licensed nursery operator).
 - (c) Painted fences shall match the building color scheme of the development area.
- (7) No fence shall exceed the 2½' height limitation within the vision clearance area as specified in Section 4.2-130.
- (8) Barbed wire, razor wire or electrified fencing shall be permitted atop a six foot chain link fence. The total height of the fence and barbed wire shall not exceed 8'. These materials shall not extend into the vertical plane of adjoining public sidewalks. Barbed wire or razor wire only fences are prohibited. Electrified fencing shall be posted with warning signs every 24 feet.
EXCEPTIONS:
 - (a) In the PLO District in the Downtown Exception Area and in the MUC, MUE and MUR Districts, no barbed razor wire or electrified fences shall be permitted.

- (b) In the residential districts, barb-wire and electrified fencing on lots/parcels less than 20,000 square feet, and razor wire on any lot/parcel, regardless of size, shall be reviewed under Discretionary Use procedure as specified in Section 5.9-100, using the criteria specified in Subsection C., below.

Commentary. *The term “drainage” should be “stormwater” and the text added to Subsection 6. is for clarity.*

4.3-110	Stormwater Management
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- E. A development is required to employ [drainage] stormwater management practices approved by the Public Works Director and consistent the *Engineering Design Standards and Procedures Manual*, which minimize the amount and rate of surface water run-off into receiving streams. The following [drainage] stormwater management practices may be required in order to relieve demand on the City’s piped drainage system and to alleviate future costs of treating the piped discharge; to promote water quality, to preserve groundwater and the vegetation and rivers it supports, and to reduce peak storm flows:
1. Temporary ponding of water;
 2. Permanent storage basins;
 3. Minimizing impervious surfaces;
 4. Emphasizing natural water percolation and natural drainageways;
 5. Preventing water flowing from the street in an uncontrolled fashion;
 6. Stabilizing natural drainageways as necessary below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion, as permitted/allowed by City, State and Federal regulations;
 7. On-site filtration or skimming of run-off, which will enter natural drainageways to maintain water quality; and
 8. On-site constructed wetlands.

Commentary. *The SDC does not exempt solar collectors from the building height limit. If a developer wants to go solar we require them to submit a Minor Variance application, which is a disincentive for energy conservation. The proposed text allows rooftop solar collectors as “incidental equipment”. The definition of “Incidental Equipment” in Chapter 6 is also amended.*

4.7-105	Accessory Structures
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This Subsection regulates structures that are incidental to allowed residential uses to prevent them from becoming the predominant element of the site.

A. Accessory Structure Groups. Accessory structures are divided into 3 groups based on their characteristics. Accessory structures may be attached or separate from primary structures.

1. Group A. This group includes buildings and covered structures for example, garages, bedrooms or living rooms, including bathrooms that are not an accessory dwelling unit as defined in Section 5.5-100, art studios, gazebos, carports, greenhouses, storage buildings, boathouses, covered decks and recreational structures. Agricultural structures as defined in this Code are deemed Group A accessory structures if located on lots/parcels less than 2 acres in size.
2. Group B. (Architectural extensions) This group includes uncovered, generally horizontal structures for example, decks, stairways, in ground or above ground swimming pools, tennis courts, and hot tubs.
3. Group C. (Incidental equipment) This group includes generally vertical structures for example, flag-poles, trellises and other garden structures, play structures, radio antennas, satellite receiving dishes and lampposts. This group also includes rooftop solar collectors. Fences are addressed in Section 4.4-115.

Commentary. *The amendment specifies that duplexes are permitted only on corner lots/parcels in the LDR District. This is the only item in this Section that is being amended.*

4.7-140 Duplexes

A. A duplex may be on located on corner lots/parcels of 6,000 square feet in the LDR District, unless as may be permitted below. A corner duplex or duplex lot/parcel in any residential district may be partitioned for the purpose of allowing independent ownership of each dwelling unit, if each of the two resulting lots/parcels meets the size standards specified in Section 3.2-215. Duplexes or duplex lots/parcels eligible for this type of partition shall meet the partition standards of Section 5.12-100 and the following:

4.7-180 Mixed Use Districts

A. Specific development standards for the MUC District shall be the same as those specified in Section 3.2-310 as an "S" use and listed in applicable Subsections of Section 4.7-100, and the following:

EXCEPTIONS:

1. Drive-through uses may conflict with safe and convenient movement of pedestrians and bicycles within MUC Districts. A drive-through use, for the purposes of this Section, is defined as a business activity involving buying or

selling goods or provision of services wherever one of the parties conducts the activity from within a motor vehicle. Facilities usually associated with a drive-through usually involve queuing lines, service windows, service islands, and service bays for vehicular use. Drive-through uses are therefore not permitted in MUC Districts unless the use is incidental to a primary site use, and when designed in conformance with the following standards:

- a. The drive-through use shall be limited to service windows which are part of a primary use structure, and no more than 2 queuing lanes.
- b. Drive-up facilities shall be designed so that circulation and drive-up windows are not adjacent to sidewalks or between buildings and the street, to the maximum extent practicable.

2. Parking Lots and Parking Structures, Public and Private.

- a. In MUC Districts, surface parking lots abutting public streets shall include perimeter landscaping and shade trees as specified in Sections 3.2-315 and 4.4-100.
- b. Parking structures located within 20 feet of pedestrian facilities, including, but not limited to: public or private streets, pedestrian accessways, greenways, transit stations, shelters, or plazas, shall provide a pedestrian-scale environment on the façade facing the pedestrian facility. One or more of the following techniques may be used:
 - i. Provide retail or office uses on the ground floor of the parking structure facing the pedestrian facility;
 - ii. Provide architectural features that enhance the ground floor of a parking structure adjacent to the pedestrian facility, for example, building articulation, awnings, canopies, building ornamentation and art; and/or
 - iii. Provide pedestrian amenities in the transition area between the parking structure and pedestrian facility, including landscaping, trellises, seating areas, kiosks, water features with a sitting area, plazas, outdoor eating areas, and drinking fountains.

Commentary. *Hotels in the MUC District require siting standards.*

- c. In MUC Districts, parking lots shall be located beside or behind buildings, internal to the development on a site. Existing or new outparcel buildings between a large parking lot and the street shall be used to help define the streetscape, and lessen the visual impact of the parking lot from the street.

4.7-190 Professional Offices

Commentary. *The MUC District is added to the list. The intent was to include all primary commercial districts. This is the only item in this Section that is being amended.*

- A. Professional offices in residential districts are permitted when:
1. The lots/parcels are adjacent to CC, MUC or MRC Districts; and
 2. The majority of the square footage of the structure on the lot/parcel is not more than 100 feet from CC, MUC or MRC Districts. Where public-right-of-way separates the residential district from the commercial district, the right-of-way width is not counted in the measurement.

5.1-120 Pre-Development Meetings

Commentary. *This Section reflects amendments to the Master Plan review process in Section 5.13-100. The Pre-Application Report has been and still is required during the Master Plan Review process. The Pre-Submittal Meeting is now required for the Master Plan Review process in order to guarantee a complete application at the initiation of the State mandated 120 day review time-line. These are the only items in this Section that are being amended.*

Pre-Development Options. The City has established three pre-development processes to assist prospective applicants through the application review process:

- B. Pre-Application Report. The purpose of the Pre-Application Report is to give a prospective applicant the opportunity to discuss an entire development proposal with City Staff. This meeting is recommended for large and/or complex proposals to avoid unanticipated costs or delay during the formal application process.

EXCEPTION: The Pre-Application Report is required for a Master Plan application as specified in Section 5.13-115.

- C. The Pre-Submittal Meeting. The purpose of the Pre-Submittal Meeting is to provide an opportunity for the property owner, applicant and the development team to meet with City staff to determine that an application is complete for processing prior to formal submittal to the City. A complete application will facilitate the review process. The Pre-Submittal Meeting will examine key elements of the application, including but not limited to: transportation, stormwater management, wastewater facilities, and landscaping. The Pre-Submittal Meeting is mandatory for all Site Plan Review, Subdivision, ~~and~~ Partition and Master Plan applications. The Pre-Submittal Meeting is required even if the meetings specified in Subsections A. and B. have been utilized. Applications shall be reviewed by the Director within 30 days of receipt to determine if they meet the requirements specified in Section 5.4-105 and are complete.

5.3-115 Appeals of the Director's or Hearings Official's Type II Decision

Commentary. *In Subsection C., who is required to receive the notice of decision is now clearer and consistent with State regulations.*

- C. Notice. The Director shall provide notice of the public hearing to the property owner, applicant, if different, the appellant and all persons ~~[previously noticed]~~ who submitted comments or requested notice of the decision as part of the process leading to the Director's or Hearings Official's decision. The notice of the appeal hearing shall be as specified in Section 5.2-115.

5.14-110 Review

Commentary. *The term "Pre-Application Conference" in Subsection A was changed to "Development Issues Meeting" in 2005, but this reference was not revised at that time.*

- A. A ~~[Pre-Application Conference]~~ Development Issues Meeting is encouraged prior to a formal Metro Plan amendment application.

5.15-120 SDC Standards Applicable to MDS Approval

Commentary. *Subsection H is amended to be consistent with the "old SDC" by adding references to under grounding utilities (4.3-125) and to water service and fire protection (4.3-130).*

- H. The development shall connect to public utilities as specified in Sections 4.3-105, 4.3-110¹ ~~[and]~~ 4.3-120, 4.3-125 and 4.3-130 and comply with the Springfield Building Safety Codes, where applicable. Easements may be required as specified in Subsection 4.3-140.

5.15-125 Timelines and Conditions

Commentary. *Two references are proposed to be changed requiring this Section to be relettered.*

The property owner and/or applicant shall comply with the standards specified in Subsection ~~[D.]~~ 5.15-120 within 90 days of the Director's approval as follows:

- A. Submittal of a Final Plot Plan within 30 days of the Director's approval that states the starting date of all required improvements demonstrating compliance with all approval conditions required to meet the standards specified in Subsection ~~[D., below]~~ 5.15-120. Submittal of a Final Plot Plan shall include the following additional material, where applicable:

1. The original recorded Improvement Agreement.
2. Any required ODOT Right-of-Way Approach Permit.

EXCEPTION: If the ODOT Right-of-Way Approach Permit cannot be obtained by the time line specified in Subsection A., above, the Director may defer the submittal of this document until the start of construction date specified in Subsection ~~[A.4.b]~~ C., below.

3. A copy of a recorded joint use access/parking agreement.

4. A copy of a recorded private easement or the original public utility easement.
- [a] **B.** The signing of a Development Agreement by the property owner within 45 days of the Director's approval of the Final Plot Plan.
 - [b] **C.** The construction of the required improvements shall begin within 90 days of the MDS decision. If this time line cannot be met, the applicant may submit a written request for a time line extension as specified in Subsection [B] **D.**, below.
 - [B] **D.** The Director may allow a one-time extension of the 90-day start of construction time line specified in Subsection [A.4.b] **C.**, above due to situations including but not limited to, required permits from the City or other agencies, weather conditions, and the unavailability of asphalt or street trees. If the time extension is allowed, security shall be provided as specified in Section 5.17-150. The time line extension shall not exceed 90 days.
 - [C] **E.** If the time line established in Subsection [A.4.b] **C.**, above is not met and the applicant has not requested an extension as specified in Subsection **D.**, above, then the Director shall declare the application null and void if the property is occupied and the property owner shall be considered in violation of this Code.
 - [D] **F.** If the time line established in Subsection [A.4.b] **C.**, above is not met and the applicant has requested an extension as specified in Subsection **D.**, above and that time line as not been met, then the Director may require that the improvements be installed as specified in Subsection 5.17-150.

5.16-120 Submittal Requirements

Commentary. *Duplicative language regarding submittal requirements for Property Line Adjustments in Subsection B.3., is deleted. The remaining Subsections are renumbered accordingly. Consent language is found in reformatted Section 5.4-105B.2., which applies to all applications, but is not listed in this document.*

- B.** The following additional information shall be submitted with the Preliminary Survey:
1. A brief narrative explaining reason for the proposed Property Line Adjustment and the existing use of the lots/parcels.
 2. A copy of the current deeds for the lots/parcels.
 - ~~[3. If the applicant is not the property owner, written permission from all property owners is required.]~~
 - [4] **3.** A draft of the Property Line Adjustment deeds. For serial Property Line Adjustments that are reviewed under Type II procedure, separate deeds shall be prepared for each adjustment.
 - [5] **4.** For serial Property Line Adjustments reviewed under Type II procedure, the following shall be submitted:

- a. A written explanation of the sequencing of adjustments; and
- b. A diagram identifying each adjustment, in sequence, cross referenced to the Property line Adjustment deeds required in Subsection 4., above.

5.20-120 Submittal Requirements

Commentary. *The text proposed to be deleted in Subsection 5.j. is duplicative. Virtually the same text is found in reformatted Subsection C.1.*

C. The application shall include:

1. A legal description of the public rights-of-way, easement or Plat to be vacated prepared by an Oregon Licensed Land Surveyor or other professional approved by the Director;
2. The reason for the Vacation;
3. The proposed use of the property after Vacation;
4. For citizen initiated Vacations of public rights-of-way or Partition and Subdivision Plats, the petition of affected property owners;
5. A map prepared by an Oregon Licensed Land Surveyor or other professional approved by the Director of the area proposed to be vacated. The map shall show:
 - a. The date, north arrow, and standard scale;
 - b. The Assessor's Map and Tax Lot numbers of the affected properties and adjacent properties;
 - c. A Vicinity Map on the Site Plan (Vicinity Map does not need to be to scale);
 - d. All adjacent streets including street name, alleys, and accessways, and right-of-way and paving widths;
 - e. All dimensions of existing public utility easements and any other areas restricting use of the parcels, for example: conservation areas, slope easements, access easements;
 - f. Existing dimensions and square footage of the lots/parcels involved;
 - g. Proposed dimensions and square footage of the lots/parcels involved (applies to Vacations of undeveloped Subdivision Plats and right-of-way Vacations);
 - h. For public easement and right-of-way Vacations, clearly show dimensions of entire easement or right-of-way on or adjacent to the subject lots/parcels. Also clearly show dimensions of that portion proposed for Vacation, including square footage; and

- i. For right-of-way Vacations, demonstrate compliance with the boundary requirements of ORS 271.080 et seq.
- ~~j. The legal description of the easement, right of way or Plat, or portion thereof, proposed to be vacated.]~~

Commentary. *The proposed new Section and text explains a part of the current vacation process. Vacated right-of-way has always assumed the zoning of the abutting property.*

5.20-140 Zoning of Vacated Right-of-Way

Vacated right-of-way is incorporated into the abutting property, typically to the centerline. However, in cases where only one abutting property dedicated right-of-way, all the vacated right-of-way would be incorporated into that property. In any case, the vacated right-of-way acquires the zoning of the abutting property, without the need of a separate Zoning Map amendment.

CHAPTER 6 DEFINITIONS

Commentary. *The Downtown Exception Area was modified during the Downtown Refinement Plan approval process in 2006. The SDC was not amended at that time.*

Downtown Exception Area. An area defined by the Willamette River on the west, [40] 8th Street on the east, the alley between north B and north C Streets on the north, and a line north of the Southern Pacific Railroad tracks on the south.

Commentary. *The SDC does not exempt solar collectors from the building height limit. If a developer wants to go solar we require them to submit a Minor Variance application, which is a disincentive for energy conservation. The proposed text allows rooftop solar collectors and also small satellite dishes as "incidental equipment". See also the amendment of Subsection 4.7-105C, above.*

Incidental Equipment. Rooftop or pole mounted structures that cast insubstantial shadows or have minimal visual impact, including, but not limited to: antennas, chimneys solar collectors, small satellite dishes and flagpoles, but excluding [~~solar collectors and~~] large satellite dishes (See also **Accessory Structure**).

Commentary. *The terms "major or minor" partition no longer apply. This definition is now consistent with ORS 92.010(9).*

Partition Plat. A final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a [~~major or minor~~] partition.