Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development
635 Capitol Street, Suite 150
Salem, OR 97301-2540
(503) 373-0050
Fax (503) 378-5518
www.lcd.state.or.us

AMENDED NOTICE OF ADOPTED AMENDMENT

September 27, 2007

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Springfield Plan Amendment
DLCD File Number 007-07

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: October 10, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** **THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Marguerite Nabeta, DLCD Regional Representative
Steve Oulman, DLCD Transportation Planner
Amanda Punton, DLCD Natural Resource Specialist
Gary Karp, City of Springfield

<paa> ya

FORM 2

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

DEPT OF
SEP 20 2007
LAND CONSERVATION AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: **Springfield** Local file number: **LRP 2007-00015**

Date of Adoption: **9/17/2007** Date Mailed: **9/19/2007**

Date original Notice of Proposed Amendment was mailed to DLCD: **7/19/2007**

- ☐ Comprehensive Plan Text Amendment
- ☒ Land Use Regulation Amendment
- ☐ New Land Use Regulation
- ☐ Comprehensive Plan Map Amendment
- ☐ Zoning Map Amendment
- ☐ Other: _____

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

In 2004, the City received a technical assistance grant (TA-U-05-175) from DLCD to perform an audit of the Springfield Development Code (SDC). The City hired Chris Eaton of Eaton Planning to perform the audit in 2005. The Planning Commission and Council directed staff to revise the structure of the SDC without policy changes. The attached reformatted SDC is generally based upon the "Model Development Code & User Guide for Small Cities."

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

There have been some minor formatting and text revisions. None of these changes rise to the level of a policy change.

Plan Map Changed from: **N/A** to: **N/A**

Zone Map Changed from: **N/A** to: **N/A**

Location: **N/A** Acres Involved: **N/A**

Specify Density: Previous: **N/A** New: **N/A**

Applicable Statewide Planning Goals: **1**

Was and Exception Adopted? ☐ YES ☒ NO

DLCD File No.: 007-07 (16040)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) days prior to first evidentiary hearing?	☒ **Yes**	☐ **No**
If no, do the statewide planning goals apply?	☐ **Yes**	☐ **No**
If no, did Emergency Circumstances require immediate adoption?	☐ **Yes**	☐ **No**

Affected State or Federal Agencies, Local Governments or Special Districts:

None

Local Contact: **Gary M. Karp** Phone: **(541) 726-3777** Extension:

Address: **225 Fifth Street** City: **Springfield**

Zip Code + 4: **97477** Email Address: **gkarp@ci.springfield.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO (2) Copies** of the Adopted Amendment to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.

3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.

4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.

5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.

6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.

7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 6206 (General)

AN ORDINANCE AMENDING AND REFORMATTING THE SPRINGFIELD DEVELOPMENT CODE, ADOPTING A SEVERABILITY CLAUSE AND DECLARING AN EMERGENCY.

THE CITY COUNCIL OF THE CITY OF SPRINGFIELD FINDS THAT:

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

WHEREAS, in the 21 years since the adoption of the SDC, the City has made numerous minor amendments to the SDC to implement both State and local planning mandates and local planning priorities; and

WHEREAS, over time, these SDC amendments have resulted in a document that has become cumbersome and difficult to understand for both staff and potential developers; and

WHEREAS, in order to address these issues, the City contracted with Eaton Planning Services to perform an audit of the SDC in early 2005 funded by the Oregon Department of Land Conservation and Development (DLCD) with a Technical Assistance Grant; and

WHEREAS, the results of the audit were reviewed by the Planning Commission and City Council in Spring 2005 and staff was authorized to proceed with the SDC Edit and Reformat Project in order to make the SDC more contemporary and user-friendly; and

WHEREAS, the proposed amended and reformatted SDC is generally based on a layout used for the "Model Development Code for Small Cities" and converts the current three Chapters and 44 Articles into 6 Chapters; and

WHEREAS, the proposed amended and reformatted SDC does not include any "policy" changes; and

WHEREAS, the proposed amended and reformatted SDC does not create new land use regulations that may give rise to Ballot Measure 37 claims, or claims under proposed Ballot Measure 49; and

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

WHEREAS, on June 5, 2007, the Springfield Planning Commission held a work session and conducted a public hearing on this SDC reformat and amendment application (Case Number LRP 2007-00015) voting 5 to 0, with 2 absent to recommend approval of the proposed Ordinance to the City Council based upon findings in support of adoption of these amendments to the SDC as set forth in the Staff Report and the Recommendation to the Council incorporated herein by reference; and

WHEREAS, on July 16, 2007, staff prepared and distributed a copy of the proposed amended and reformatted SDC for Council review and comment.

WHEREAS, on September 17, 2007, the Springfield Common Council held a work session and conducted a public hearing and is now ready to take action on this application based upon findings in support of adoption of these amendments to the SDC as set forth in the aforementioned Staff Report to the Council incorporated herein by reference and the evidence and testimony already in the record as well as the evidence and testimony presented at this public hearing held in the matter of adopting this Ordinance amending the SDC.

NOW THEREFORE, THE CITY OF SPRINGFIELD ORDAINS AS FOLLOWS:

Section 1: The most-recent version of the Springfield Development Code, including: the Title Page; Table of Contents; Chapter I Procedures, including Articles 1-15, Chapter II Zoning and Overlay Districts, including Articles 16-30; Chapter III Development Standards, including Articles 31-44; and the Appendix 1-3 are hereby amended and reformatted as follows: the Title Page is revised; Table of Contents which complies with the new format; Chapter 1, Introduction, which explains the relationship of the SDC to the State-wide Planning Goals and the Metro Plan; Chapter 2, General Provisions, which contains the SDC's purpose and applicability, enforcement regulations and a discussion of application fees; Chapter 3, Land Use Districts, which discusses the City's Official Zoning Map and lists all Base Zoning Districts, Overlay Districts and Plan Districts and base development standards; Chapter 4, Development Standards, which contains both development standards not listed in Chapter 3 and specific development standards for certain uses; Chapter 5, Land Use Applications, which discusses the development review, the public hearing and appeals processes, and lists the procedures for land use, limited land use and other required applications; and Chapter 6, Definitions, which contains definitions for terms used throughout the Code.

Section 2: The amended and reformatted Springfield Development Code, a true copy of which is attached hereto and incorporated herein by reference, is herby adopted.

Section 3: 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 4: Construction/Interpretation. In amending and re-formatting the Springfield Development Code it is not the intent of the City of Springfield to create new land use regulations which may give rise to "Ballot Measure 37" claims or similar claims. In the event that a land use regulation re-formatted as described herein as a result of the reformatting is capable of two interpretations, one which may give rise to a claim for compensation pursuant to Ballot Measure 37, or proposed Ballot Measure 49, or other similar claims, and one which does not, the land use regulation should be interpreted in a way which does not give rise to the Ballot Measure 37, or proposed Ballot Measure 49 claim.

Section 5: Declaration of Emergency. It is hereby found and declared that matters pertaining to this amendment of the Springfield Development Code regarding the reformat affect the public health, safety and welfare of the City of Springfield and that this Ordinance shall, therefore, take effect immediately upon its passage by the Council and approval by the Mayor.

ADOPTED by the Common Council of the City of Springfield by a vote of 6 for and 0 against, this 17th day of September, 2007.

APPROVED by the Mayor of the City of Springfield, this 17th day of September, 2007.

ATTEST:

Mayor

Amy Sowa
City Recorder

REVIEWED & APPROVED
AS TO FORM
Joseph J Leahy
DATE 9/10/07
OFFICE OF CITY ATTORNEY

CITY OF SPRINGFIELD
DEVELOPMENT SERVICES DEPARTMENT
225 FIFTH STREET
SPRINGFIELD, OREGON 97477

NOTICE OF DECISION
SPRINGFIELD CITY COUNCIL

MAILING DATE OF NOTICE:	**September 19, 2007**
DATE OF DECISION:	**September 17, 2007**
EFFECTIVE DATE:	**September 17, 2007**
JOURNAL NUMBER:	**LRP 2007-00015**
APPLICANT:	**City of Springfield**

NATURE OF REQUEST

AN ORDINANCE AMENDING AND REFORMATTING THE SPRINGFIELD DEVELOPMENT CODE, ADOPTING A SEVERABILITY CLAUSE AND DECLARING AN EMERGENCY.

PURPOSE OF THE AMDNEMENTS

The SDC was adopted in May, 1986. In the 21 years since its adoption, the City has made piecemeal amendments to the SDC to implement both State and local planning mandates and local planning priorities. Over time, these SDC amendments have resulted in a document that has become cumbersome and difficult to understand for both staff and potential developers. In order to address these issues, the City contracted with Eaton Planning Services to perform an audit of the SDC in early 2005. That project was funded by the Oregon Department of Land Conservation and Development (DLCD) with a Technical Assistance Grant. The results of the audit were reviewed by the Planning Commission and Council in Spring 2005. Staff was authorized to proceed with the SDC Edit and Reformat Project in order to make the SDC more contemporary and user-friendly. Staff established a technical advisory committee to assist with the project. The proposed reformatted SDC is generally based on a layout used for the "Model Development Code for Small Cities" and converts the current 44 articles into 6 chapters. The proposed reformatted SDC also places current text describing various standards into tables, combines Subdivision and Partition regulations into one Section and reduces redundant language, for example, "consistency with the Metro Plan" is placed in one location and deleted from each individual zoning district description. The proposed reformatted SDC does not include any "policy" changes, such as additions to use lists or new development standards. These issues will be addressed later this year or early next year, in work sessions with the Planning Commission and Council.

PROCEEDINGS AND DECISION

On June 5, 2007, the Planning Commission held a work session and public hearing on this matter. There was no public testimony. The Planning Commission voted 5-0, with 2 absent to advise the Council to approve the proposed SDC amended and reformatted Ordinance. In July, due to the size of the document, staff provided the Council an opportunity to become familiar with the reformatted SDC in advance of this scheduled public hearing. Staff is requesting the adopting Ordinance include an emergency clause for this reason and in order to meet the time line for Lane County adoption, which is scheduled in October. Lane County must adopt amendments to the SDC as specified in the Intergovernmental Agreement which gives the City zoning authority between the city limits and the urban growth boundary. On September 17, 2007, the City Council held a work session and public hearing on this matter. There was no public testimony. The City Council voted 6-0 to approve SDC amended and reformatted Ordinance

ADDITIONAL INFORMATION

If you have questions concerning the amendment or the decision of the City Council in this matter, please contact Gary M. Karp, Senior Planner at 541.726.3775. E-mail address: gkarp@ci.springfield.or.us. The adopting ordinance, along with supporting staff reports and documents, are available for review between 8:00AM and 4:00PM, at the Development Services Department counter, Springfield City Hall, at 225 Fifth Street. These documents can be e-mailed to interested parties if an e-mail address is provided.

APPEAL

All parties are advised that a *Notice of Intent to Appeal* conforming to the requirements of the Oregon Revised Statutes 197.830(9) shall be filed on or before the 21st day after the mailing date of this notice. All parties are further advised to consult an attorney or land use consultant regarding their appeal.

AGENDA ITEM SUMMARY

SPRINGFIELD CITY COUNCIL

Meeting Date:	September 17, 2007
Meeting Type:	Work/Regular Session
Department:	Development Services
Staff Contact:	Gary M. Karp GK Bill
Staff Phone No:	726-3777
Estimated Time:	15 minutes/10 minutes

ITEM TITLE: PROPOSED AMENDMENT AND REFORMAT OF THE SPRINGFIELD DEVELOPMENT CODE.

ACTION REQUESTED: Conduct a work session and hold a public hearing and adopt or not adopt: AN ORDINANCE AMENDING AND REFORMATTING THE SPRINGFIELD DEVELOPMENT CODE, ADOPTING A SEVERABILITY CLAUSE AND DECLARING AN EMERGENCY.

ISSUE STATEMENT: The Council directed staff to proceed with the Springfield Development Code (SDC) Edit and Reformat Project in Spring 2005. The attached amended and reformatted SDC is the result of that project.

ATTACHMENTS:
Attachment 1: Staff Report, Findings and Order
Attachment 2: Proposed Reformatted SDC
Attachment 3: Ordinance Amending and Reformatting the SDC

DISCUSSION:

The SDC was adopted in May, 1986. In the 21 years since its adoption, the City has made piecemeal amendments to the SDC to implement both State and local planning mandates and local planning priorities. Over time, these SDC amendments have resulted in a document that has become cumbersome and difficult to understand for both staff and potential developers.

In order to address these issues, the City contracted with Eaton Planning Services to perform an audit of the SDC in early 2005. That project was funded by the Oregon Department of Land Conservation and Development (DLCD) with a Technical Assistance Grant. The results of the audit were reviewed by the Planning Commission and Council in Spring 2005. Staff was authorized to proceed with the SDC Edit and Reformat Project in order to make the SDC more contemporary and user-friendly. Staff established a technical advisory committee to assist with the project.

The proposed reformatted SDC is generally based on a layout used for the "Model Development Code for Small Cities" and converts the current 44 articles into 6 chapters. The proposed reformatted SDC also places current text describing various standards into tables, combines Subdivision and Partition regulations into one Section and reduces redundant language, for example, "consistency with the Metro Plan" is placed in one location and deleted from each individual zoning district description.

The proposed reformatted SDC does not include any "policy" changes, such as additions to use lists or new development standards. These issues will be addressed later this year or early next year, in work sessions with the Planning Commission and Council.

On June 5, 2007, the Planning Commission held a work session and public hearing on this matter. There was no public testimony. The Planning Commission voted 5-0, with 2 absent to advise the Council to approve the proposed SDC amended and reformatted Ordinance.

In July, due to the size of the document, staff provided the Council an opportunity to become familiar with the reformatted SDC in advance of this scheduled public hearing. Staff is requesting the adopting Ordinance include an emergency clause for this reason and in order to meet the time line for Lane County adoption, which is scheduled in October. Lane County must adopt amendments to the SDC as specified in the Intergovernmental Agreement which gives the City zoning authority between the city limits and the urban growth boundary.

ATTACHMENT 1
STAFF REPORT, FINDINGS AND ORDER

MEMORANDUM **CITY OF SPRINGFIELD**

DATE OF WORKSESSION/PUBLIC HEARING: June 5, 2007

TO: Springfield Planning Commission

FROM: Gregory S. Mott, Planning Manager
Gary M. Karp, Planner III

PLANNING COMMISSION TRANSMITTAL MEMORANDUM

SUBJECT: Amendment and reformat of the Springfield Development Code, City of Springfield, Applicant
Case Number - LRP 2007-00015

ISSUE

Conduct a work session and a public hearing on the proposed amendment and reformat of the Springfield Development Code (SDC) and decide whether to advise the City Council to approve, approve with amendments or deny the application.

DISCUSSION

The SDC was adopted in May, 1986. In the nearly 21 years since its adoption, the City has made piecemeal amendments to the SDC to implement both state and local planning mandates and local planning priorities. Over time, these SDC amendments have resulted in a document that has become cumbersome and difficult to understand for both staff and potential developers. In order to address these issues, the City contracted with Eaton Planning Services to perform an audit of the SDC in early 2005. That project was funded by the Oregon Department of Land Conservation and Development (DLCD) with a Technical Assistance Grant. The results of the audit were reviewed by the Planning Commission and City Council in Spring 2005. At that time, the Planning Commission recommended, and the City Council endorsed, proceeding with this SDC Edit and Reformat Project in order to make the SDC more contemporary and user-friendly. Staff established a technical advisory committee and has updated the Planning Commission several times during the course of this project. The proposed amended and reformatted SDC is generally based on a layout used for the "Model Development Code for Small Cities" and converts the current 44 articles into 6 chapters: Chapter 1, Introduction, explains the relationship of the SDC to the State-wide Planning Goals and the Metro Plan; Chapter 2, General Provisions, contains the SDC's purpose and applicability, enforcement regulations and a discussion of application fees; Chapter 3, Land Use Districts, discusses the City's Official Zoning Map and lists all Base Zoning Districts, Overlay Districts and Plan Districts and base development standards; Chapter 4, Development Standards, contains both development standards not listed in Chapter 3 and specific development standards for certain uses; Chapter 5, Land Use Applications, discusses the development review, the public hearing and appeals processes, and lists the procedures for land use, limited land use and other required applications; and Chapter 6, Definitions, contains definitions for terms used throughout the Code. The proposed amended and reformatted SDC also places current text describing various standards into tables, combines Subdivision and Partition regulations into one Section and reduces redundant language, for example, "consistency with the Metro Plan" is placed in one location and deleted from each individual zoning district description. The proposed amended and reformatted SDC does not include any "policy" changes, such as additions to use lists or new development standards. Policy issues and other potential text revisions that may be addressed after adoption of the SDC amendment and reformat are included in Attachment 3.

RECOMMENDATION

Staff recommends approval of the proposed SDC amendment and reformat based on the attached findings.

ACTION REQUESTED

Advise the City Council, by motion and signature of the attached order and recommendation by the Planning Commission Chairperson, to approve the proposed SDC amendment and reformat at their public hearing on July 2, 2007 (First Reading).

ATTACHMENTS

Attachment 1: Staff Report, Findings and Order
Attachment 2: Proposed Amended and Reformatted Springfield Development Code
Attachment 3: List of Potential Policy Issues and Text Revisions

ATTACHMENT 1
STAFF REPORT, FINDINGS AND ORDER
PROPOSED SPRINGFIELD DEVELOPMENT CODE AMENDMENT AND REFORMAT

APPLICANT

City of Springfield - **Jo. No. LRP 2007-00015**

REQUEST

Amendment and Reformat of the Springfield Development Code (SDC).

BACKGROUND

The SDC was adopted in May, 1986. In the nearly 21 years since its adoption, the City has made piecemeal amendments to the SDC to implement both state and local planning mandates and local planning priorities. Over time, these SDC amendments have resulted in a document that has become cumbersome and difficult to understand for both staff and potential developers. In order to address these issues, the City contracted with Eaton Planning Services to perform an audit of the SDC in early 2005. That project was funded by the Oregon Department of Land Conservation and Development (DLCD) with a Technical Assistance Grant. The results of the audit were reviewed by the Planning Commission and City Council in Spring 2005. At that time, the Planning Commission recommended, and the City Council endorsed, proceeding with this SDC Edit and Reformat Project in order to make the SDC more contemporary and user-friendly. Staff has updated the Planning Commission several times during the course of this project. The amended and reformatted SDC is generally based on a layout used for the "Model Development Code for Small Cities" and converts the current 44 articles into 6 chapters. The proposed amended and reformatted SDC also places text describing various standards into tables, combines Subdivision and Partition regulations into one Section and reduces redundant language, for example, "consistency with the Metro Plan" is placed in one location and deleted from each individual zoning district description. The proposed amended and reformatted SDC does not include any "policy" changes, such as additions to use lists or new development standards.

SPRINGFIELD DEVELOPMENT CODE CRITERIA FOR SDC AMENDMENTS

SDC 8.030 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: (1) The Metro Plan; (2) Applicable State statutes; and (3) Applicable State-wide Planning Goals and Administrative Rules."***

(1) 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:

This is an amendment and reformat of an existing specific regulation, the SDC. The SDC adopted in 1986 and the 60 plus amendments to the document since that time have complied with the Metro Plan policies. The intent is to make the SDC more contemporary and user-friendly, with no "policy" changes. Therefore, the proposed amended and reformatted SDC has no effect on, nor is it affected by Metro Plan policies.

"(2) Applicable State statutes,"

CHILD CARE FACILITIES

ORS 657A.250

Staff Response and Finding:

The proposed amended and reformatted SDC includes the change in terminology from "day care" to "child care" based on a recent amendment of ORS 657A.250, which regulates child care facilities in Oregon. This use is found in various use lists in proposed Chapter 3 and requires special siting standards as specified in proposed Section 4.7-125. Staff discussed this issue with the Planning Commission at a work session on January 17, 2007. The Planning Commission agreed with staff that the change in terminology was not a "policy" issue. This is an amendment and reformat of an existing specific regulation, the SDC. The intent is to make the SDC more contemporary and user-friendly, with no "policy" changes. However, the proposed amended and reformatted SDC is now consistent with the "child care" terminology contained in ORS 657A.250.

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:

The ORS cited above applies to the Department of Land Conservation and Development (DLCD) notification as required as part of the processing of this amended and reformatted SDC. The City sent notice for the proposed amended and reformatted SDC via FedEx to the DLCD on April 19, 2007. The notice included the proposed amended and reformatted SDC with commentary and background information. The notice needed to be received by DLCD by April 22, 45 days prior to the first evidentiary hearing (before the Planning Commission) scheduled for June 5, 2007. FedEx acknowledged DLCD receipt of the proposed amended and reformatted SDC on April 20, 2007. Therefore, the DLCD notice process cited above complies with ORS 197.610.

"(3) 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 Findings:

Goals 1-15. This is an amendment and reformat of an existing specific regulation, the SDC. The intent is to make the SDC more contemporary and user-friendly, with no "policy" changes. Therefore, except for Goal 1, the proposed amended and reformatted SDC has no effect on, nor is it affected by the State-wide Planning Goals (2 through 15).

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.

The SDC adopted in 1986 and the 60 plus amendments to the document since that time have complied with the State-wide Planning Goals. In this case, there are no State-wide Planning Goals or Administrative Rule which apply to this amended and reformatted SDC other than compliance with Goal 1, Citizen Involvement, pertaining to public notice. Notice of Planning Commission and City Council public hearings were printed in the Register Guard and placed on the City's web site on or before May 26, 2007. In addition, in April 2006, a questionnaire concerning this project was mailed to forty-three area architects, engineers, landscape architects, land surveyors and planners. Only two replied and those comments were deemed to be "policy" issues that will be addressed separately from this proposed amended and reformatted SDC.

Therefore, other than Goal 1, no other State-wide Planning Goals apply to the proposed amended and reformatted SDC.

CONCLUSION/RECOMMENDATION/REQUESTED ACTION

Staff has demonstrated criteria of approval listed in SDC 8.030: (1) Metro Plan policies; (2) State statutes; and (3) State-wide Planning Goals and Administrative Rules either do not apply to, or this proposed amended and reformatted SDC minimally impacts, the criteria.

Staff recommends the Planning Commission: approve the attached Order and forward the proposed amended and reformatted SDC to the City Council with a recommendation for adoption.

BEFORE THE PLANNING COMMISSION
OF THE CITY OF SPRINGFIELD, OREGON

ORDER AND RECOMMENDATION FOR]
THE SPRINGFIELD DEVELOPMENT CODE]
AMENDMENT AND REFORMAT]

JO. NO. LRP 2007-00015

RECOMMENDATION TO THE CITY COUNCIL

NATURE OF THE APPLICATION

In Spring 2005, the Planning Commission recommended, and the City Council endorsed, proceeding with the SDC Edit and Reformat Project in order to make the SDC more contemporary and user-friendly. The amended and reformatted SDC is generally based on a layout used for the "Model Development Code for Small Cities" and converts the current 44 articles into 6 chapters. The proposed amended and reformatted SDC also places text describing various standards into tables, combines Subdivision and Partition regulations into one Section and reduces redundant language, for example, "consistency with the Metro Plan" is placed in one location and deleted from each individual zoning district description. The proposed amended and reformatted SDC does not include any "policy" changes, such as additions to use lists or new development standards.

1. On April 17, 2007 the following application was accepted:

   Jo. No. LRP 2007-00015 – City of Springfield, Applicant – Springfield Development Code Amendment and Reformat.

2. The application was initiated and submitted in accordance with Section 3.050 of the Springfield Development Code. Timely and sufficient notice of the public hearing, pursuant to Section 14.030 of the Springfield Development Code, has been provided.

3. On June 5, 2007 the Planning Commission held a work session and public hearing on the proposed amended and reformatted SDC. The Development Services Department staff notes and recommendation together with the oral testimony and written submittals of the persons testifying at that hearing have been considered and are part of the record of this proceeding.

CONCLUSION

On the basis of this record, the proposed amended and reformatted SDC is consistent with the criteria of **Section 8.030(1-3) of the Springfield Development Code**. This general finding is supported by the specific findings of fact and conclusion in Attachment 1, Staff Report and Findings.

ORDER/RECOMMENDATION

It is **ORDERED** by the Springfield Planning Commission that approval of **JO. NO. LRP 2007-00015,** be **GRANTED** and a **RECOMMENDATION** for approval forwarded to the Springfield City Council.

Planning Commission Chairperson

ATTEST

AYES: 5
NOES: 0
ABSENT: 2
ABSTAIN: 0

ATTACHMENT 2
PROPOSED REFORMATTED SDC

Springfield Development Code

Adopted and Effective September 18, 2007









Development Services Department
225 Fifth Street
Springfield, OR 97477

SPRINGFIELD

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CHAPTER 1
INTRODUCTION

Section

1.1-100 **Synopsis**

1.2-100 **Legal Framework**

Section 1.1-100 Synopsis

The Springfield Development Code (SDC) is a comprehensive land use and development document that governs all of the land within Springfield's city limits and its urban services area. The six chapters of this Code are organized as follows:

Chapter 1- Introduction

Chapter 1 contains this synopsis and explains the relationship of this Code to the Statewide Planning Goals and the Metro Plan.

Chapter 2- General Provisions

Chapter 2 explains the Code's purpose and applicability, enforcement regulations and the establishment of application fees.

Chapter 3- Land Use Districts

Chapter 3 discusses the City's Official Zoning Map which is a separate document depicting the zoning of every lot/parcel within Springfield's jurisdiction. This Chapter also lists all Base Zoning Districts, Overlay Districts and Plan Districts. Finally, this Chapter identifies the land uses that are permitted within each district; basic development standards: for example, lot/parcel size, setbacks, and building height; and use-specific design standards applicable to certain zones.

Chapter 4- Development Standards

Chapter 4 contains development standards that regulate transportation and utility infrastructure; landscaping, screening and fences; on-site lighting; vehicle and bicycle parking; and specific development standards for specific uses, including, but not limited to: accessory structures, professional uses, and residential uses in commercial zoning districts.

Chapter 5- Land Use Applications

Chapter 5 discusses the development review; the public hearing; and appeals processes. This Chapter lists the procedures for land use, limited land use and other required applications, for example, Discretionary Uses, Land Divisions (Partitions and Subdivisions) Site Plan Review, Master Plans and Zoning Map Amendments.

Chapter 6- Definitions

Chapter 6 contains definitions for terms used throughout this Code.

Section 1.2-100 Legal Framework

1.2-105 Statewide Planning Goals and the Metro Plan

The Land Conservation and Development Commission (LCDC) and the Oregon Land Use Planning Program were enacted in 1973. LCDC was directed to adopt Statewide Planning Goals addressing a range of topics specified by the legislature. After conducting hearings around the State, LCDC adopted the following 19 Statewide planning goals:

Goal 1	Citizen Involvement	**Goal 11**	Public Facilities and Services
Goal 2	Land Use Planning—Exceptions	**Goal 12**	Transportation
Goal 3	Agricultural Lands	**Goal 13**	Energy Conservation
Goal 4	Forest Lands	**Goal 14**	Urbanization
Goal 5	Open Spaces, Scenic and Historic Areas and Natural Resources	**Goal 15**	Willamette Greenway
Goal 6	Air, Water and Land Resources Quality	**Goal 16***	Estuarine Resources
Goal 7	Areas Subject to Natural Disasters and Hazards	**Goal 17***	Coastal Shorelands
Goal 8	Recreational Needs	**Goal 18***	Beaches and Dunes
Goal 9	Economic Development	**Goal 19***	Ocean Resources
Goal 10	Housing		

* Goals 16-19 do not apply to Springfield.

1.2-110 Oregon's Land Use Planning Program- Comprehensive Plans

Oregon's Statewide Planning Goals are achieved through local comprehensive planning. State law requires each city and county to have a comprehensive plan which includes background inventories with technical information and plan policies which are choices about future land uses. The comprehensive plan must be consistent with the applicable Statewide Planning Goals. When LCDC has officially approved a local government's plan, that plan is said to be "acknowledged." An acknowledged local comprehensive plan is the controlling document for land use in the area covered by that plan.

Springfield's comprehensive plan is the Eugene-Springfield Metropolitan General Plan (Metro Plan) which was acknowledged by LCDC in 1982. The Metro Plan has evolved since then as a result of: 1) Plan amendments which are adjustments that occur occasionally, usually effecting small parts of the Plan or small geographic areas; and 2) Periodic reviews which are broad evaluations of the entire Plan that occur every 4 to 10 years.

1.2-115 Oregon's Land Use Planning Program- Local Implementation Regulations

The Metro Plan is a "general" document that must be implemented by more detailed regulations. The two most common regulations are zoning and land-division ordinances. In Springfield zoning and land-division regulations are found in one document, the Springfield Development Code.

1.2-120 Local Implementation Regulations- Springfield Development Code Application Review Procedures

All applications required by the Springfield Development Code are decided by using Type I, II, III, and IV review procedures. The procedure "type" assigned to each application governs the decision-making process for that application. An abbreviated version of the procedure types is listed below. A more detailed version of the procedure types is found in Sections 5.1-125 through 5.1-140.

Type I Decisions. These staff decisions are made without public notice and or a public hearing. A mailed notice of decision is sent to the applicant.

Type II Decisions. These staff decisions are made after public notice, but without a public hearing, unless there is an appeal.

- Mailed notice is sent to the applicant and all property owners within 300 feet of the proposal and applicable neighborhood associations. Notice is posted on the affected property.

- Any noticed property owner or person may present written comments to the City which addresses the relevant criteria of approval. The comments must be received by the City within 14 calendar days from the date on the notice to give the commenter "standing" for an appeal.

- A preliminary decision is made based on the information presented and conditions may be imposed. A mailed notice of preliminary decision is sent to the property owner and all parties who responded to the public notice.

- Any person with standing and the applicant may appeal the decision to the Planning Commission or the Hearings Official.

- Some Type II decisions, for example, Site Plan Review and land divisions (Partitions and Subdivisions) require a separate application for final approval.

Type III Decisions. Planning Commission (city limits) or Hearings Official (urban services area) quasi-judicial decisions are made after public notice and a public hearing.

- Mailed notice is sent to the applicant and all property owners within 300 feet of the proposal and applicable neighborhood associations. Newspaper notice is published. Notice is posted on the affected property.

- The Planning Commission or Hearings Official is responsible for implementing the Metro Plan, the Springfield Development Code and other applicable planning documents through the review and approval of discretionary applications for land development, or when the Director elevates a Type II review to a Type III review. At the public hearing, any property owner or person may present oral or written comments which address the relevant criteria and standards. When granting approval of an application, the Planning Commission or Hearings Official may attach conditions beyond those necessary for compliance with the Springfield Development Code.

- A mailed notice of decision is sent to all those who participated in the public hearing. Any person with standing and the applicant may appeal the Planning Commission decision to the City Council or the Hearings Official decision to the Land Use Board of Appeals.

Type IV Decisions. City Council legislative decisions are made after public notice and a recommendation by the Planning Commission to the City Council (two public hearings).

- Mailed notice is sent to the applicant and all property owners within 300 feet of the proposal and applicable neighborhood associations. Newspaper notice is published. Notice is posted on the affected property.

- At the Planning Commission public hearing, interested persons may present evidence and testimony relevant to the proposal. The Planning Commission will make findings for each of the applicable criteria and make a recommendation to the City Council.

- At the City Council public hearing, the staff will review the Planning Commission's recommendation and provide other pertinent information for the City Council's consideration. Interested persons will be given the opportunity to present testimony and information relevant to the proposal. The City Council will make findings for each of the applicable criteria and in doing so may uphold, modify or reverse a finding of the Planning Commission. When granting approval of an application, the City Council may attach conditions beyond those necessary for compliance with the Springfield Development Code. The City Council's decision will become effective by passage of an ordinance or resolution.

- A mailed notice of decision is sent to all those who participated in the public hearing. Any person with standing and the applicant may appeal the City Council decision to the Land Use Board of Appeals.

1.2-125 Local Implementation Regulations- The Planning Commission and City Council

The Planning Commission and the City Council have distinctly different roles. City Councilors are policy makers. They are elected by and are responsive to the public whom they represent. Planning Commissioners are appointed by the City Council. Planning Commissioners work within established policy, but make recommendations on policy issues to the City Council.

CHAPTER 2
GENERAL PROVISIONS

Section

2.1-100 General Provisions

Section 2.1-100 General Provisions

2.1-105 Title

This Ordinance is known and may be cited as the "Springfield Development Code" and is referred to as "this Code or "the Code".

2.1-110 Purpose

The regulations contained in this Code are intended to ensure that development is:

A. Sited on property zoned in accordance with the applicable Metro Plan diagram and/or applicable Refinement Plan diagram, Plan District map, and Conceptual Development Plan;

B. Served by a full range of key urban facilities and services that can be provided in an orderly and efficient manner; and

C. Consistent with the applicable standards of this Code.

2.1-115 Applicability

A. Land may be used, or developed by land division or otherwise, and a structure may be used or developed by construction, reconstruction, alteration, and occupancy or otherwise, only as this Code permits.

B. In addition to the requirements of this Code, all uses and development shall comply with all other applicable City, regional, State, and Federal regulations. All references in this Code to other City, regional, State, or Federal regulations are for informational purposes only and do not constitute a complete list of these regulations. These references do not imply any responsibility by the City for enforcement of regional, State, or Federal regulations. All references to other City, regional, State, or Federal regulations in this Code refer to the most current version and citation for those regulations, unless specifically indicated otherwise. Where the referenced regulations have been repealed, requirements in this Code for compliance are no longer in effect.

2.1-120 Enforcement

A. The Director, in consultation with the City Attorney and affected Division/Department heads, is responsible for the enforcement of this Code. Whenever the Director reasonably believes a violation of any provision of this Code has occurred, or when necessary to investigate an application for or revocation of any Development Approval, the Director may enter on any site in a reasonable manner.

B. Enforcement of this Code may be through the applicable procedures for abatement and civil infractions in the Springfield Municipal Code (SMC), 1997. The enforcement remedies available under this Code or the SMC are not exclusive and do not preclude the City from using any other remedies available

by law. In addition, the Building Official may order any work stopped by notice in writing.

C. Upon a request from the Director, the City Attorney shall institute any necessary legal proceedings to enforce the provisions of this Code.

2.1-125 Violation and Penalties

The Director may, in writing, suspend or revoke any permit or approval granted under the provisions of this Code: whenever the permit or approval is granted in error on the basis of incorrect information supplied or whenever its granted (or activity permitted is) in violation of any ordinance or regulation; or whenever the holder of the permit or approval violated the provisions of either this Code or the SMC.

2.1-130 Severability

If any portion of this Code is declared by a Court of law to be invalid or ineffective in whole or in part, that decision shall not affect the validity of the remaining portions.

2.1-135 Fees

A. The City Council shall establish fees by separate Resolution for the performance of the actions and reviews required by this Code. The list of fees is available at the Development Services Department.

B. Payment of these fees is required at the time of application submittal. No application will be accepted without payment of the appropriate fee in full, unless the applicant qualifies for a fee waiver, as specified in Subsection C., below.

C. Fee Waivers. The following fee waivers apply only within the Springfield city limits to the following agencies and/or persons:

1. Non-profit affordable housing providers.

a. Development fees required by this Code may be waived for up to 50 affordable housing units per year or more, upon the determination of need by the Director in order to encourage the construction of affordable housing. Affordable housing is defined as newly constructed housing that is either for:

i. Rental housing for households with incomes below 60 percent of the area median income, as determined by the Federal Housing and Urban Development (HUD) income limits in effect at the time of submittal; or

ii. Home ownership housing sold to households with incomes below 80 percent of the area median income, as determined by the HUD income limits in effect at the time of submittal.

b. The property owner shall enter into a contractual agreement with the City for a 5-year period of affordability for each project to assure compliance with the stated intent of the project. In addition, all of the approval criteria listed below shall be met:

i. Proof of registered non-profit status;

ii. Adequate documentation that the housing meets appropriate standards regarding household income, rent levels, sales price, location, and number of units;

iii. For rental housing, adequate documentation that the housing shall remain exclusively available to low-income households at affordable rents for the period of affordability;

iv. For home ownership housing, adequate documentation that this housing is sold exclusively to low-income households at an affordable sales price, and additional documentation that if the housing is resold within the period of affordability, the housing shall only be sold another low-income household at an affordable sales price.

v. Adequate documentation that if, within the period of affordability, the use of the property is no longer for low-income housing, the owner shall pay the waived development fee from which the owner or any prior owner was exempt; and

vi. Recording of appropriate covenants and documentation to insure compliance with the requirements specified in this Subsection.

2. Low income citizens. Development fees required by this Code may be waived by the Director when the applicant is considered to be low income, as determined by the HUD income limits in effect at the time of submittal.

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

E. Application modification or amendment fees. An additional fee is required for modifications or amendments to an approved preliminary or final application.

F. Application withdrawal. The Director shall determine the return of any fees upon a written request by the applicant based upon the following factors:

1. The time and level of review that went into the preparation of the staff report; and

2. City expenses prior to and during the preparation of the staff report.

3. **EXCEPTION:** Postage fees will not be returned.

CHAPTER 3
LAND USE DISTRICTS

Section	
3.1-100	Official Zoning Maps
3.2-100	Base Zoning Districts
3.2-200	Residential Zoning Districts
3.2-300	Commercial Zoning Districts
3.2-400	Industrial Zoning Districts
3.2-500	Medical Services Zoning District
3.2-600	Mixed Use Zoning Districts
3.2-700	Public Land And Open Space Zoning District
3.2-800	Quarry And Mining Operations Zoning District
3.3-100	Overlay Districts
3.3-200	Drinking Water Protection Overlay District
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3.3-600	Reserved For Future Use
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3.3-900	Historic Overlay District
3.3-1000	Nodal Development Overlay District
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3.4-100	Plan Districts
3.4-200	Glenwood Riverfront Plan District

Section	
3.4-300	Booth-Kelly Mixed Use Plan District
3.5-100	Refinement Plan Policies (Reserved For Future Use)

Section 3.1-100 Official Zoning Maps

3.1-105 Official Zoning Maps - Description

Zoning district boundaries are shown on the Official Zoning Maps of the City. The Official Zoning Maps are a part of this Code, but are published separately. Maps that delineate areas subject to additional zoning regulations may be included in this Code, attached to an adopting ordinance, or adopted by reference. The Development Services Department shall maintain the Official Zoning Maps.

3.1-110 Zoning Map Amendments

A proposed change to the Official Zoning Maps is subject to the amendment process described in Section 5.22-100.

3.1-115 Determination of Zoning District Boundaries

Where uncertainty exists relating to any zoning district boundaries shown on the Official Zoning Maps, the Director shall determine the boundaries as specified in the following criteria:

A. Lot/parcel Lines. Where zoning district boundaries are indicated as approximately following lot/parcel lines, the lot/parcel lines are considered to be the boundaries.

B. Multi-zoned Lot/parcels. Where a zoning district's boundary line divides a lot/parcel and the boundary line location is not otherwise designated by ordinance or other action, the location of the boundary line is determined by use of the scale appearing on the Official Zoning Maps.

C. Street Lines.

1. Where zoning district boundaries are indicated as approximately following the centerline of a public right-of-way, these lines are considered to be the district boundaries.

2. When a public right-of-way is lawfully vacated, the zoning district boundary is the centerline of the vacated right-of-way, unless indicated otherwise.

3. The lands formerly within the public right-of-way are subject to the same zoning regulations that are applicable to the underlying property, unless the zoning is changed by separate action.

D. Water Courses. Zoning district boundary lines shall follow the centerlines of water courses, unless the boundary lines are fixed by dimensions shown on the Official Zoning Maps.

E. Geographic Areas. Zoning District boundary lines may follow ridgelines, the toe of a hill and/or specific elevation contours.

3.1-120 Zoning Verification

A property owner may obtain a written verification of the zoning of a lot/parcel by applying for a Land Use and Zoning Compatibility Statement.

Section 3.2-100 Base Zoning Districts

3.2-100 Base Zoning Districts

The Base Zoning Districts implement policies of the Metro Plan and any applicable refinement plan or plan district; regulate the use of land, structures and buildings; and protect the public health, safety and welfare. The following base zoning districts are established consistent with applicable Metro Plan designations:

Section	*Base Zoning District Name*	*Metro Plan Designation*
3.2-200	**Residential Zoning Districts**	
	LDR Low Density Residential	Low Density Residential
	MDR Medium Density Residential	Medium Density Residential
	HDR High Density Residential	High Density Residential
3.2-300	**Commercial Zoning Districts**	
	NC Neighborhood Commercial	Neighborhood Commercial Facilities **(1)**
	CC Community Commercial	Community Commercial Centers
	MRC Major Retail Commercial	Major Retail Center
	GO General Office	Community Commercial Center & Major Retail Commercial Center
3.2-400	**Industrial Zoning Districts**	
	CI Campus Industrial	Campus Industrial
	LMI Light-Medium Industrial	Light Medium Industrial
	HI Heavy Industrial	Heavy Industrial
	SHI Special Heavy Industrial	Special Heavy Industrial
3.2-500	MS Medical Services District	**(2)**
3.2-600	**Mixed Use Districts**	
	MUC Mixed Use Commercial	Mixed Uses
	MUE Mixed Use Employment	Mixed Uses
	MUR Mixed Use Residential	Mixed Uses
3.2-700	PLO Public Land and Open Space	Public and Semi-Public
3.2-800	QMO Quarry and Mining Operations	Sand and Gravel

(1) Low, Medium, and High Density Residential
(2) Medium, High Density Residential, Community Commercial Center; Major Retail Center, and Mixed Use

Section 3.2-200 Residential Zoning Districts

3.2-205 Establishment of Residential Zoning Districts

The following residential zoning districts are established where the minimum level of urban services is provided:

A. Low Density Residential District (LDR). The LDR District establishes sites for residential development where the maximum dwelling units per developable acre permitted is 10, consistent with the provisions of this Code. Fractions will be rounded down to the next whole number.

B. Medium Density Residential District (MDR). The MDR District establishes sites for residential development where single family or multiple family dwellings are permitted with a minimum density of more than 10 units per developable acre and a maximum density of 20 units per developable acre, consistent with the provisions of this Code. Fractions will be rounded down to the next whole number. Land divisions shall not be used to diminish the minimum density standard.

C. High Density Residential District (HDR). The HDR District establishes sites for residential development where single family or multiple family dwellings are permitted with a minimum density of more than 20 units per developable acre and a maximum density of 30 units per developable acre, consistent with the provisions of this Code. Fractions will be rounded down to the next whole number. Land divisions shall not be used to diminish the minimum density standard.

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 RV's in existing RV or Manufactured Dwelling Parks RV's as a temporary use – Emergency Medical Hardship (Section 5.10-100)	N P P	N N N	N N N
Prefabricated dwellings	P	P	P*
Group Care Facilities (Section 4.7-155) Foster homes for over 5 children Residential care facilities with more than 15 persons include: Group care homes, congregate care facilities, nursing homes and retirement homes	P* D*	P* S*	P* S*
Halfway houses	N	D*	D*
Residential Facilities – 6 to 15 persons Residential Home – 5 or fewer persons Shelter Homes for abused and battered persons	P P P	P* P P*	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*
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 3 to 5 bedrooms more than 5 bedrooms	P* S* N	P* P* P*	P* 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) 6 or more students (Section 4.7-195)	P* D*	P* D*	P* D*
Parks – Neighborhood and private (Section 4.7-200)	D*	D*	D*
Commercial Uses			
Home Occupation (Section 4.7-165)	S	S	S

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

3.2-215 Base Zone Development Standards

The following base zone development standards are established.

	Residential Zoning District		
Development Standard	***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 fro the inner travel edge (pavement or gravel) within the panhandle to the face of the structure. 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)**	30 feet	35 feet	35 feet

(1) 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 in the LDR District as specified in this Section and Section 4.7-140. This standard is required to allow for the future the division of the lot/parcel to create separate ownership for each duplex dwelling unit.

(3) On lots/parcels with more than 15 percent slope, 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.

3.2-220 Additional Panhandle Lot/Parcel Development Standards

A. Special provisions for lots/parcels with panhandle driveways:

1. Panhandle driveways are permitted where dedication of public right-of-way is impractical or to comply with the density standards in the applicable zoning district. Panhandle driveways shall not be permitted in lieu of a public street, as determined by the Director.

2. Panhandle driveways shall not encroach upon or cross a watercourse, other body of water or other topographic feature unless approved by the Director and the City Engineer.

3. The area of the pan portion does not include the area in the "panhandle" driveway.

4. No more than 4 lots/parcels or 8 dwelling units shall take primary access from one multiple panhandle driveway.

5. The paving standards for panhandle driveways are:

a. 12 feet-wide for a single panhandle driveway from the front property line to a distance of 18 feet, where there is an unimproved street; and from the front property line to the pan of the rear lot/parcel,. where there is an improved street; and

b. 18 feet-wide for a multiple panhandle driveway from the front property line to the pan of the last lot/parcel. This latter standard takes precedence over the driveway width standard for multiple family driveways specified in Table 4.2-2.

B. The Director may waive the requirement that buildable lots/parcels have frontage on a public street when access has been guaranteed via a private street, or driveway with an irrevocable joint use/access easement as specified in Section 4.2-120A. In the residential districts, when a proposed land division includes single or multiple panhandle lots/parcels and the front lot/parcel contains an existing primary or secondary structure, the Director may allow an irrevocable

joint use/access easement in lieu of the panhandles when there is not enough area to meet both the applicable panhandle street frontage standard and the required 5 foot-wide side yard setback standard for the existing structure. In this case, the irrevocable access easement width standard shall be:

1. 14 feet-wide for a single panhandle lot/parcel in the LDR District.

2. 20 feet-wide for a single panhandle in the MDR and HDR District, or where multiple panhandles are proposed in any residential district.

3.2-225 Base Solar Development Standards

A. Building Placement for Solar Protection. All buildings in the LDR and MDR Districts shall protect the solar access of neighboring residential lots/parcels unless specified elsewhere in this Code.

1. Solar Setback Standard. The proposed building shall comply with one of the Subsections below.

a. Solar Setback. The solar setback of the shade point shall be greater than or equal to the setback specified in Table 3.2-1 or as computed using the following formula.

SSB = (2.5 x SPH) + (N/2) – 75

Where:

SSB = The solar setback (the horizontal distance between the shade point and the Northern lot/parcel line in feet, (See Figure 3.2-A);

SPH = The height of the shade point in feet (See Figures 3.2-D and E); and

N = The north-south dimension in feet, provided that a north-south dimension more than 90 feet shall use a value of 90 feet for this calculation. Provided, the solar setback of the shade point may be decreased 2.5 feet above the amount calculated using the formula or Table 3.2-A for each foot that the average grade at the rear property line exceeds the average grade at the front property line.

b. Alternative Standard: Maximum Shade Point Height. The maximum height of the shade point shall be less than or equal to the height specified in Table 3.2-B or as computed using the following formula:

$$\underline{SPH = (2 \times SSB) - N + 150}$$
$$5$$

provided, the maximum allowed height of the shade point may be increased one foot above the amount calculated using the formula

or Table 3.2-2 for each foot that the average grade at the rear property line exceeds the average grade at the front property line.

c. Performance Option. The proposed building shall not shade more than 20 percent of the south-facing wall of existing habitable buildings, or, where applicable, the proposed building will comply with Section 3B or 3C of the Solar Design Standards. If Section 3B is used, the shade point of the building shall be setback from the solar building line 2.5 feet for every 1-foot of height of the shade point.

2. The solar setback for panhandle lots/parcels is calculated on the north-south dimension of the pan portion of the lot/parcel. The southern-most lot/parcel, with a north south dimension less than 60 feet in the pan portion of the lot/parcel shall have a restricted building height of 21 feet.

3. Exemptions. A building is exempt from the Solar Setback Standards when any of the following conditions exist:

a. Slopes. The lot/parcel on which the building is located has an average slope 20 percent or more in a direction greater than 45 degrees east or west of true south.

b. Pre-existing Shade. The building will shade an area that is shaded by one or more of the following:

i. An existing or approved building or structure;

ii. A topographic feature; or

iii. A non-exempt tree that will remain after development of the site. It is assumed that a tree will remain after development if: it is situated in a required setback; or it is part of a developed area, public park, or legally reserved open space; or it is part of landscaping required pursuant to this code. A duly executed covenant also can be used to preserve trees causing the shade.

c. Insignificant Benefit. The proposed building shades one or more of the following:

i. A non-developable area, for example, designated open space or streets, or a public use, which does not need solar access (park land, street, public facility) or similar uses.

ii. The wall of an unheated space, for example a garage, excluding solar greenhouses and other similar solar structures.

iii. Shade less than 20 square feet of south-facing glazing.

B. Building Height Restrictions for Solar Protection. In residential districts, the maximum building height is determined by solar access considerations, as specified in Section 3.2-215. No building is required to be less than 21 feet in height when set back from the northern lot/parcel line a minimum of one-half of the north-south dimension. Where the HDR District abuts an LDR or MDR District, the building height standard of the HDR District is one of the following:

1. When abutting an LDR or MDR District to the north, the maximum building height for the HDR District is defined by the Maximum Shade Point Height requirement of Section 3.2-225A.1.b. up to 50 feet south of a northern lot/parcel line or on a plane extending south with an angle of 23 degrees and originating from the top of a 16-foot hypothetical fence located on the northern lot/parcel line. In the HDR District, the maximum height may be increased to 50 feet when set back 200 feet from an LDR or MDR lot/parcel line.

2. When abutting an LDR or MDR District to the east, west or south, the building height limitation on the HDR District shall be no greater than permitted in the LDR or MDR District for a distance of 50 feet. In the HDR District, the maximum height may be increased to 50 feet when set back 200 feet from an LDR or MDR lot/parcel line.

C. Solar Access Tables and Diagrams

Table 3.2-1 Solar Setback Table For LDR and MDR Districts

	North–South Lot/Parcel Dimension												
Shade Point Height (Feet)	**+100**	**95**	**90**	**85**	**80**	**75**	**70**	**65**	**60**	**55**	**50**	**45**	**40**
12	0	0	0	0	0	0	0	0	0	0	0	0	0
14	5	5	5	3	0	0	0	0	0	0	0	0	0
16	10	10	10	8	5	3	0	0	0	0	0	0	0
18	15	15	15	13	10	8	5	3	0	0	0	0	0
20	20	20	20	18	15	13	10	8	5	3	0	0	0
22	25	25	25	23	20	18	15	13	10	8	5	3	0
24	30	30	30	28	25	23	20	18	15	13	10	8	5
26	35	35	35	33	30	28	25	23	20	18	15	13	10
28	40	40	40	38	35	33	30	28	25	23	23	18	15
30	45	45	45	43	40	38	35	33	30	28	25	23	20
32	50	50	50	48	45	43	40	38	35	33	30	28	25
34	55	55	55	53	50	48	45	43	40	38	35	33	30
36	60	60	60	58	55	53	50	48	45	43	40	38	35
38	65	65	65	63	60	58	55	53	50	48	45	43	40
40	70	70	70	68	65	63	60	58	85	53	50	48	45

Solar Setback = (2.5 x SPH) – 75 + (N/2)
Where: SPH = Height of the Shade Point
N = North – South Lot/parcel Dimensions

Table 3.2-2 Shade Point Height Table

	North-South Lot/Parcel Dimension												
Solar Setback (Feet)	**+100**	**95**	**90**	**85**	**80**	**75**	**70**	**65**	**60**	**55**	**50**	**45**	**40**
5	14	14	14	15	16	17	18	19	20	21	22	23	24
10	16	16	16	17	18	13	20	21	22	23	24	25	26
15	18	18	18	19	20	21	22	23	24	25	26	27	28
20	20	20	20	21	22	23	24	25	26	27	28	29	30
25	22	22	22	23	24	25	26	27	28	29	30	31	32
30	24	24	24	25	26	27	28	29	30	31	32	33	34
35	26	26	26	27	28	29	30	31	32	33	34	35	36
40	28	28	28	29	30	31	32	33	34	35	36	37	38
45	30	30	30	31	32	33	34	35	36	37	38	39	40
50	32	32	32	33	34	35	36	37	38	39	40	41	42
55	34	34	34	35	36	37	38	39	40	41	42	43	44
60	36	36	36	37	38	39	40	41	42	43	44	45	46
65	38	38	38	39	40	41	42	43	44	45	46	47	48
70	40	40	40	41	42	43	44	45	46	47	48	47	50
75	42	42	42	43	44	45	46	47	48	49	50	51	52
80	44	44	44	45	46	47	48	49	50	51	52	53	54

Shade Point Height = $\frac{(2 \times SSB) - N + 150}{5}$

Where: SSB = Solar setback from the northern lot/parcel line to the shade point
N = North – South Lot/parcel Dimensions

Figure 3.2-A
Front Lot Line

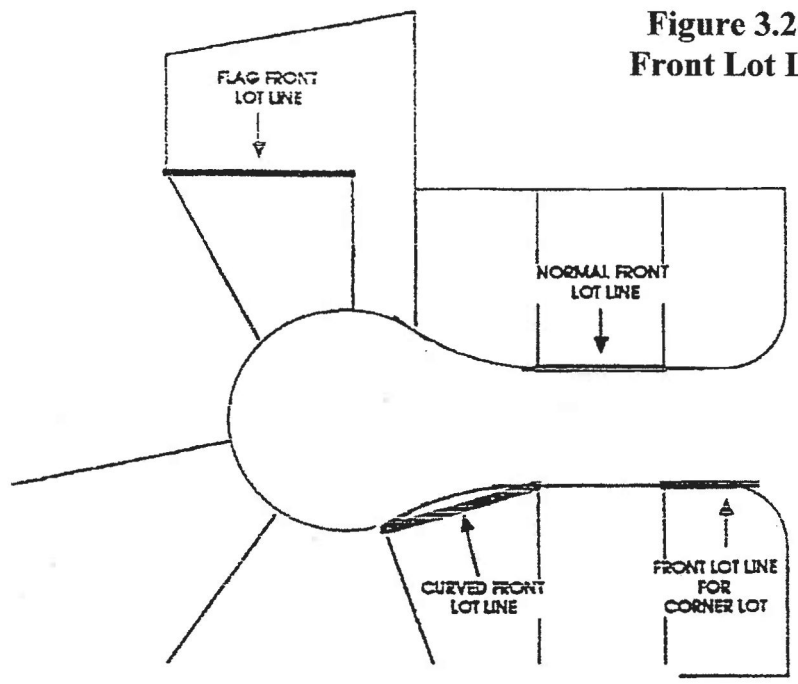


Figure 3.2-B
Northern Lot Line

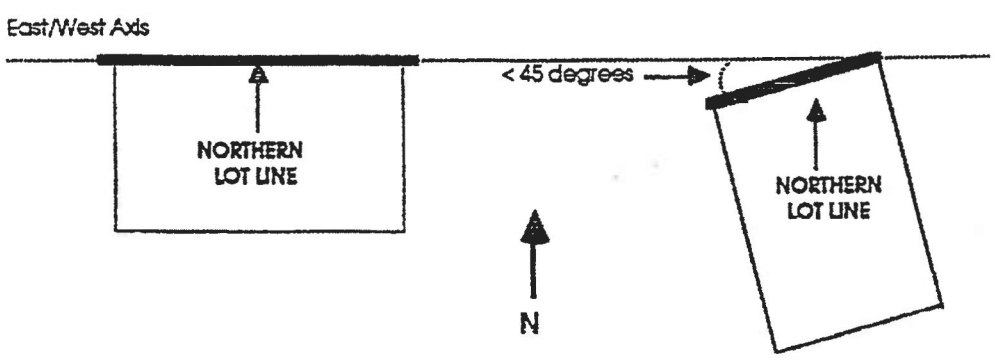


Figure 3.2-C
North – South Lot Dimension

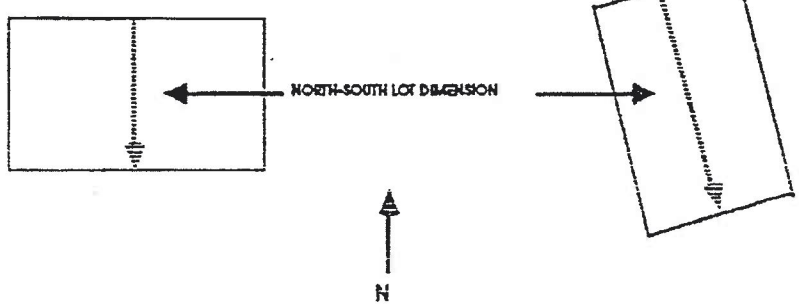
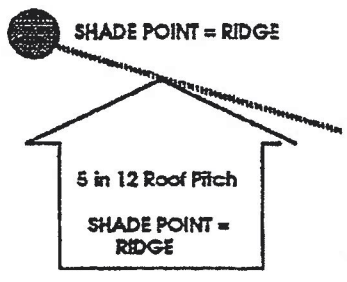
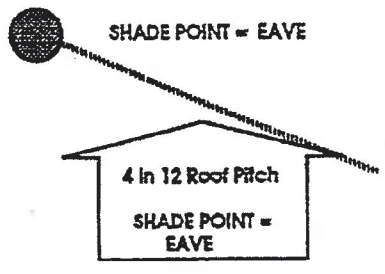


Figure 3.2-D
Shade Point Height of the Building

If the ridgeline runs EAST-WEST and the pitch is 5 in 12 or greater



If the ridgeline runs EAST-WEST and the pitch is 4 in 12 or flatter



SHADE POINT = RIDGE POINT

If the ridgeline runs NORTH-SOUTH measure from the northern-most point of the ridge.

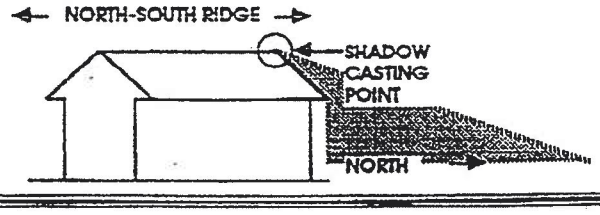


Figure 3.2-E
Shade Point Height Measurement

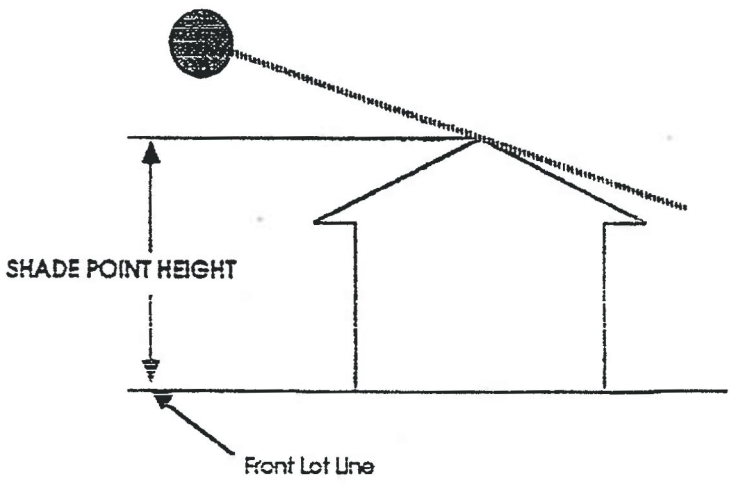


Figure 3.2-F
Solar Setback

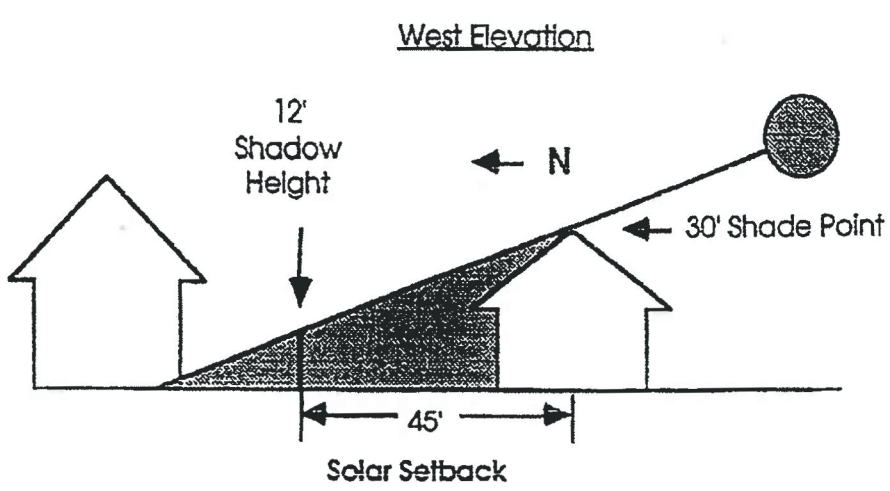


Figure 3.2-G
Solar Design Standard: Basic Option

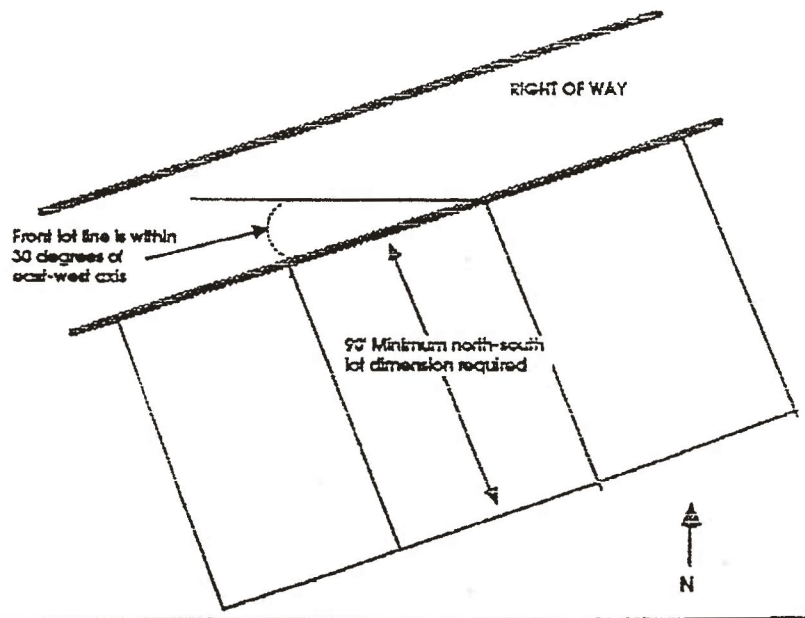


Figure 3.2-H
Solar Building Line

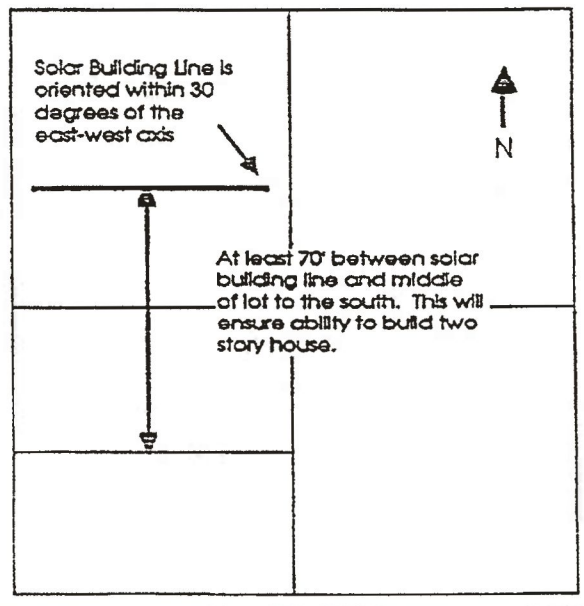


Figure 3.2-I
Solar Access Height Limit

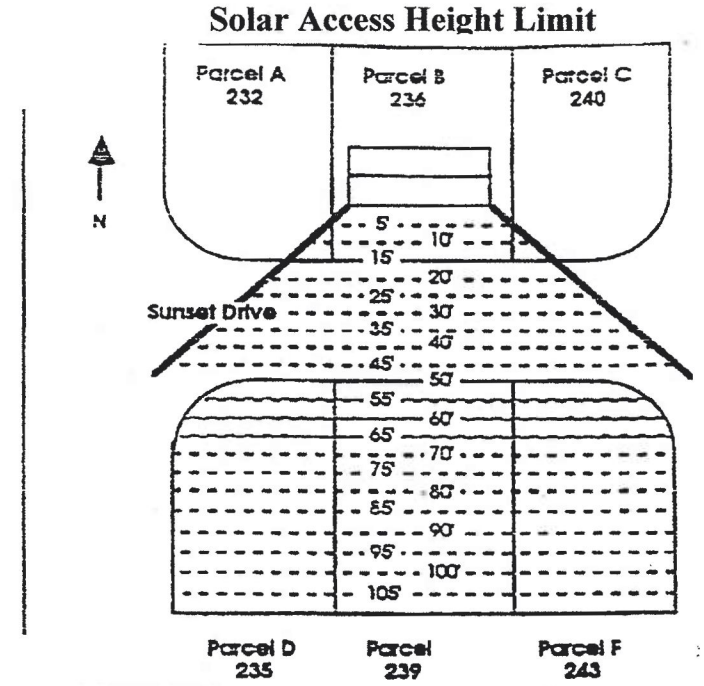


Figure 3.2-J
Shadow Pattern

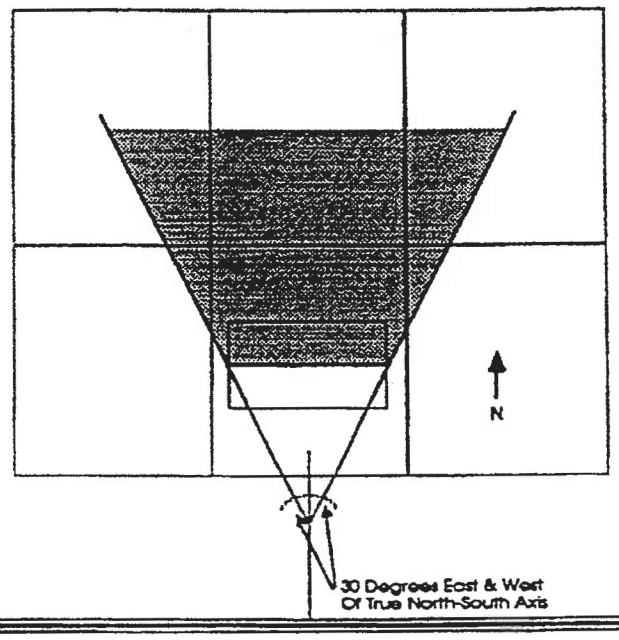
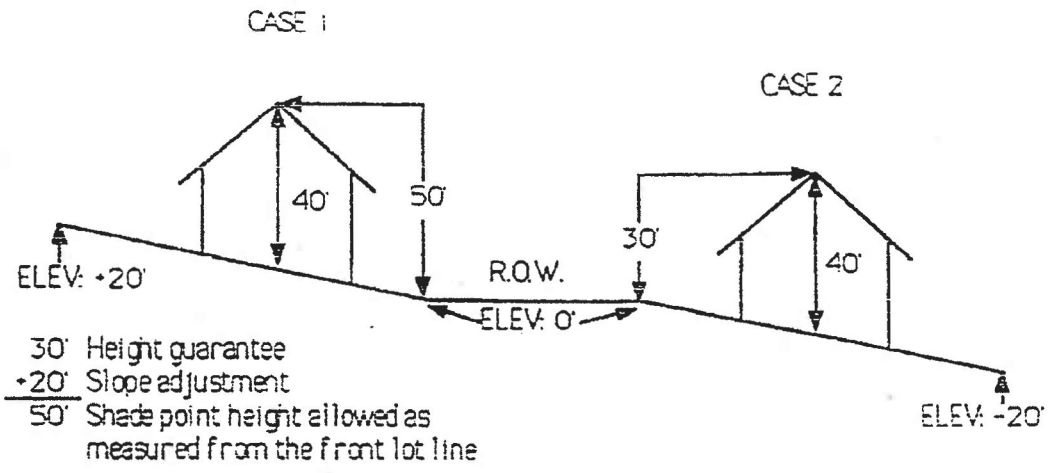


Figure 3.2-K
Measuring the Shade Point Height on a Slope



NOTE: Although the Solar Balance Point Standard guarantees a 30' high shade point at the lot's midpoint, the slope adjustment allows a house with a height of 40' from the shade point to grade to be located in the center of the lot.

3.2-230 Cluster Subdivisions

A. Description. Cluster Subdivisions:

1. Permit changes in dimensional requirements by reducing lot size, setback, street width and other developmental standards to allow more flexible design than is permissible under the conventional subdivision process;

2. Preserve open space and create innovative residential designs that emphasize affordability and home ownership;

3. Are permitted in all residential districts on property having a minimum development area of at least one gross acre; and

4. Shall not exceed the maximum density of the applicable zoning district and the Metro Plan. Density is calculated on the gross acreage.

EXCEPTION: Maximum density for Cluster Subdivisions within the Hillside Development Overlay District is calculated as specified in Section 3.3-520.

B. Purpose. Cluster Subdivisions:

1. Permit developers to use innovative methods and approaches not available under conventional subdivision methods to facilitate the construction of a variety of housing types;

2. Encourage infill on larger properties;

3. Lower development costs by economic provision of public facilities;

4. Provide common open space for active and passive recreation use of residents of the development; and

5. Preserve natural resources, including, but not limited to: wetlands, natural drainage ways, constructed open storm water management areas, and wooded areas by clustering development on those portions of a site that are suitable of development.

C. Review. All Cluster Subdivisions are reviewed under the Subdivision review process specified in Section 5.12-100; and

D. Permitted Dwellings, Structures and Uses. The following dwellings, structures and uses are permitted in all residential districts:

1. Attached single-family dwelling, row houses, town houses.

2. Detached single-family dwellings.

3. Duplexes.

4. Manufactured dwellings.

5. Multi- Family dwellings (in MDS and HDR zoning districts)

6. Accessory structures and uses permitted in the LDR District.

7. Common public and private open spaces

E. Adjustments to Dimensional Standards. Cluster Subdivisions allow reduced lot sizes and setback standards for individual lots, as specified in Subsection A., above.

EXCEPTIONS:

1. The perimeter of the development shall meet the LDR setbacks specified in Section 3.2-215.

2. No increase in building height is permitted.

3. Solar protection for abutting LDR properties north of the proposed development is required.

4. The maximum lot coverage of the net development area shall meet the lot coverage standards of Section 3.2-215.

5. Where zero lot line construction is used, spacing between buildings or clusters of buildings shall be at least 10 feet.

F. Neighborhood Compatibility. New single-family detached, attached, and duplexes constructed within a Cluster Subdivision shall be generally compatible with existing homes. The goal is to reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings, for example, building details, massing, proportions, and materials. To foster compatible residential development at the higher densities sought by this Section. The following standards shall be followed.

1. Front Yard Setbacks for Buildings in Established Residential Areas. When an existing single-family residence is located within 25 feet of the subject site and fronts on the same street as a proposed building, a front yard setback similar to that of the nearest single-family residence shall be used. "Similar" means the setback is within 5 feet of the setback of the nearest single-family residence. For example, if the existing single-family residence has a front yard setback of 20 feet, then the new building shall have a front yard setback between 15 and 25 feet. If there are two adjacent single-family residences fronting on the same street, then an average measurement is taken using the two adjacent residences. This standard shall not cause a front yard setback to exceed 25 feet.

2. Building Height Transition. Tall buildings shall step-down to provide a height transition to existing single story buildings. This standard applies to new and vertically expanded buildings within 25 feet (as measured horizontally) of an adjacent LDR property line with an existing single story building that is less than 21 feet in height. The standard is met when the height of the taller building or portion of the taller building does not exceed the height of the shorter building by more than 5 feet within the 25-foot horizontal zone.

G. Specific Development Standards for Single-Family Dwellings. The following design standards apply to single-family detached, single-family attached (less than three attached units) and duplexes:

1. Building Orientation and Connectivity to the Fronting Street.

2. Dwelling units shall have a door opening directly to the fronting street. A minimum 3-foot wide walkway shall connect the door to the street. The walkway shall be constructed of a permanent hard surface (not gravel) and located directly between the street sidewalk and the front door. This walkway shall not be part of the driveway area.

3. Garage Doors. Garage door placement and design shall meet the following conditions:

   a. Garage door openings facing a fronting street shall not exceed 40 percent of the width of the house façade.

   b. The garage façade shall be set back a minimum of four feet from the house façade. The minimum setback of the garage façade is reduced to 0 feet if the house facade has a porch, 50 square feet or more in size, encroaching into the setback.

4. Windows. A minimum area 15 percent windows and/or dwelling doors on facades facing streets, sidewalks, and multi-use paths (including garage facades). Gabled areas do not need to be included in the base wall calculation when determining the minimum 15 percent calculation for windows/doors.

5. Design Variety. Each home shall incorporate a minimum of three of the following five building design features. Applicants shall indicate which options they are proposing on plans submitted for building permits. While not all of the design features are expressly required, the inclusion of as many as possible is strongly encouraged.

   a. Roof Pitch and Design. A minimum 4 to 12 roof pitch.

   b. Eaves with a minimum 6-inch overhang.

   c. Building Materials. At least two different types of building materials (including, but not limited to: stucco and wood, brick and stone) or a minimum of two different patterns of the same building material (including, but not limited to: scalloped wood and lap siding) on facades facing streets. These requirements are exclusive of foundations and roofs and pertain only to the walls of a structure.

   d. Architectural Features. At least one architectural feature included on a dwelling facade that faces the street. For the purposes of this provision, architectural features are defined as bay windows, covered porches greater than 60 square feet in size, second floor balconies, dormers related to living space, or habitable cupolas, pillars or posts, recessed entries and off sets in building face or roof. If a dwelling is oriented so the front façade (facade with the front door) is oriented to a sidewalk and no facades of the dwelling face a street, then the architectural feature may be counted if it is located on the facade of the dwelling that faces the sidewalk and contains the front door.

   e. Architectural Details. At least one architectural detail on a dwelling facade that faces the street. For the purposes of this provision, architectural details are defined as exposed rafters or beam ends, eave brackets, gridded windows or windows with

divided lites, or pergola/trellis work integrated into building facades. If a dwelling is oriented so the front façade (façade with the front door) is oriented to a sidewalk and no facades of the dwelling face a street, then architectural details may be counted if they are located on the facades of the dwelling that face the sidewalk.

H. Open Space. At least 20 percent of the development site shall be designated common open space. Common open space can be wetlands, steep slopes, natural waterways or wooded areas. Also, common open space can be created by placing on the land amenities for community activities for residents for example, playgrounds, picnic areas, gardens or sports features. Setbacks and buffer areas do not count towards common open space. The use of restrictive covenants, dedication and homeowners' association maintenance shall be assured through a homeowners' association.

EXCEPTION: The open space requirements specified in Section 3.2-240 shall be used when a multi-family development is proposed.

I. Landscaping. Landscaping and/or natural vegetation shall occupy a minimum of 50 percent of required common open space. On-site natural resources and historic features that are accessible to residents (including, but not limited to: by trails, boardwalks, etc.) may be used to satisfy this requirement. For example, if 25 percent of the site includes a natural resource or historic feature then 25 percent of the landscaping requirement is satisfied.

J. Conditions of Approval. Over and above any other condition of approval, when mitigating conflicts with adjacent properties raised during the review of a Cluster Subdivision, the Director may require landscaping in the perimeter setbacks specified in Subsection E. 1., above, in order to provide a buffer area to adjacent properties. In this case, the setbacks shall be landscaped according to the screening standards listed in Section 4.4-110 or Section 3.2-240.

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.

B. Mobile Home - as a permitted use in Manufactured Dwelling Parks.

C. Residential Trailer - as a permitted use in Manufactured Dwelling Parks.

D. **EXCEPTIONS.**

1. All lots/parcels inside the City Limits that were previously zoned RL-Mobile Home Sub-district as of October, 1984, are allowed to maintain a manufactured home as a permitted use, subject to the conditions imposed

by the Planning Commission at the time of rezoning to RL-Mobile Home Sub-district. Replacement of any manufactured dwelling that was in place as of October 1984 shall be as specified in this Section.

2. All lots/parcels inside the City Limits that were previously zoned RL-Mobile Home Park Sub-district as of October, 1984, are allowed to maintain manufactured dwellings as a permitted use. Any expansion or modification of these parks shall comply with the provisions of this Section.

3. All manufactured dwellings that received prior City approval for use as residential facilities in Commercial or Industrial Districts are allowed to maintain existing manufactured dwellings subject to all conditions imposed at the time of City approval. Any replacement of these manufactured dwellings shall comply with the provisions of Section 4.8-110.

E. Parks and Subdivisions - General.

1. Unless modified by this Section, subdividing and developing land within manufactured dwelling parks and subdivisions shall comply with all other provisions of this Code.

2. Where standards for manufactured dwelling developments are established by Federal regulation, State law or Administrative Rule, these requirements shall be in addition to the provisions of this Section.

F. Review. Manufactured dwelling parks and subdivisions are reviewed under Type II procedure.

G. Parks, Subdivisions and Parcels - Placement Standards. Unless otherwise specified in this Section, manufactured dwelling placed within the City Limits and the City's urban services area after May 5, 1986 shall comply with the following:

1. Within manufactured dwelling parks, only manufactured homes are permitted on lots/parcels subject to the following standards:

a. The manufactured home shall be a Type 1 as defined in Chapter 6.

EXCEPTION: A Type 2 manufactured home may be sited on interior lots of existing platted manufactured home subdivisions and in multi-family developments;

b. The manufactured home shall be placed on an excavated and back-filled foundation not to exceed 6 percent slope within 10 feet of the perimeter enclosure, enclosed at the perimeter with stone, brick or other concrete or masonry materials approved by the Building Official, and with no more than 24 inches of the enclosing material exposed above grade. Where the building site has a sloped grade, no more than 24 inches of the enclosing material shall be exposed on the uphill side of the home (if the manufactured home is placed on a basement, the 24 inch limitation will not apply); and

c. The manufactured home shall comply with the off-street parking standards for single family dwellings specified in Section 4.6-125.

2. On interior lots in existing platted manufactured home subdivisions, the following standards apply:

a. The manufactured home shall be a Type 1 or Type 2 as defined in Chapter 6.

b. The manufactured home shall be placed on an excavated and back-filled foundation, enclosed at the perimeter with stone, brick or other concrete or masonry materials approved by the Building Official, and with no more than 24 inches of the enclosing material exposed above grade. Where the building site has a sloped grade, no more than 24 inches of the enclosing material shall be exposed on the uphill side of the home (if the manufactured home is placed on a basement, the 24 inch limitation will not apply).

3. All structures within manufactured dwelling parks and subdivisions shall meet City and State building safety standards.

4. All lots/parcels proposed for manufactured home placement and manufactured dwelling spaces shall be provided with storm drainage, sanitary sewer, electricity, telephone, potable water, and utility services with easements dedicated where necessary to provide these services. All utilities shall be located underground.

5. The combined total of manufactured dwelling or manufactured home shall not exceed 45 percent of:

a. Any individual lot/parcel area.

b. The total land area, excluding streets, in a manufactured dwelling park.

6. Permanent sidewalks of not less than 3 feet wide shall be provided from each manufactured dwelling main entrance to the nearest public street, private street or private driveway.

EXCEPTION: Manufactured dwelling parks approved prior to October, 1984.

7. Each manufactured dwelling shall be provided with permanent enclosed storage (which may be part of or adjacent to the carport or garage) containing a minimum of 32 square feet of gross floor area. The height of any storage structure shall not exceed 12 feet. Storage outside of the manufactured dwelling shall be within a totally enclosed structure. No storage shall be permitted under the manufactured dwelling.

EXCEPTION: Manufactured dwelling parks approved prior to October, 1984.

8. Manufactured dwellings shall not be used for living purposes unless connected to local water, sewer, and electrical systems.

H. Parks and Subdivisions - Generic Standards.

1. New manufactured dwelling parks shall be located on land with an average slope of less than 10 percent. Areas with average slopes greater than 10 percent shall be retained as open space. Manufactured dwelling parks shall contain a minimum development area of one acre. The determination of the average slope is based upon the best available information satisfactory to the City demonstrating the average slope at the time of the development application. The vacation, re-platting, re-contouring, or other reconfiguration of land for the siting of manufactured homes, excluding those units constructed to the standards of the One and Two Family Structural Specialty Code adopted by the City, shall not remove the siting prohibition specified in this Subsection. Subdivision of land for the purpose of siting manufactured homes or a combination of site built and manufactured homes is subject to the platting standards specified in Section 5.12-100. All manufactured homes sited in these new subdivisions shall be Type I.

2. Existing manufactured dwelling parks may expand onto adjacent land provided that the combined area of the existing development and the additional land total at least one acre.

3. The maximum density in a manufactured dwelling park is subject to the density requirements of the underlying zoning district.

4. New or expanded manufactured dwelling parks shall have 10 foot landscaped setbacks around the entire perimeter of the park unless the park abuts another manufactured dwelling park in which case the landscaped setback shall be 7 feet. An approved planting plan, as specified in Section 4.4-105, is required and shall provide for continuous screening. It is the responsibility of the property owner to install and maintain the required planting as a condition of use.

5. For the purpose of this Code, Adams Plat, First Addition, is regarded as an approved manufactured home subdivision.

6. Site built homes may be constructed in any manufactured home subdivision consistent with all applicable standards of this Code.

I. Parks - Setbacks, Height and Area Standards.

1. Manufactured dwellings shall be setback:

a. 10 feet from a park building (not accessory buildings on individual spaces).

b. 20 feet from any public street or park boundary line in new or expanded manufactured dwelling parks, unless the new or expanded park is adjacent to an existing manufactured dwelling park or subdivision.

c. 7 feet from any rear space line or interior space line.

d. 5 feet from the edge of a park street

e. 2 feet from the interior edge of a park sidewalk

f. **EXCEPTION:** The setback in Subsection c., above may be reduced to 5 feet if the Fire Marshal finds that the reduction will not cause a threat to public health or safety.

g. **EXCEPTION:** Existing manufactured dwelling parks built prior to Mat 5, 1986 are subject to the requirements of ORS 446 and the Oregon Department of Commerce Administrative Rules.

2. Manufactured dwelling accessory buildings or structures and site built manufactured dwelling accessory buildings or structures shall be setback:

a. 10 feet from a park building

b. 20 feet from any public street or park boundary line

c. 5 feet from the edge of a park street

d. 2 feet from the interior edge of a park sidewalk

e. 3 feet from an interior space line or rear space line.

EXCEPTION: A double garage or carport may be built which serves two abutting manufactured dwellings, if a one-hour fire separation is provided separating the garage or carport bays

3. The maximum height of all park buildings shall be 30 feet as measured from the highest point of the roof to the average finished grade.

4. The maximum height of all State approved and site built manufactured dwelling accessory buildings or structures shall be no higher than the main building or structure.

5. There is no minimum space area requirement, however:

a. No manufactured dwelling space line adjustment shall be made without notifying the Building Official.

b. Space line adjustments shall require Type I Review approval.

J. Parks - Development Standards.

1. Plans and Specifications.

   a. The plans and specifications shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail conformance to the requirements of this Section and all ordinances, laws, rules and regulations of the City and the State pertaining to manufactured dwelling parks.

   b. Cover Sheet Requirements.

      i. The name of the manufactured dwelling park and location (Vicinity Map)

      ii. The name of the property owner

      iii. The name of the park manager

      iv. The name of the person who prepared or submitted the plans.

   c. Plot Plan Requirements.

      i. The proposed and existing construction (as applicable)

      ii. The general layout of the entire manufactured dwelling park at a scale of no smaller than 1 inch to 50 feet.

      iii. The traffic circulation pattern.

      iv. The distances from park boundaries to public utilities located outside the park (they may be indicated by arrows without reference to scale)

      v. The recreation areas.

      vi. Any permanent buildings for example, the park office, recreation building or other similar structures.

      vii. The property line boundaries. When construction involves an addition or remodeling of an existing manufactured dwelling park, the plan need only show the facilities related to the addition and or the facilities to be removed.

      viii. The individual manufactured dwelling space lines.

      ix. The location, size and materials of the patio or slab for each manufactured dwelling.

      x. The designation and location of each manufactured dwelling space by number, letter or name.

xi. The recreational vehicle and guest parking areas when provided.

xii. The topography shall be shown for all manufactured dwelling developments including park additions and alterations.

d. Park Utility Systems.

i. The location of manufactured dwelling sewer connections and electrical service outlets.

ii. The location of the storm drainage system to include under floor area drainage.

iii. The location of domestic water supply outlets for manufactured dwelling.

iv. The location and size of required fire hydrants.

v. The location, size and material of park water and sewer lines. Water lines shall be sized to meet fire flow requirements.

vi. The location, size and type of sidewalks and light fixtures for manufactured dwelling park streets (including documentation showing compliance with Subsection 7., below.

vii. The park street layout and connections to public streets.

viii. The connection to the public water and sewer system.

2. Manufactured dwelling parks shall be designed and constructed as specified in this Code. All manufactured dwelling park plans shall be certified by an engineer.

3. Each manufactured dwelling space within a manufactured dwelling park shall have direct paved driveway access to a park street. The access shall be as specified in this Code.

4. Existing Manufactured Dwelling Parks.

a. Unless provided for in this Section, manufactured dwelling parks licensed prior to May 5, 1986 may continue, provided that the continued use is not a threat to the health, welfare or safety of the public as determined by the Building Official and/or the Fire Marshal. If a threat is determined to exist, the Building Official and/or Fire Marshal shall take corrective action.

b. Any additions proposed for a manufactured dwelling park licensed prior to the adoption of this Section shall comply with the requirements of this Section. Additions shall include:

c. Additional land added to the park and proposed for the development of manufactured dwelling spaces

i. Additional spaces proposed for development on land already existing within the park boundaries

ii. Any changes resulting in an increase in the total number of manufactured dwelling spaces in the park.

iii. Modification to manufactured dwelling parks licensed prior to the adoption of this Section shall comply with the standards specified in this Section.

5. A three foot wide sidewalk shall be provided on at least one side of all park streets, unless sidewalks which are separated from the park street system provide for safe and convenient pedestrian movement to all parts of the park. A three foot perimeter sidewalk shall be provided within the 20 foot landscaped perimeter area.

6. Connection to a Public Street.

a. The park street system shall have legal access to a public street.

b. The intersection of a private street with a public street shall be a curb return driveway as specified in Section 4.2-120 and City Standard Construction Specifications.

7. Streets and sidewalks designed for the general use of the manufactured dwelling park residents shall be lighted during the hours of darkness. The lighting shall not be under control of individual manufactured dwelling occupants. Lighting shall be designed to a minimum of 0.04 candlepower per square foot and a maximum; of 0.1 watts per square foot of energy use.

8. There shall be two paved off-street parking spaces for each manufactured dwelling unit.

9. Recreation and Planting Areas.

a. Recreation areas shall be provided in all manufactured dwelling parks. Recreation areas shall be not less than 2,500 square feet of area, or 100 square feet of area per space, whichever is greater. Suitable separations or other safeguards shall be provided if the recreation area abuts upon a railroad, a public street, steep slope or other similar hazards.

b. A Planting Plan for all common areas as specified in Section 4.4-105 shall be required.

c. Park street trees shall be installed at 30' intervals as specified in Section 4.2-140.

10. Park Administration.

a. It is the responsibility of the park owner to ensure that their park complies with the provisions of this Section, any failure to comply shall subject the owner to the penalties provided in this Code.

b. No manufactured dwelling shall be installed in a manufactured dwelling park until a Building Permit has been issued by the Building Official.

c. All Building Permit applications shall be accompanied by a Plot Plan.

d. It is the responsibility of the park owner and/or the manager to see that all inspections required by the City are made.

11. Fire Safety Facilities.

a. The accessway for fire protection services shall be within 150 feet of exterior walls of any manufactured dwelling or structure.

b. Approved fire hydrants shall be installed so that all manufactured dwelling and other structures are within 500 feet of an approved fire hydrant.

c. The park domestic water system shall be designed to meet fire flow requirements as specified by the Fire Marshal.

d. Park incinerators, where allowed, shall be constructed as specified in the current National Fire Protection Association (NFPA) standards.

e. Fire protection requirements shall be the same as for an R-3 Occupancy under the Structural Specialty Code and Fire and Life Safety Code regarding fire detection devices. (These devices shall be the responsibility of the manufactured dwelling owner.)

12. Park Sanitation and Maintenance.

a. The park owner shall maintain the park grounds, the park sewer and water system to their points of termination or individual manufactured dwelling spaces, and all park buildings in a safe and sanitary condition.

b. The park owner shall maintain the park streets and sidewalks in a state of good repair.

c. No person shall allow dry brush, leaves, weeds, rubbish or combustible materials to accumulate in any area under their control.

d. Liquid petroleum gas tanks shall be securely anchored to the chassis or stanchion of the manufactured dwelling. The manifold regulator valve shall be attached to the tank in an approved manner with approved material. Empty containers shall be secured in place.

e. The sewage connection to a manufactured dwelling shall be maintained air and water tight.

f. All stands shall be designed to prevent standing water under or adjacent to manufactured dwellings.

g. Refuse containers with fly-tight lids shall be provided and maintained in a clean and sanitary condition. Garbage and refuse shall be disposed of in a manner to prevent fly, rodent and health nuisances.

h. Refuse collection areas, whether located centrally or on individual manufactured dwelling spaces, shall be screened.

13. Manufactured Dwelling Park Inspections.

a. The City may inspect each manufactured dwelling park annually, and upon completion of the inspection shall submit to the park owner and manager a written report stating whether or not the park is in compliance with the applicable provisions of this Section.

b. Park owners and managers shall, at reasonable times upon the request of the City, permit access to all parts of the park facilities, excluding residential units or accessory buildings.

3.2-240 Multi-Unit Design Standards

A. Applicability. In all residential districts, multi-unit development (three or more attached units) shall comply with the design standards of this Section. In cases where the standards of this Subsection conflict with other standards in this Code, the standards of this Section shall prevail.

B. Purpose. The purpose of this Section is to:

1. Promote the livability, neighborhood compatibility and public safety of multi-unit housing in the community; and

2. Promote higher residential densities inside the urban growth boundary that will utilize existing infrastructure and improve the efficiency of public services and facilities.

C. Review. All multi-unit developments shall be reviewed as a Type II Site Plan Review application as specified in Section 5.17-100. The Director may also determine that a multi-unit development is subject to a Type III review when it is in the public interest. In addition, the applicant may choose the Type III Alternative Design procedure specified in Section 3.2-245 when proposing an innovative design that may preclude compliance with some or all of the design standards in this Section.

D. Design Standards. All of the following design standards shall be met by all multi-unit developments: Building Orientation; Building Form; Storage; Transition and Compatibility Between Multi-Unit and LDR Development; Open Space; Landscaping; Pedestrian Circulation; Parking; and Vehicular Circulation.

1. Building Orientation. Multi-unit developments, when abutting a private, local, collector, or arterial street that has existing or planned on-street parking, shall have Building Oriented to the street along a minimum of 50 percent of the site's frontage (See Figure 3.2-M). The "orientation" standard is met when all of the following criteria are met:

a. Primary building entrances shall face the street;

b. The front of the buildings shall be within 25 feet of the front lot/parcel line,

EXCEPTION: Open, courtyard space in excess of 25 feet may be placed in front of building entrances. Open courtyard space is defined as usable, hard-surfaced space with pedestrian amenities including benches, seating walls or similar furnishings.

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

d. Wetlands, slopes over 15 percent as specified in Section 3.3-500, and wooded areas protected by Section 5.19-100, shall not be counted as "frontage" for determining required building orientation. For example, if jurisdictional wetlands and/or wetland buffer occupy 100 feet out of a total of 400 feet, then only 300 feet is counted as "frontage" for determining required building orientation. In this example, 150 feet (50 percent) is the required amount of frontage to meet the building orientation requirement.

2. Building Form. New multi-unit construction shall comply with the following building form standards (See Figure 3.2-N).

a. Structures that have one or two stories shall not have continuous horizontal distance exceeding 160 feet (measured from end wall to end wall).

EXCEPTION: As specified in Subsection 3.d., below, structures that have three or greater stories shall not have a continuous

horizontal distance exceeding 120 feet (measured from end wall to end wall);

b. Roofs shall have gable, hip, or gambrel forms (minimum pitch 3 to 12) with at least a 6-inch overhang;

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

d. Garages attached to living units and accessed from the street (front setback) shall be recessed at least four feet behind the front façade of a dwelling structure; and

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

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

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

h. Offsets or breaks in roof elevation of two feet or greater in height.

3. Transition and Compatibility between Multi-Unit and LDR Development. Multi-unit developments adjacent to properties designated LDR shall comply with the transition area and compatibility standards listed below, unless it can be demonstrated that adjacent LDR property is committed to a non-residential use e.g., church) that us unlikely to change (See Figures 3.2-O and 3.2-P). In evaluating the status of an adjacent property, the Metro Plan designation shall take precedent over the current zone or use.

a. When a single-family residence is within 75 feet of the subject multi-unit development site and the residence is on the same side of the street and same block, a setback similar to that of the nearest single-family residence shall be used for the front yard. "Similar" means the multi-family development setback is within 5 feet of the setback provided by the nearest single-family residence. For example, of the single-family residence setback is 20 feet, then the multi-unit building shall be setback by 15-25 feet. The minimum front yard setback shall be 10 feet, as specified in Section 3.2-215; and

b. A 25-foot buffer area shall be provided between multi-unit development and property lines abutting an LDR property line, not

including those property lines abutting right-of-ways. Within the 25 foot buffer area, the following standards apply:

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

ii. Site obscuring landscaping shall be required. The City may require retention of existing vegetation; installation of a 6-foot minimum height, site-obscuring fence with shade trees planted a maximum of 30 feet on center (2-inch caliper at planting); and/or other landscaping to provide visual buffering. In addition, the City may require acoustical barriers when parking is proposed within the transition area;

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

iv. No active recreation areas (including, but not limited to: tot lots, swimming pools) are allowed within the 25-foot buffer (garden spaces shall not be considered active recreation areas);

v. Light standards shall be 12 feet or less in height and shielded so that light does not allow direct illumination onto adjacent LDR property or into dwelling units;

vi. Mechanical equipment shall be screened from view (i.e., as viewed from adjacent properties and street), and shall be buffered so that noise does not typically exceed 45-50 decibels as measured at the LDR property line. The City may require a noise study certified by a licensed acoustical engineer; and

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

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

up to a distance or 50 feet from the LDR property line. See also, Sections 3.2-215 and 4.4-110.

d. Structures within 50 feet of an LDR zone shall not have a continuous horizontal distance exceeding 120 feet (measured from end wall to end wall).

4. Storage. Multi-unit development shall provide space for trash receptacles, storage and equipment as specified in the following standards (See Figure 3.2-M):

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

b. Trash receptacles shall be screened from view by placement of a solid wood fence, masonry wall, or similar sight-obscuring, gated enclosure, from 5 to 6 feet in height, Obscuring landscaping shall be planted a minimum 24 inches in height at planting around all exposed sides of the wall or fence, unless breaks are provided for gates. See also, Section 4.4-110;

c. No trash receptacles shall be located in any front yard setback, or within 25 feet of property lines abutting LDR zoned or designated properties; and

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

5. Open Space. Multi-unit developments shall provide both Common Open Space and Private Open Space as specified in the following standards (See Figure 3.2-Q):

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

i. Multi-unit developments in mixed-use buildings are exempt from these standards.

ii. Multi-unit developments at densities exceeding 30 units per gross acre shall include a minimum of 10 percent of the gross site as open space, which may be any combination of yards, common open space and private open space.

iii. Multi-unit developments at densities less than 30 units per gross acre shall provide open space as specified in the amounts specified below.

b. Common Open Space shall be provided in all newly constructed multi-unit development as specified in the following standards:

i. A minimum of 0.25 square feet of common open space shall be required for each square foot of gross residential floor area;

ii. Common open space areas provided to comply with this standard shall be at least 500 square feet with no horizontal dimension less than 15 feet;

iii. A maximum of 15 percent of the required common open space can be on slopes greater than 25 percent; and

iv. Multi-unit developments shall designate within common open space a minimum of 250 square feet of active recreation area (including, but not limited to: children's play areas, play fields, swimming pools, sports courts) for every 20 units or increment thereof. For example, a 60 unit development shall provide a minimum area of 750 square feet for active recreation. No horizontal dimension shall be less than 15 feet.

EXCEPTION: As determined by the Director, qualified senior housing developments may be excluded from this requirement; however, all other common open space requirements apply;

v. Placement of children's play areas shall not be allowed in any required yard setback or transition area;

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

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

viii. Exemptions to the common open space standard may be granted for multi-unit developments of up to 60 units (or for the first 60 units of a larger project) when the developments are within one-quarter mile (measured walking distance) to a public park; and there is a direct, improved, permanent, public, Americans with Disabilities Act (ADA) – accessible, lighted, maintained pedestrian trail or sidewalk between the site and the park. An exemption shall be granted only when the nearby park provides active recreation area, as defined by Subsection iv., above.

ix. Phasing shall not be used to circumvent common open space standards.

x. Common Open Space does not include required yards or transition areas unless authorized under Sections 3.2-245 or 3.2-250.

c. Private Open Space shall be provided in all newly constructed multi-unit developments, to comply with the following standards:

i. All private open space shall be directly accessible from the dwelling unit through a doorway;

ii. Dwelling units located at or below finished grade, or within 5 feet of finished grade, shall provide a minimum of 96 square feet of private open space, with no dimension less than 6 feet; and

iii. Private Open Space provided may be deducted from the required amount of Common Open Space. For example, a project with 37,500 square feet of gross floor area requires 9,375 square feet of Common Open Space under Subsection b.1., above. If 2,400 square feet of Private Open Space is provided, the minimum Common Open Space requirement may be reduced to 6,975 square feet (9,375 – 2,300).

6. Landscaping, Fences and Walls. Multi-unit developments shall provide landscaping as specified in Section 4.4-105 and the following standards (See Figure 3.2Q):

a. A minimum of 15 percent of the site shall be landscaped with a mix of vegetative ground cover, shrubbery and trees. Trees, a minimum 2 inches (dbh) in caliper, and shrubbery, a minimum of

24 inches in height, shall be planted. Bark mulch, rocks and similar non-plant material may be used to compliment the cover requirement, but shall not be considered a sole substitute for the vegetative ground cover requirement;

b. Planter strips shall be required for all multi-unit development of collector and arterial streets, but is optional on local streets. Planter strips shall be a minimum of 4.5 feet wide, placed between the back of curb and the sidewalk, along public or private streets;

c. Street trees, a minimum 2 inches (dbh) caliper, shall be placed within the planter strips between the curb and the sidewalk,. Street trees shall be planted one per every 30 linear feet (minimum) of street frontage, as specified in Section 4.2-140.

d. Fences in front yards and along any frontage used to comply with the building orientation standard shall be limited to three feet in height. Fences in other yards shall comply with the fence standards specified in Section 4.4-115, and the vision clearance standards specified in Section 4.2-130; and

e. The use of native and/or drought-tolerant landscaping is encouraged. All landscaping shall be irrigated with a permanent irrigation system unless a licensed landscape architect submits written verification that the proposed plant materials do not require irrigation. The property owner shall maintain all landscaping.

7. Pedestrian Circulation. Multi-unit developments with more than 20 units shall provide pedestrian circulation as specified in the following standards (See Figure 3.2-R):

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

b. Internal sidewalks shall be separated a minimum of 5 feet from dwellings, measured from the sidewalk edge closest to any dwelling unit;

c. The internal sidewalk system shall connect all abutting streets to primary building entrances;

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

e. Surface treatment of internal sidewalks shall be concrete, asphalt or masonry pavers, at least 5 feet wide. Multi-use accessways

(e.g., for bicycles, pedestrians and emergency vehicles) shall be of the same materials, at least 10 feet wide. Where emergency vehicle access is required, there shall be an additional 5 feet on either side of the accessway. The additional 5 foot area may be turf-block, grass-crete or similar permeable material on a base of gravel capable of supporting fire equipment weighing 80,000 pounds.

f. Where internal sidewalks cross a vehicular circulation area or parking aisle, they shall be clearly marked with contrasting paving materials, elevation changes, speed humps, or striping. Speed humps shall be subject to review and approval by the Fire Marshal. Internal sidewalk design shall comply with Americans with Disabilities (ADA) requirements;

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

h. All on-site internal sidewalks shall be lighted to a minimum of 2-foot candles.

8. Parking. Multi-unit developments shall provide parking design as specified in the following standards:

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

b. Lighting shall be provided for safety purposes, and focused/shielded to avoid glare on adjacent properties or dwellings as specified in Section 4.5-100;

c. There shall be one planter island for every 8 parking spaces. Planter islands shall be a minimum of 6 feet wide, exclusive of the curb, the full length of a parking space containing one shade tree (a minimum 2 inches (dbh) in caliper at planting) and vegetative ground cover. Trees shall be specimens capable of attaining 35 feet or more in height at maturity and shall not produce excessive fruit, nuts, or sap (i.e., die to pest damage). Bark mulch is not an acceptable substitute for vegetative ground cover in the planter island. Water quality features may be incorporated into planter islands. Landscape areas shall be evenly distributed throughout the perimeter of interior parking areas, where practicable. See Section 4.4-105F. for recommended shade trees;

d. A minimum 6-foot wide planter area shall separate and visually screen parking from living area windows. The planter area shall include a mix of ground cover, shrubbery, and trees with appropriate growth habit (i.e., for narrow planters and any height limitations including balconies, overhangs, and eaves). Shrubbery in this planter area shall be at least 24 inches in height at the time of planting, and trees a minimum of 2 inches (dbh) in caliper at the time of planting. See Section 4.4-110;

e. Parking lots shall be connected to all building entrances by means of internal sidewalks;

f. All parking stalls fronting a sidewalk, or landscaped area shall be provided with a secure wheel bumper not less than 6 inches in height and set back from the front a minimum of two feet to allow for vehicle encroachment. Wheel bumpers, if used, shall be a minimum of 6 feet in length. As an option , the sidewalk or planter may be widened two feet beyond the minimum dimension required to allow for vehicle encroachment. The sidewalks and planters shall be protected by a curb not less than 6 inches in height. See also, Section 4.6-120C.;

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

h. All parking, maneuvering and loading areas abutting a property line or right-of-way shall provide perimeter lot/parcel landscaping. A minimum 5 foot wide planting strip shall be planted with shade trees, a minimum 2 inches (dbh) in caliper, and a low level (e.g., 30-40 inches) evergreen hedge. See also, Section 4.4-105;

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

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

k. Bicycle parking shall be provided as specified in Section 4.6-140-155 and may be incorporated into the landscaping design.

9. Vehicular Circulation. Multi-unit developments shall provide vehicular circulation as specified in the following standards (See Figure 3.2-R):

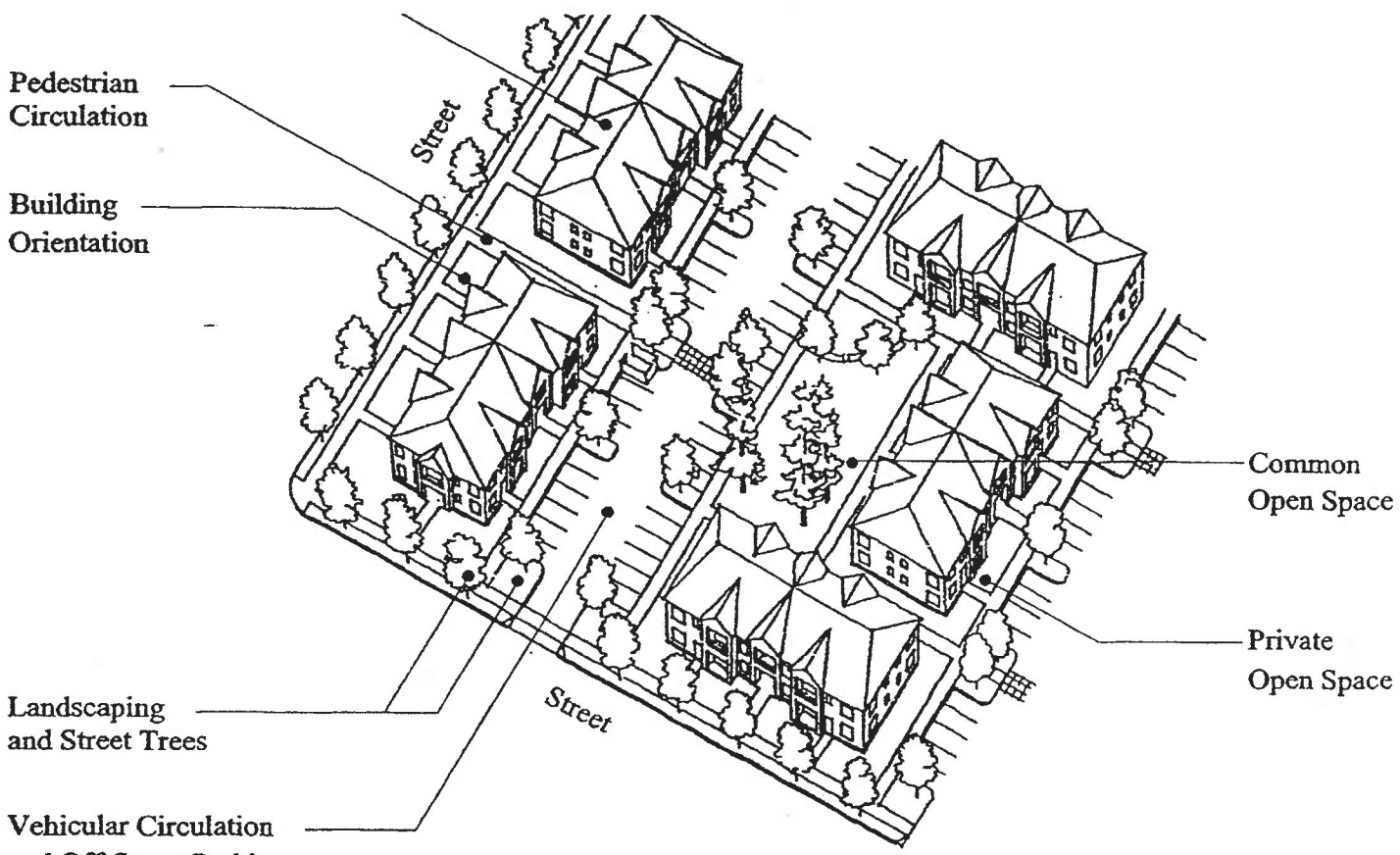
a. The on-site driveway (or private street) system shall connect with public streets abutting the site;

b. Shared driveways shall be provided whenever practicable to minimize cross turning movements on adjacent streets. On-site driveways and private streets shall be stubbed to abutting MDR/HDR properties, at locations determined during Site Plan Review process to facilitate development of shared driveways;

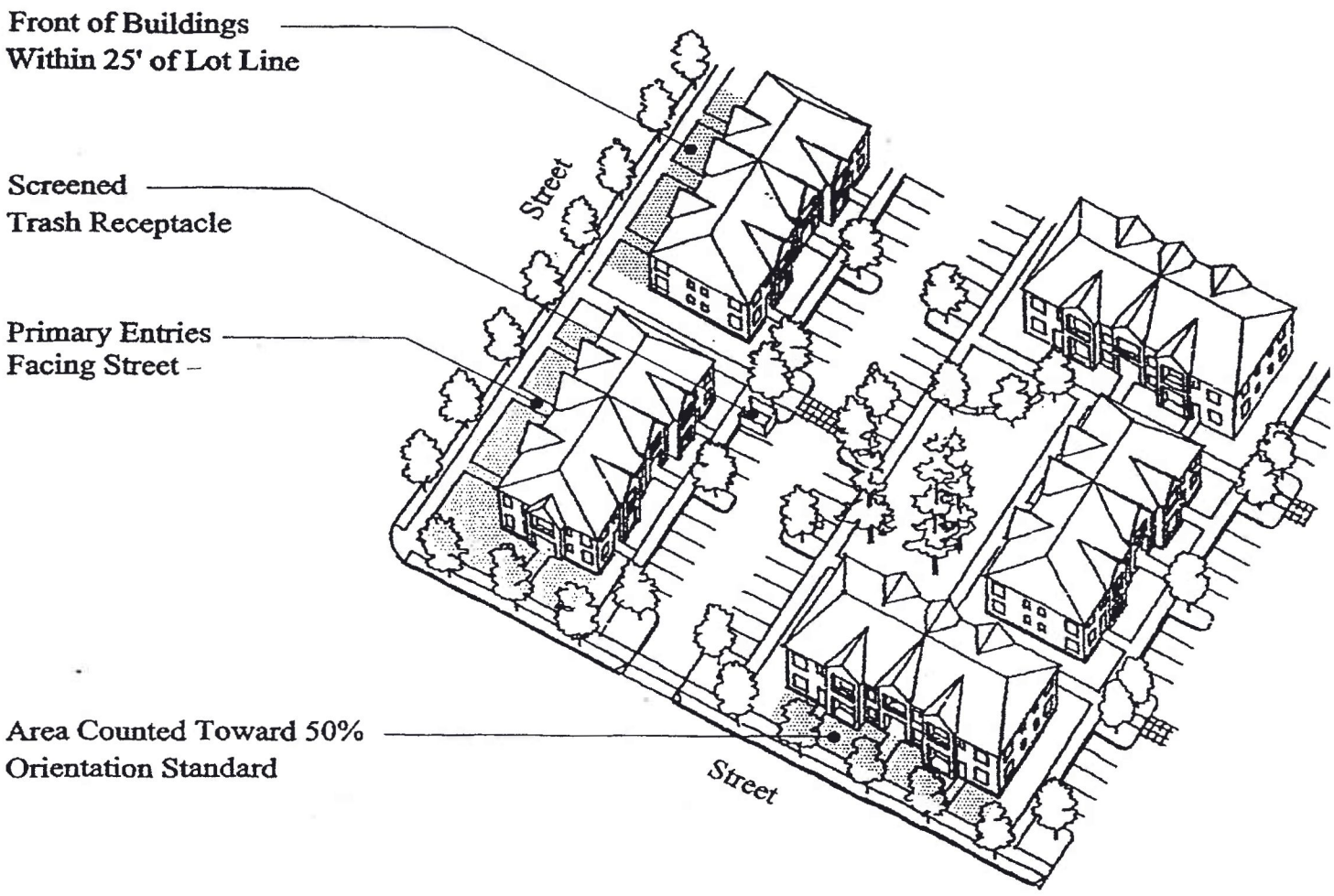
c. Multi-Unit developments 8 acres or larger shall be developed as a series of complete blocks bounded by a connecting network of public or private streets with sidewalks. The average block size within a multi-unit development shall be a maximum of four acres in size. For example, an 8.1-acre development would have a minimum of two blocks. Portions of the site with wetlands, slopes greater than 15 percent and wooded areas subject to Section 5.19-100 shall be exempt from this standard, however, sidewalk or pathway connections are required as an alternative to street connections, when practicable; and

d. Parking areas shall be accessed from alleys when properties abut an alley, or an alley can reasonable be extended to serve the development.

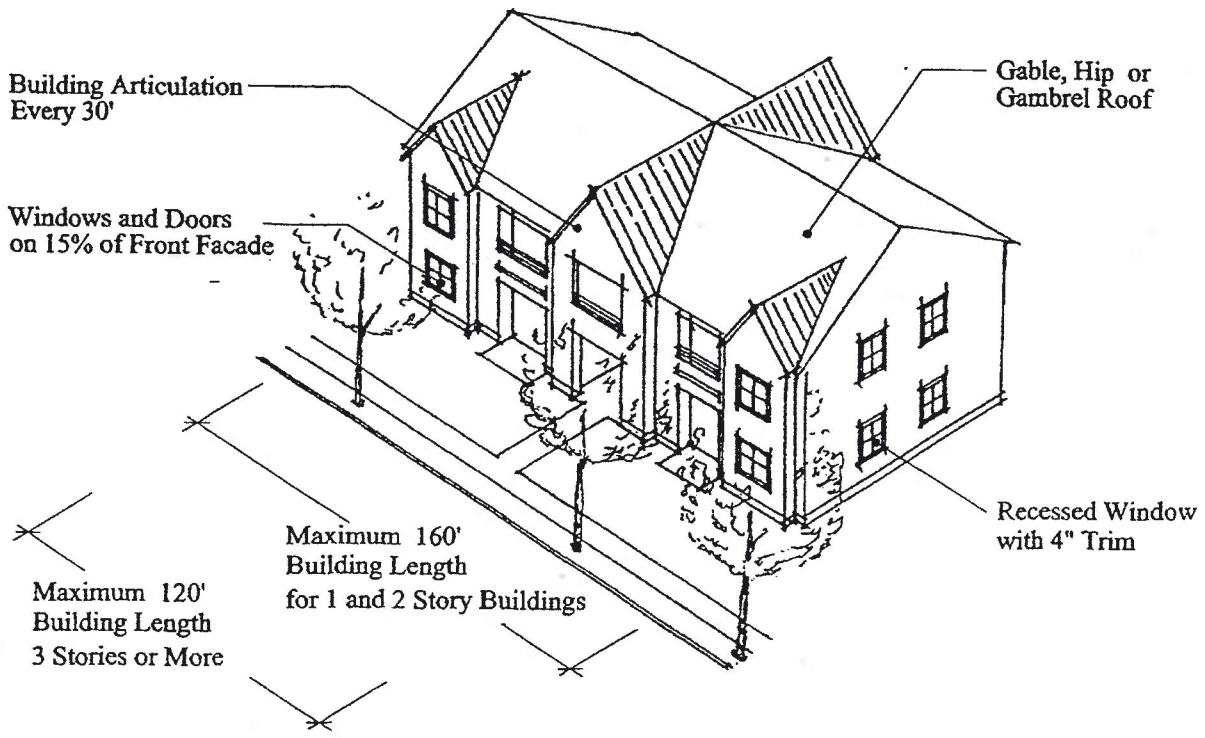
Multi-Unit Design Standards
Figure 3.2-L



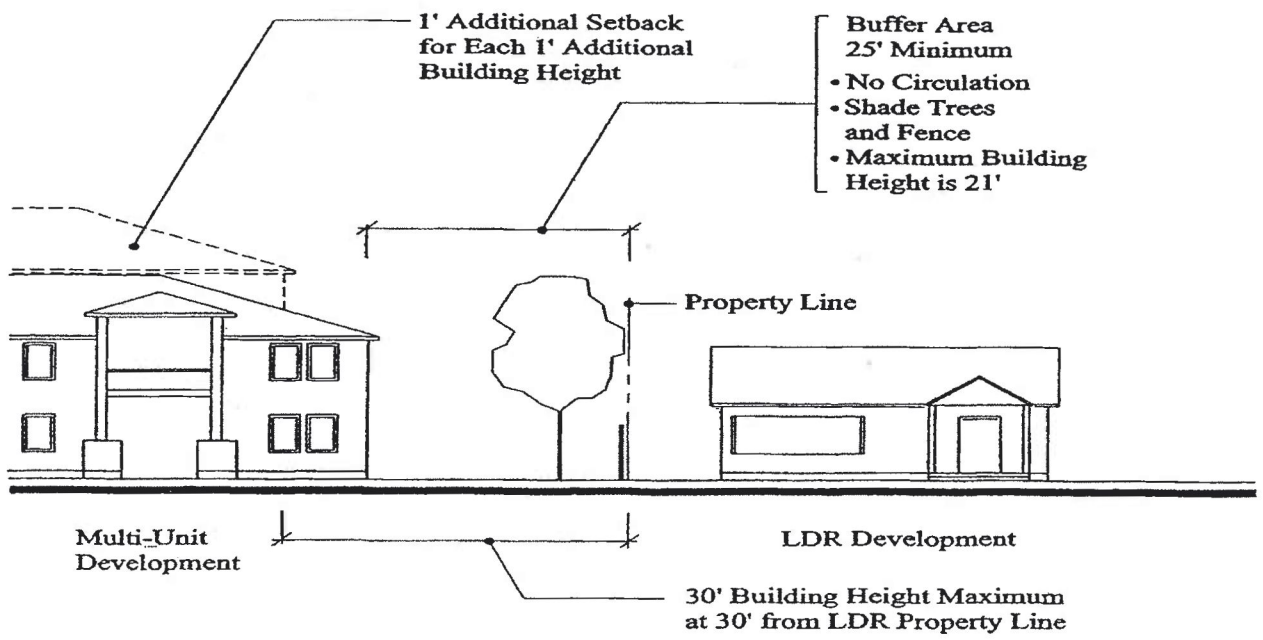
Building Orientation and Storage
Figure 3.2-M

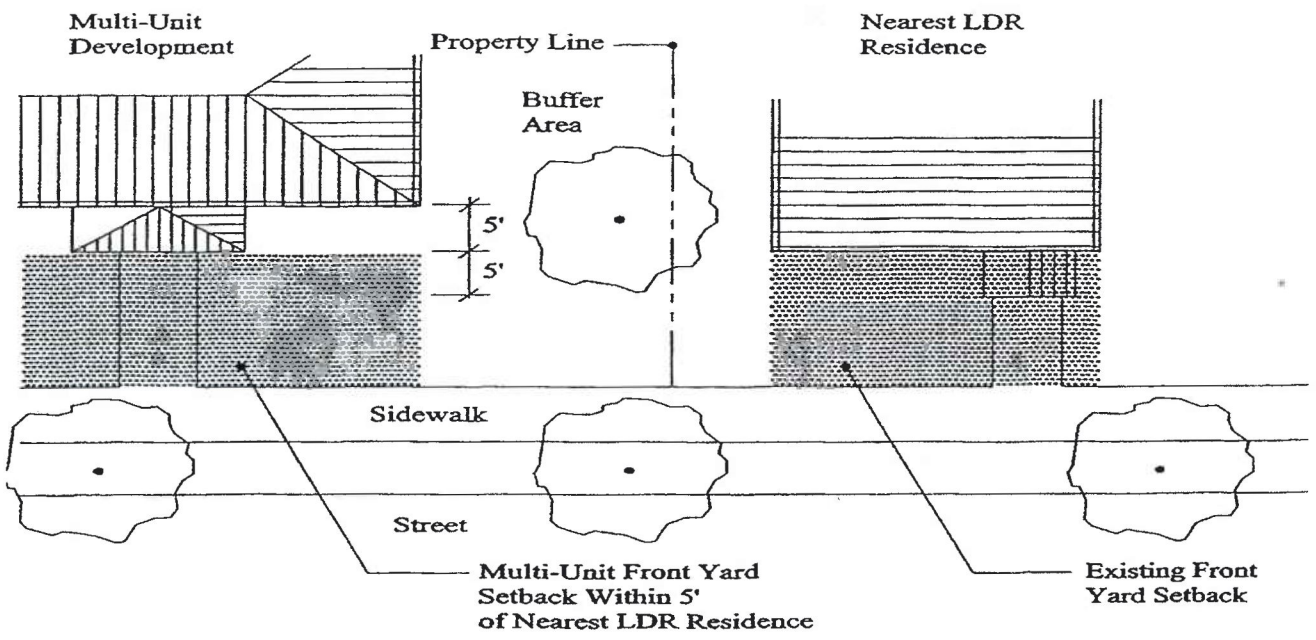


Building Form
Figure 3.2-N

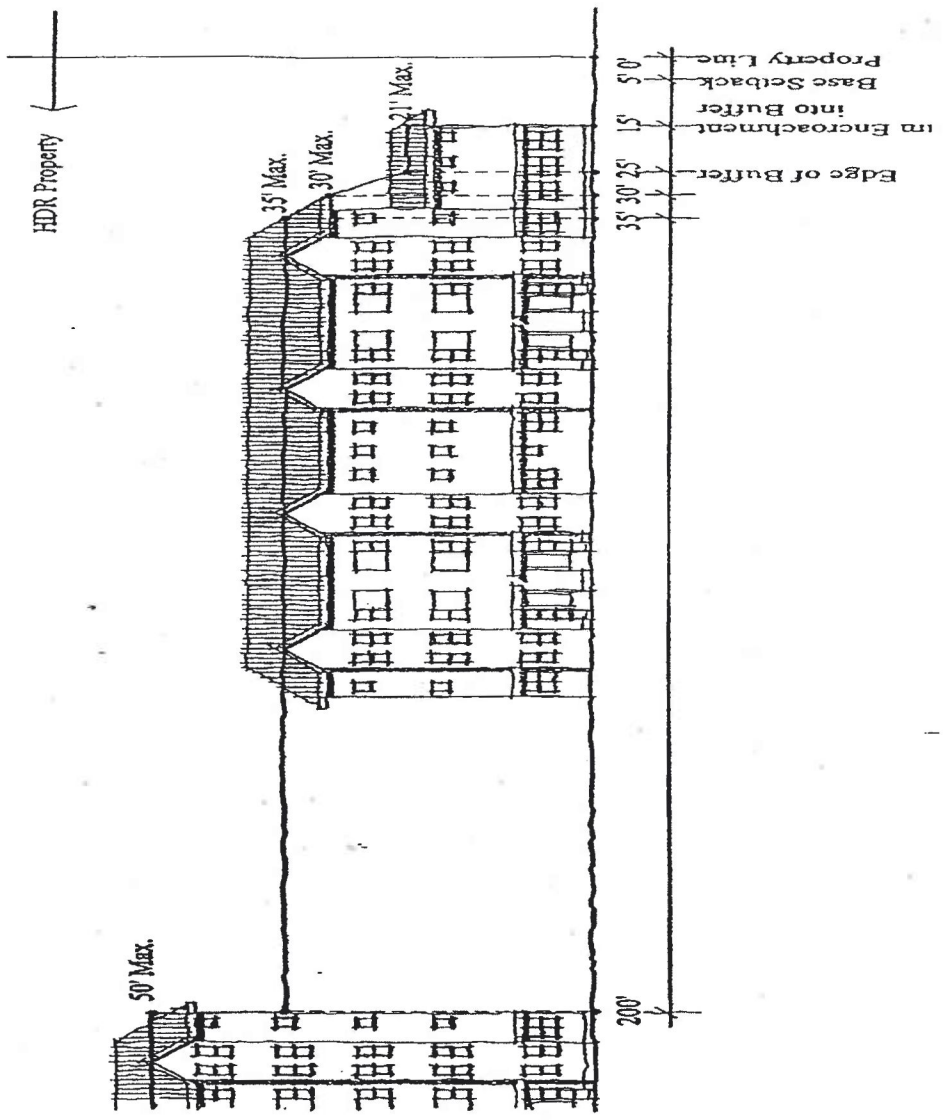


Compatibility and Transition
Figure 3.2-O

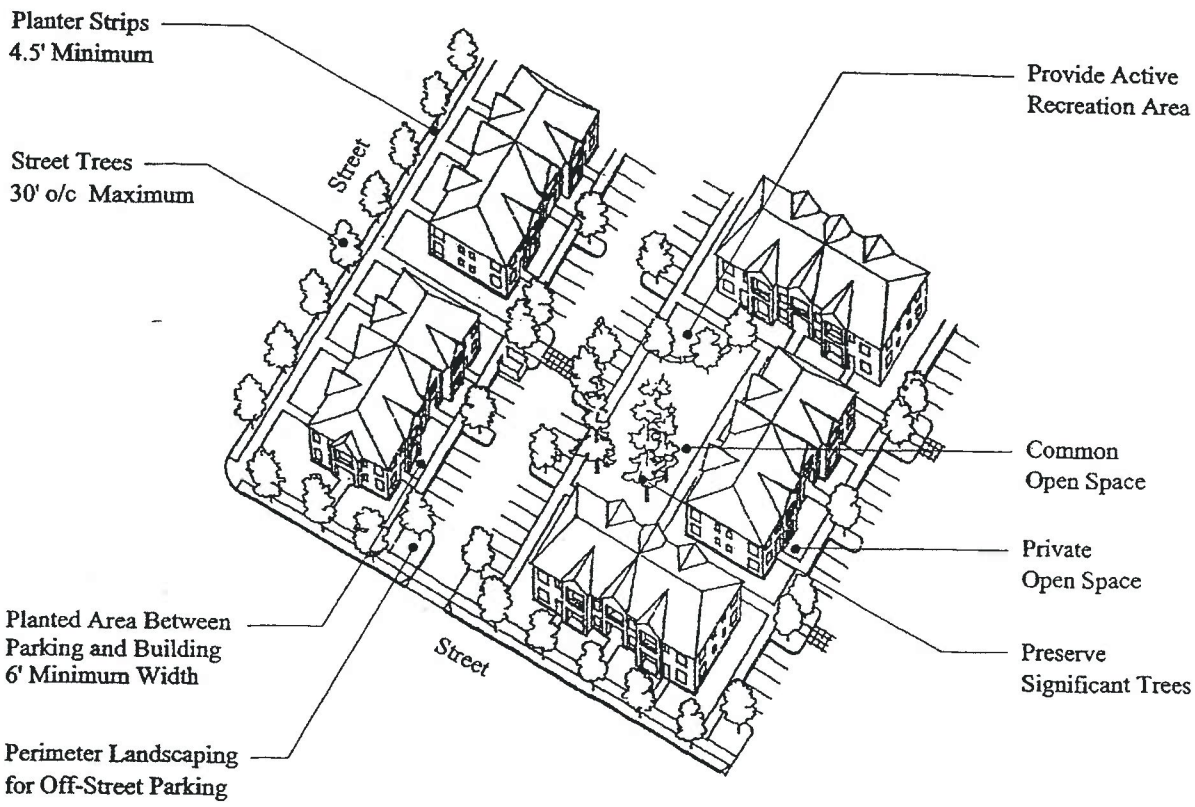




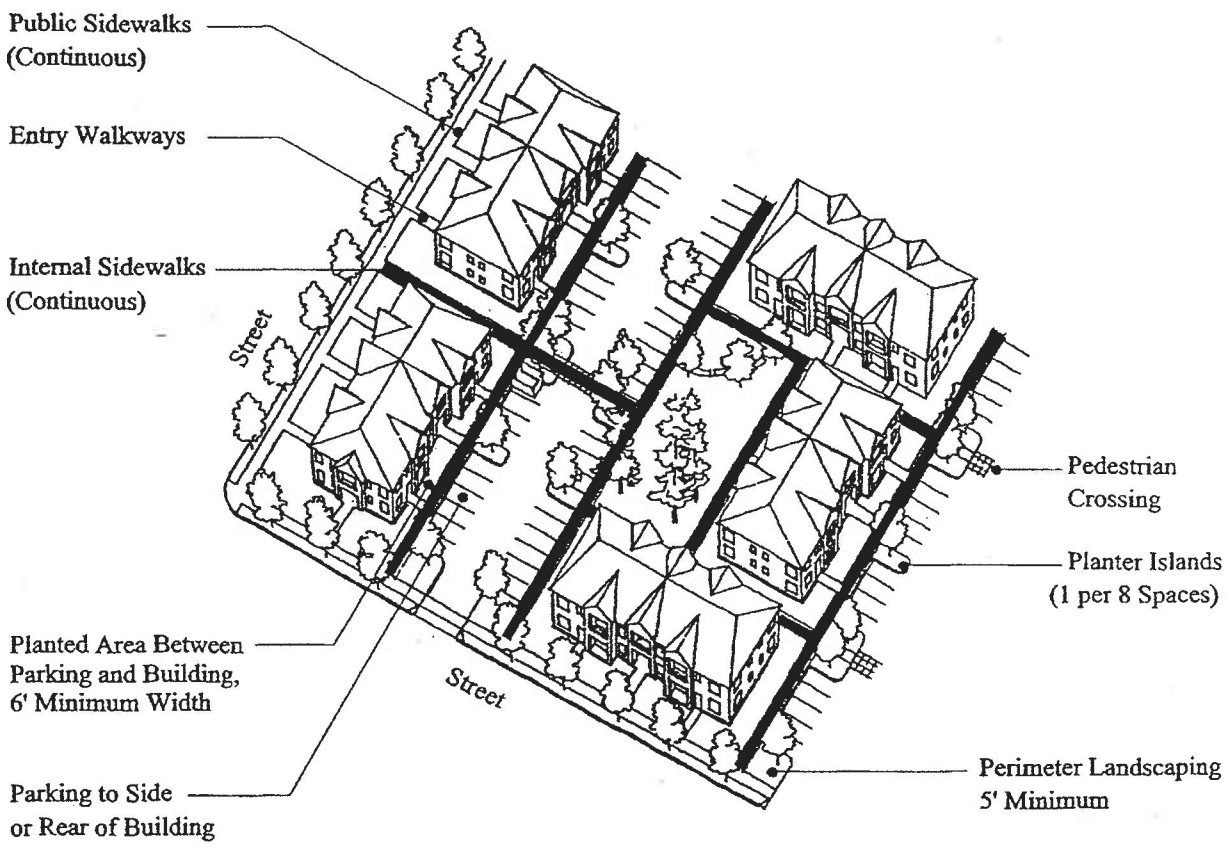
Building Setbacks, Building Height and Transition to LDR
Figure 3.2-P



Open Space and Landscaping
Figure 3.2-Q



Circulation and Parking
Figure 3.2-R



3.2-245 Multi-Unit Design Standards – Alternative Design Discretionary Criteria

A. Description. The Planning Commission may approve adjustments to the multi-family design standards listed in Section 3.2-240 that preclude compliance under Section 3.2-250. In addition, the applicant may chose this Type III Discretionary Use procedure when proposing an innovative design that may preclude compliance with one or more of the design standards under Section 3.2-240. The multi-family design standards are: Building Orientation; Building Form; Storage; Transition and Compatibility Between Multi-Unit and LDR Development; Open Space; Landscaping; Pedestrian Circulation; Parking; and Vehicular Circulation. The Planning Commission shall find that the application complies with or exceeds the criteria for each applicable design standard. Criteria for design standards not relevant to the application shall not require a finding by the Planning Commission, unless the guidelines in Subsections B. through I. are implemented.

B. Building Orientation. The Planning Commission shall find that the proposed design contributes positively to the neighborhood and overall streetscape by carefully relating building mass, frontages, entries, and yards to streets and to adjacent properties. This criterion may be met by complying with the Section 3.2-240D.1., Section 3.2-250 or by considering the following guidelines:

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

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

C. Building Form. The Planning Commission shall find that the proposed design promotes building forms that contribute positively to a sense of neighborhood and to the overall streetscape. This criterion may be met by complying with the Section 3.2-240D.2., Section 3.2-250 or by considering the following guidelines:

1. Design exterior building elevations to avoid large expanses of uninterrupted building surfaces.

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

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

4. Provide porches, bays, and balconies that compliment nearby buildings.

5. Provide roof variations through offsets, breaks and/or extensions.

6. Provide transition between the multi-unit site and LDR areas.

7. Enhance solar access protection and/or energy conservation.

8. Protect on-site and off-site natural and designated historic features.

9. Provide human-scaled architectural detail.

10. Provide visual variety in elevations, architectural details, colors, and materials, compatible with existing development.

D. Storage. The Planning Commission shall find that unsightliness, noise and odor of exterior utilities, trash receptacle storage, and roof-mounted mechanical equipment is minimized by providing site facilities that are adequate and convenient for residents' needs and ensuring that site facilities are practical, attractive, and easily maintained. This criterion may be met by complying with the Section 3.2-240D.4., Section 3.2-250 or by considering the following guidelines:

1. Provide trash receptacle areas that are adequately signed, accessible to residents and collection service, separated or buffered from living areas in order to avoid noise and odor problems.

2. Provide mailboxes large enough to accommodate large envelopes, packages, and newspapers.

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

4. Provide adequate, accessible and secure storage space for each dwelling.

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

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

E. Transition and Compatibility Between Multi-Unit and Low Density Residential Development. The Planning Commission shall find that the development is located and designed in a manner compatible with surrounding development by creating reasonable transitions between multi-unit dwellings and sites and

adjacent LDR areas and uses. This criterion may be met by complying with the Section 3.2-240D.3., Section 3.2-250 or by considering the following guidelines:

1. Setbacks, building heights and massing are similar to, and/or promote a visual gradient between the multi-unit site and adjacent LDR area.

2. Screen with landscaping or place balconies and windows to maintain the privacy of abutting LDR areas and uses and multi-family unit residents on-site and in abutting developments.

3. Window treatments and other building components are similar in size, scale, and placement to those in the adjacent LDR areas, unless variation aids in transition.

4. On site vehicular circulation and parking guides traffic away from abutting LDR areas and uses.

5. Orient buildings along street frontages shared by LDR development, particularly when such orientation aids in transition.

6. Use site obscuring landscaping, shade trees planted a minimum of 6 feet from property lines, or a minimum 6-foot high fence, when such screening aids in transition.

7. Locate components of the multi-unit development, which generate noise (such as recreation areas, parking lots, trash receptacles, heating and cooling equipment, etc.) where they will least disturb abutting LDR areas and uses.

8. Locate and screen lights and mechanical equipment to minimize glare and noise to adjoining LDR properties.

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

F. Open Space.

1. The Planning Commission shall find that the open space component is located and designed in a manner compatible with surrounding development when:

a. On-site and abutting natural features are integrated into the open space system of the multi-family development.

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

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

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

2. This criterion may be met by complying with the Section 3.2-240D.5., Section 3.2-250 or by considering the following guidelines:

a. Locate buildings, parking and circulation to minimize adverse impacts on natural features.

b. The amount of common recreation area is equal to the Section 3.2-240D.5.b. standard unless adjacent public recreation facilities, unique on-site facilities, or other similar open space/recreation facilities will be available to all residents of the site.

c. Provide linkages between on-site common open space and abutting public open spaces, when open space uses are compatible.

d. The amount of private open space is equal to the Section 3.2-240D.5.c. standard unless equivalent opportunities for common open space are demonstrated (e.g., individual units enjoy common open space).

G. Landscaping. The Planning Commission shall find that landscaping, fences, and walls contribute to a quality living environment for all residents, improve the appearance of multi-unit developments, and promote transition between multi-unit development and surrounding land uses.

1. This criterion may be met by complying with the Section 3.2-240D.6, Section 3.2-250 or by considering the following guidelines:

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

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

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

d. Use vegetation, grade changes and low fences to define open space areas. Plant transition areas between multi-unit dwellings

and surrounding LDR and less intensive uses to minimize the visual impact of the development.

e. Incorporate a planting design that emphasizes:

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

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

f. Preserve significant trees and shrubbery on the site as reasonable. Significant trees mean trees which measure 5 inches DBE or greater. Significant shrubbery means shrubbery that is greater than 40 inches in height and is a native, noninvasive species. Trees and shrubs preserved to meet this standard shall be identified on a Tree Protection Plan, in conformance with 5.19-100.

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

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

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

j. Provide street tree planting, as required by Section 3.2-240D.6. standards.

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

l. Choose landscape species for efficient maintenance. Incorporate native, drought-resistant species.

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

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

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

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

H. Pedestrian Circulation. The Planning Commission shall find that pedestrian circulation systems are designed to provide separation between vehicles and pedestrians and provide clear, direct, safe and identifiable connections within the multi-unit development and to other neighborhood uses. This criterion may be met by complying with the Section 3.2-240D.7., Section 3.2-250 or by considering the following guidelines:

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

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

3. Design internal walkways and other pedestrian links to provide privacy for ground floor residents.

4. Link the multi-unit development internal sidewalks to neighborhood uses that may be used by residents.

5. Minimize vehicle and pedestrian conflicts.

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

7. Provide a convenient, accessible, direct, barrier-free route design.

I. Parking. The Planning Commission shall find that the placement of parking contributes to attractive street frontages and visual compatibility with surrounding areas and is located with consideration for the safety of residents. This criterion shall be met by complying with Section 3.2-240D.8., Section 3.2-250 or by considering the following guidelines:

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

2. Provide rear and below grade parking where practicable.

3. Use alley access for parking areas where practicable.

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

5. Provide no more parking than the "minimum" parking requirement, where practicable.

6. Avoid placing parking lots, garages, and carports that abut and/or are visible from LDR areas. As an alternative, locate parking next to arterial and collector streets with landscape buffering, when possible.

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

J. Vehicular Circulation.

1. The Planning Commission shall find that on-site vehicular circulation systems are:

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

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

2. This criterion may be met by complying with the Section 3.2-240D.9., Section 3.2-250 or by considering the following guidelines:

   a. Design driveways and private streets to enhance connectivity to abutting streets.

   b. Design internal site circulation to provide accessibility to and from the site.

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

   d. Where practicable, consolidate or share driveways and internal streets with driveways or internal streets serving abutting sites.

   e. Incorporate aesthetic and functional site design as it relates to vehicular circulation.

f. Provide vehicular circulation linkages that will integrate multiple family development with the surrounding area.

g. Provide the separation of pedestrian, bicycle and vehicular traffic.

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

i. Locate service areas for ease of use and minimal conflict with circulation systems.

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

k. Provide shared parking with abutting sites where practicable.

l. Provide the use of alleys for vehicular access.

m. Provide lighting for the safety of pedestrians and drivers.

3.2-250 Multi-Unit Design Standards Variances

A. Description. The Director may approve an adjustment of up to 20 percent to the multi-family design standards listed in Section 3.2-240. The multi-family design standards are: Building Orientation; Building Form; Storage; Transition and Compatibility Between Multi-Unit and LDR Development; Open Space; Landscaping; Pedestrian Circulation; Parking; and Vehicular Circulation. There is one general criterion in Subsection B., below that applies to all the design standards. In addition, each design standard has applicable criteria as specified in Subsections C. through K., below. The Director shall find that the application complies with the criteria for each applicable design standard; i.e., design standards modifications that the applicant does not specifically request in the application shall not require a finding by the Director, and shall not be subject to review under this Section. Requests to modify the standards of Section 3.2-240 by more than 20 percent shall require review under Section 5.21-130.

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

C. Building Orientation. The adjustment results in a better overall streetscape. For example, design elements include: protecting and preserving vegetation and trees 5 inches (dbh) in caliper or greater; providing pedestrian amenities (i.e., between buildings and the street); providing building mass and architectural detailing that compliment adjacent uses and landscaping; and similar elements that effectively accomplish the intent of the standard.

D. Building Form.

1. The adjustment provides equivalent neighborhood compatibility either by providing similar building mass and architecture, or through protection of vegetation and trees greater than 5 inches (dbh) in caliper (i.e., screening allows for contrasting building form).

2. In addition to the 20 percent adjustment provided by Subsection B., above and Subsection 3.2-240D.2., the Director may approve alternative roof forms where the developer demonstrates that adjacent structures, or the majority of structures within 300 feet, have roofs similar to what is proposed.

E. Storage. The adjustment provides an equivalent degree of privacy and protection for residents and adjacent uses. Protection from visual, noise, odor, light, vibration, glare and other impacts shall be provided to effectively accomplish the intent of this standard.

F. Transition and Compatibility Between Multi-Unit and Low Density Residential Development. The adjustment results in better overall transition between multi-unit dwellings and neighboring LDR areas, such as: protecting and preserving vegetation and trees 5 inches (dbh) in caliper or greater; a reduction in noise and/or light that would otherwise impact adjacent LDR areas; stepping down building height; providing roof lines that compliment adjacent uses; and similar elements that effectively accomplish the intent of the standard.

G. Open Space.

1. The adjustment results in better overall compliance with Subsection 3.2-240D.5. to provide common and private open space, such as protecting vegetation and preserving trees 5 inches (dbh) in caliper or greater; providing pedestrian amenities; or providing locations for common open space which enhances safety and visibility.

2. The Director may approve an adjustment in the common open space requirements for developments with 61 units or more if up to 50 percent if the site is within one-quarter mile (measured walking distance) of a public park with active recreation facilities [as defined by Section 3.2-240D.5.]; and there is a direct, improved, permanent, public, Americans with Disabilities Act (ADA) - accessible, lighted, maintained pedestrian trail or sidewalk between the site and the park.

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

H. Landscaping.

1. The adjustment results in a better overall transition from neighboring LDR areas, such as: protecting and preserving trees 5 inches (dbh) in caliper or greater; and

2. The adjustment provides an equivalent degree of privacy, visual separation, and visual enhancement for residents and adjacent LDR uses.

I. Pedestrian Circulation.

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

2. The Director may approve an adjustment in the pedestrian circulation standard, not withstanding by Subsection B., above and Subsection 3.2-240D.7. if the residents do not require an internal sidewalk system in full compliance with the pedestrian circulation standards.

J. Parking. The adjustment results in the protection and preservation of trees 5 inches (dbh) in caliper or greater or significant vegetation that provides parking lot screening.

K. Vehicular Circulation.

1. The adjustment provides an equivalent degree of vehicular circulation, as provided by the vehicular circulation standards.

2. The Director may approve an adjustment in the vehicular circulation standard, not withstanding by Subsection B., above and Subsection 3.2-240D.9., when the development provides more building area oriented to the street than is required by Subsection 3.2-240D.1.

Section 3.2-300 Commercial Zoning Districts

3.2-305 Establishment of Commercial Zoning Districts

The following commercial zoning districts are established:

A. Neighborhood Commercial District (NC). The NC District establishes sites up to three acres in size to provide day to day commercial needs for support populations up to 4,000 people. NC developments should enhance rather than intrude on the character of a neighborhood by using landscaping, building materials and design features that are similar to and in proportion with residential uses. New NC Districts larger than 1.5 acres shall be limited to collector and arterial streets. Existing NC Districts on local streets shall not be allowed to expand beyond 1.5 acres unless the development area abuts a collector or arterial street.

B. Community Commercial District (CC). The CC District establishes sites to provide for a wide range of retail sales, service and professional office use and also includes all existing strip commercial areas.

C. Major Retail Commercial District (MRC). The MRC District establishes sites suitable for shopping centers. The minimum development area shall be 20 acres.

D. General Office District (GO). The GO District is established to encourage appropriate office development as a transition zone, providing a buffer between residential and more intensive commercial development at the boundaries of a Community Commercial or Major Retail Commercial designation. The minimum development area shall be at least one acre.

3.2-310 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 SHALL BE REQUIRED unless exempted elsewhere in this Code.

	Commercial Districts			
Categories / Uses	**NC**	**CC**	**MRC**	**GO**
Agricultural and animal sales and service				
Agricultural cultivation of undeveloped land	N	P	P	N
Animal hospitals, animal clinics and kennels (Section 4.7-110)	N	S	N	N
Feed and seed supplies	N	P	S	N
Garden supplies (Section 4.7-150)	N	P	S	N
Automotive, marine and mobile/manufactured homes sales, service, storage and repair (Section 4.7-115)				
Auto and truck dealers, new	N	S	S	N
Auto and truck dealers, used	N	S	N	N
Boat sales and accessories	N	S	S	N
Car Washes	N	P	N	N
Garage, repair	N	S	D	N
Manufactured home and RV sales including campers, canopies and other accessories	N	S	N	N
Motorcycle sales and repair	N	P	S	N
Private parking lots and garages	N	P	P	N
Rental, automotive and trucks	N	S	S	N
Service stations	S	P	S	N
Tires, batteries and accessories	N	P	S	N
Business and professional offices and personal services				
Accountants, bookkeepers and auditors	P	P	P	P
Advertising / marketing agencies	P	P	P	P
Architects, landscape architects and designers	P	P	P	P
Art Studios, fine	P	P	P	P
Art restoration	P	P	P	P
Attorneys	P	P	P	P
Audio / video production studio	P	P	P	N
Authors / composers	P	P	P	P
Banks, credit unions and savings and loans	P	P	P	P
Barber and beauty shops	P	P	P	N
Business Schools	P	P	P	N
Catering Services	P	P	P	N
Clinics and research / processing laboratories	P	P	P	P
Collection agencies	P	P	P	P
Commodity contract brokers and dealers	P	P	P	P
Computer and information services	P	P	P	P
Child care facilities (Section 4.7-125)	S	S	S	S
Dentists	P	P	P	P
Detective and protective agencies	P	P	P	P
Diaper services	P	P	P	N
Doctors	P	P	P	P
Drafting, graphic and copy services	P	P	P	P
Employment agencies and services	P	P	P	P
Engineers and surveyors	P	P	P	P
Financial Planning, investment services	P	P	P	P
Funeral services	P	P	P	N
Graphic art services	P	P	P	P
Gymnastics instruction	P	P	P	P
House cleaning services	P	P	P	P

	Commercial Districts			
Categories / Uses	**NC**	**CC**	**MRC**	**GO**
Insurance carriers, agents, brokers and services	P	P	P	P
Interior decorator and designers	P	P	P	P
Laundry, dry cleaners, including self service, and ironing services	P	P	P	N
Loan companies, other than banks	P	P	P	P
Locksmiths	P	P	P	N
Lumber brokers	P	P	P	P
Mailing services / mail order sales	P	P	P	P
Management and planning consultants	P	P	P	P
Manufactured unit as a temporary construction office, security quarters or general office (Sections 4.8-110, and 4.8-120 and 4.7-185)	P/S	P/S	P/S	P/S
Manufactured home as a manufactured home sales office (Section 4.8-115)	P	P	P	N
Motion picture studio / distribution	P	P	P	N
Non-profit organizations	P	P	P	P
Opticians	P	P	P	P
Performing arts instruction	P	P	P	P
Photocopying	P	P	P	P
Photography studios	P	P	P	P
Planner, land use	P	P	P	P
Printing / publishing	P	P	P	P
Private investigator	P	P	P	P
Psychologists and counselors	P	P	P	P
Real estate sales and management	P	P	P	P
Scientific and educational research	P	P	P	P
Security systems services	P	P	P	P
Self-defense studio	P	P	P	P
Shoe repair	P	P	P	N
Stenographers and secretarial services	P	P	P	P
Stockbrokers	P	P	P	P
Swimming pool cleaning	P	P	P	P
Tailors	P	P	P	N
Tanning salons	P	P	P	P
Title companies	P	P	P	P
Telephone answering services	P	P	P	P
Travel agencies	P	P	P	P
TV and radio broadcasting studios	P	P	P	P
Typing services	P	P	P	P
Communications towers, including antennas and relay equipment.	N	D	D	N
Certain Wireless Telecommunications Systems Facilities.	Section 4.3-145	Section 4.3-145	Section 4.3-145	Section 4.3-145
Window cleaning	P	P	P	N
Eating and drinking establishments				
Cocktail lounges	P	P	P	N
Delicatessens and sit down restaurants including espresso shops (Section 4.7-145)	P	P	P	S
Drive up restaurants and espresso shops	P	P	P	N
Taverns and brew pubs	D	P	P	N
Public utility facilities				
High impact facilities (Section 4.7-160)	S	S	S	N
Low impact facilities	P	P	P	P
Recreational facilities (Section 4.7-205)				
Amusement park	P	P	P	N

Categories / Uses	Commercial Districts			
	NC	CC	MRC	GO
Arcades	S	S	S	N
Art studios, performing	P	P	P	N
Athletic field	P	P	P	N
Auditoriums	S	S	P	N
Batting cages	S	S	S	N
Bingo parlors	S	S	S	N
Bowling alleys	P	P	P	N
Dance halls	S	S	S	N
Exercise studios	P	P	P	S
Exhibition hall	P	P	P	N
Golf driving range	P	P	P	N
Gyms and athletic clubs	P	P	P	N
Hot tub establishments	P	P	P	N
Hydrotubes	S	S	S	N
Miniature auto race track	P	P	P	N
Miniature golf	P	P	P	N
Movie theaters, indoor	P	P	P	N
Movie theaters, drive-in	N	D	N	N
Non Alcoholic Night Club	S	S	S	N
Off-track betting facility	P	P	P	N
Parks, private and public	P	P	P	N
Playground	P	P	P	N
Play / tot lot	P	P	P	P
Pool halls	P	P	P	N
Recreation center	P	P	P	N
Riding stable	P	P	P	N
Rodeos	P	P	N	N
Shooting range (Also subject to provisions of Springfield Municipal Code, 1997	N	S	S	N
Skating rinks	S	S	S	N
Stadiums	P	P	P	N
Swimming pools	P	P	P	N
Tennis, racquetball and handball courts	P	P	P	N
Theater, legitimate	P	P	P	N
Velodromes	P	P	P	N
Religious, social and public institutions:				
Branch educational facilities	P	P	P	N
Charitable services	P	P	P	N
Churches, temples and weekly religious schools	P	P	P	P
Community and senior centers	P	P	P	N
Fraternal and civic organizations	P	P	P	N
Hospitals	P	P	P	N
Labor unions	P	P	P	N
Public offices	P	P	P	P
Private/Public Elementary and Middle Schools (Section 4.7-195)	D*	D*	N	N
Residential uses in areas designated mixed use in the Metro Plan, Refinement Plans or Mixed Use Districts in this Code (Section 4.7-210)	S	S	S	N
Retail sales (Section 4.7-230)				
Antiques	P	P	P	S
Apparel	P	P	P	S
Art galleries and museums	P	P	P	S

Categories / Uses	Commercial Districts			
	NC	CC	MRC	GO
Art supplies	P	P	P	N
Auction / flea markets	S	S	N	N
Bakeries	P	P	P	N
Bicycles	P	P	P	N
Books	P	P	P	S
Cameras and photographic supplies	P	P	P	S
Candies, nuts and confectioneries	P	P	P	S
China, glassware and metal ware	P	P	P	N
Cigars and cigarettes	P	P	P	P
Computers, calculators and other office machines	P	P	P	S
Convenience stores	P	P	P	S
Dairy products	P	P	P	N
Department stores	P	P	P	N
Drapery, curtains and upholstery	P	P	P	N
Dry goods and general merchandise	P	P	P	N
Electrical supplies	P	P	P	N
Equipment rental and leasing	P	P	N	N
Fabrics and accessories	P	P	P	N
Farm equipment	P	P	N	N
Feed, grain and hay	P	P	N	N
Film drop off and pick up	P	P	P	N
Fish	P	P	P	N
Floor coverings	P	P	P	N
Florists	P	P	P	S
Fruits and vegetables	P	P	P	N
Furniture	P	P	P	N
Furriers	P	P	P	N
Groceries	P	P	P	N
Hardware	P	P	P	N
Hobby supplies	P	P	P	S
Household appliances	P	P	P	N
Jewelry	P	P	P	S
Liquidation outlets	P	P	P	N
Liquor outlets (State)	P	P	P	N
Luggage and leather	P	P	P	S
Magazines and newspapers	P	P	P	P
Mail order houses	P	P	P	N
Meats	P	P	P	N
Medical and dental supplies	P	P	P	S
Musical instruments and supplies	P	P	P	S
Novelties and gifts	P	P	P	S
Office equipment	P	P	P	S
Paint, glass and wallpaper	P	P	P	N
Pharmacies	P	P	P	S
Pottery	P	P	P	S
Radios, televisions and stereos	P	P	P	N
Second hand and pawn shops	S	S	P	N
Sewing machines	P	P	P	N
Shoes	P	P	P	N
Small electrical appliances	P	P	P	N
Sporting goods	P	P	P	S

Categories / Uses	Commercial Districts			
	NC	CC	MRC	GO
Stationary	P	P	P	N
Supermarkets	P	P	P	N
Toys	P	P	P	S
Transient merchants	S	S	P	N
Weapons dealers	P	P	P	N
Small scale repair and maintenance services (Section 4.7-235)				
Business machine repair	S	P	N	N
Disinfecting and extermination service	N	P	N	N
Electrical appliance repair	S	P	N	N
Furniture repair	S	P	N	N
Janitorial services	N	P	N	N
Small engine repair	S	P	N	N
Watch repair	P	P	P	N
Transient accommodations				
Bed and breakfast facilities (Section 4.7-120)	S	P	N	N
Emergency and breakfast facilities	N	P	N	N
Hotels	N	P	P	N
Motels	N	P	P	N
Youth hostels	P	P	N	N
RV Parks (Section 4.7-220)	N	S	N	N
Transportation facilities (Section 4.7-240):				
Bus terminals	N	S	S	N
Dock, boat ramps and marinas	N	D	N	N
Heliports	N	S	S	N
Helistops	N	S	S	N
Warehouse commercial retail and wholesale sales (Section 4.7-235):				
Cold storage lockers	N	P	N	N
Electrical supplies and contractors	N	P	N	N
Floor coverings sales	N	P	N	N
Fuel dealers	N	S	N	N
Heavy equipment and truck rental/sales	N	S	N	N
Indoor storage, other than mini-warehouses, and outdoor storage areas/ yards	N	S	N	N
Large electrical appliance sales	N	P	P	N
Lumber yards and building materials	N	S	N	N
Merchandise vending machine operators	N	P	N	N
Mini-warehouses	N	S	N	N
Plumbing and heating supplies and contractors	N	S	N	N
Unfinished furniture	N	P	N	N
Uses listed under automotive and retail which are wholesale uses. **(See appropriate Sections**				
Secondary uses serving or related to on-site commercial uses (Section 4.7-175):				
Manufacture or assembly of goods or products to be sold on premises	N	S	N	N
One single family dwelling, attached or detached, as a secondary use.	P	P	N	N

3.2-315 Base Zone Development Standards

The following base zone commercial development standards are established.

	Commercial Zoning District			
Development Standard	***NC***	***CC***	***MRC***	***GO***
Minimum Area	6,000 square feet	6,000 square feet	6,000 square feet	6,000 square feet
Minimum Street Frontage **(1)**	50 feet	50 feet	50 feet	50 feet
All Panhandle Lots/Parcels Minimum Street Frontage	Not Permitted	40 feet	Not Permitted	Not Permitted
Maximum Lot/Parcel Coverage	Development Areas between <1 Acre and 2 Acres shall be 35 percent. Development Areas between 2 and 3 Acres shall be 35 percent and no single lease space shall exceed 15,000 square feet.	Lot/parcel coverage limited only by standards in other Sections of this Code.		
Minimum Landscaping	Perimeter and interior landscaping area combined coverage shall not be less than 20 percent of the total development area.	Minimum requirements defined by standards in other Sections of this Code.		
Maximum Parking, loading and vehicular circulation area coverage	45 percent	Lot/parcel coverage limited only by standards in other Sections of this Code.		
Landscaped Setbacks (2)(3)(4) and (5)				
Front, Street Side Yard, and Through Lot Rear Yard				
Building Setback	10 Feet	10 Feet	10 Feet	10 Feet
Parking, driveway, and outdoor storage setback	7 Feet	5 Feet	5 Feet	5 Feet
Interior Side, Rear Yard Setbacks when Abutting Residential or CI Districts				
Building Setback	10 Feet	10 Feet	10 Feet	10 Feet
Parking, Driveway, Outdoor Storage Setback	7 Feet	5 Feet	5 Feet	5 Feet
Maximum Building Height (6)	**20 Feet**	**No Maximum, except as specified below**		
When abutting an LDR or MDR District to the north	20 Feet	Defined by the Maximum Shade Point Height requirement of Section3.2-225A.1.b., or up to 50 feet south of a northern lot/parcel line a plane extending south with an angle of 23 degrees and originating from the top of a 16 foot hypothetical fence located on the northern lot/parcel line.		
When abutting an LDR or MDR District to the east, west, or south	20 Feet	No greater than that permitted in the LDR or MDR Districts for a distance of 50 feet.		

(1) The Director may waive the requirement that buildable City lots/parcels have frontage on a public street when all of the following apply:

(a) The lots/parcels have been approved as part of a Development Area Plan, Site Plan, Subdivision or Partition application, and

(b) Access has been guaranteed via a private street or driveway by an irrevocable joint use/access agreement as specified in Section 4.2-120A.

(2) There are no setback requirements for buildings in the Downtown Exception Area.

(3) Where an easement is larger than the required setback standard, no building or above grade structure, except a fence, shall be built upon or over that easement.

(4) 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 required parking.

(5) Architectural extensions may protrude into any 5 foot or larger setback area by not more than 2 feet.

(6) Incidental equipment may exceed these height standards.

Section 3.2- 400 Industrial Zoning Districts

3.2-405 Establishment of Industrial Zoning Districts

The following industrial zoning districts are established:

A. Campus Industrial (CI). The CI District provides opportunities for diversification of the local economy by offering prime sites in a campus environment for large-scale light manufacturing firms and research and development complexes emphasizing modern technology and employing skilled workers in family wage jobs. The term "campus" includes innovative building designs, enhanced landscapes, large open spaces, and substantial pedestrian amenities. Generally, small- and medium-scale light manufacturing may, and supporting commercial/office uses shall be located within a business park, provided that combined business parks and/or permitted stand alone office/commercial uses do not exceed 40 percent of the gross acreage of a CI District. Business parks may include several buildings with multiple stories and a mix of uses. Warehousing and distribution are permitted as an accessory to a permitted use. Supporting retail uses for example, banks, restaurants, and day care facilities are permitted if these uses do not primarily serve the public. All uses in the CI District shall meet siting and operational performance standards to minimize impacts within the CI District and surrounding areas. Permitted uses, including the storage of raw materials and/or finished products, shall occur entirely within enclosed buildings.

B. Light-Medium Industrial District (LMI). LMI uses are generally involved in the secondary processing of materials into components, the assembly of components into finished products, transportation, communication and utilities, wholesaling, and warehousing. The external impact from these uses is generally less than Heavy Industrial, and transportation needs are often met by truck. Activities are generally located indoors, although there may be some outdoor storage. This designation also can accommodate supporting offices and CI industrial uses.

C. Heavy Industrial District (HI). HI uses are generally involved in the processing of large volumes of raw materials into refined materials and/or that have significant external impacts. Heavy Industrial transportation needs often include rail and truck. Examples of these uses are: lumber and wood products; paper; chemicals and primary metal manufacturing; large-scale storage of hazardous materials; power plants; and railroad yards. Less intensive industrial uses that are permitted in the LMI District are also permitted in this district.

D. Special Heavy Industrial Districts (SHI). These areas are designated to accommodate industrial developments that need large parcels, particularly those with rail access. Although a primary purpose of this district is to provide sites for heavy industries, any industry which meets the following siting criteria may be permitted:

1. Since sanitary sewer is not available to the Natron site in the short-term, industrial firms may be allowed to provide self-contained sewage disposal facilities subject to City, Lane County, State and Federal environmental standards.

2. Annexation to the City shall be required as a condition of development approval.

3. The minimum development area shall be 10 acres.

4. Land divisions in this area shall be a minimum of 40 acres until annexation to the City has been assured.

5. While industrial park development will be encouraged, opportunity for the siting of industries that require large lots/parcels that require 20 acres or more, will be reserved through the Conceptual Development Plan and Site Plan Review processes.

3.2-410 Schedule of Light-Medium Industrial, Heavy Industrial and Special Heavy Industrial 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; in the SHI District, the "S" standard is found in Section 3.2-420, Note 2.

"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 unless exempted elsewhere in this Code.

	Industrial Districts		
Use Categories / Uses	**LMI**	**HI**	**SHI**
Manufacture and/or assembly of (Section 4.7-100)			
Appliances	**P**	**P**	**S**
Apparel and other finished products made from canvas, cloth, fabrics, feathers, felt, leather, textiles, wool, yarn and similar materials	**P**	**P**	**S**
Chemical and chemical products	**N**	**P**	**S**
Communication equipment, including radio and television equipment	**P**	**P**	**S**
Compounding, or treatment of the following previously prepared materials: bone. Cellophane, clay, cork, Fiberglas, glass, hair, horns, metal, paper, plastic, shells, stones, synthetic resins, textiles, tobacco, wool and yarns	**N**	**P**	**S**
Concrete blocks, cinder blocks and septic tanks	**N**	**P**	**S**
Costume jewelry, novelties, buttons and misc. notions	**P**	**P**	**S**
Cutlery, hand tools and hardware	**P**	**P**	**S**
Dairy products, including butter, cream, cheese, milk, yogurt	**N**	**P**	**S**
Electronic components and accessories	**P**	**P**	**S**
Electronic transmission and distribution equipment	**P**	**P**	**S**
Engineering, laboratory, scientific, and research instruments	**P**	**P**	**S**

Use Categories / Uses	Industrial Districts		
	LMI	HI	SHI
Explosives, manufacturing and distribution	N	D	D
Finished wood manufacturing and assembly, including cabinets and door frames	P	P	S
Food processing and packaging to include beverages, candy and other confectionery products, vegetables, meat, poultry and seafood	P	P	S
Fireworks	N	D	D
Furniture, including restoration	P	P	S
Greeting cards, business forms and other business related printing	P	P	S
Industrial machinery	P	P	S
Lumber, wood and paper products	N	P	S
Manufactured / modular housing and allied components	P	P	S
Measuring, analyzing, and controlling instruments	P	P	S
Medical, dental, and surgical equipment and supplies	P	P	S
Medicinal chemical and pharmaceutical products	P	P	S
Metal and metal alloy products	N	P	S
Metal fabrication and machine shops	P	P	S
Musical instruments	P	P	S
Paint, varnishes, lacquers, enamels and allied product	N	P	S
Prosthetics and orthopedic devices	P	P	S
Office computing and accounting equipment	P	P	S
Optical instruments, including lenses	P	P	S
Perfumes and toiletries	P	P	S
Photographic equipment and supplies	P	P	S
Signs and advertising display	P	P	S
Toys, sporting and athletic goods	P	P	S
Transportation equipment including airplanes, autos, boats, buses, helicopters, motorcycles, RVs, trailers and trucks	P	P	S
Watches, clocks and related components	P	P	S
Other primary industrial uses			
Batch plant: Asphaltic and Portland cement concrete	N	D	D
Bulk plant: Refined flammable liquids delivered by tank car or pipe line	N	D	D
Cleaning and dyeing plants	N	P	S
Foundry and stamping plants	N	D	D
Gas storage tanks and distribution facilities	N	D	D
Ice and cold storage plants	N	P	S
Incineration or reduction of garbage, dead animals, offal and refuse	N	D	D
Industrial Parks	P	P	S
Leather tanning and finishing	N	D	D
Lubricating oil and grease processing and storage	N	P	S
Media productions, including TV and radio broadcasting, motion picture production and newspaper / book / periodical publishing	P	P	S
Plating and coating works	N	P	S
Recycling facilities	N	P	S
Regional distribution headquarters, including indoor storage	P	P	S
Research development and testing laboratories and facilities	P	P	S
Slaughters houses	N	D	N
Transportation related, non-manufacturing			
Automotive and heavy equipment repair and service including the recapping and retreating of tires	P	P	S
Auto wrecking, storage and towing services	N	D	N
Maintenance facilities for passenger bus vehicles or motor freight vehicles	P	P	S
Key/card lock fuel facilities	P	P	P
Transportation facilities listed in Section 3.2-310	P	P	S

Use Categories / Uses	Industrial Districts		
	LMI	HI	SHI
Secondary uses serving or related to on-site industrial uses			
Accessory structures	P	P	S
Administrative professional or business offices	P	P	S
Blue printing Photostatting and photo developing	P	P	S
Cafeteria serving employees only	P	P	S
Child care facilities primarily serving employees	P	P	S
Developed recreation area serving the development area	P	P	S
Financial institutions	P	P	S
Heliports and helistops	P	P	S
Manufactured unit used as a permanent office (Section 4.7-170)	S	S	S
Manufactured home used as a night watch person's quarters (Section 4.7-185)	S	S	S
Outdoor storage of materials directly related to a permitted use	P	P	S
Service and repair			
Small scale repair and maintenance services listed in Section 3.2-310	P	P	S
Warehouse commercial, wholesale trade, storage and distribution			
Regional distribution headquarters, including indoor storage	P	P	S
Warehouse/commercial uses engaged primarily in the wholesaling of materials to the construction industry (Section 4.7-245)	S	S	S
Wholesale trade, warehousing, distribution and storage (to include mini-storage)	P	P	S
Warehouse commercial retail and wholesale sales listed in Section 3.2-310	P	P	S
Business, labor, scientific and professional organizations and headquarters and recreational uses			
Recreational facilities in Section 3.2-310	P/S	P/S	S
Other uses			
Agricultural cultivation of undeveloped land	P	P	P
Business, labor, scientific and professional organizations and headquarters	P	P	S
Public utility facilities:			
High impact facilities (Section 4.7-160) Low impact facilities	S P	S P	S S
Private / Public Elementary and Middle Schools (Section 4.7-195)	D*	N	N
Certain Wireless Telecommunications Systems Facilities	See Section 4.3-145	See Section 4.3-145	See Section 4.3-145

3.2-415 Schedule of Campus Industrial Use Categories

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

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.

Use Category/ Uses	*CI District*
Primary Uses (3)	
Advertising, marketing, and public relations	P
Agricultural cultivation is permitted as an interim use on undeveloped land, provided that spraying, dust, odors, and other side effects of the use do not interfere with the operation of permitted uses in the CI District **(7)**	P
Blueprinting and photocopying	P
Business Parks **(2)**	P
Call centers that process predominantly inbound telephone calls	P

Certain Wireless Telecommunications Systems Facilities as specified in Section 4.3-145	P/D
Computer facilities management services	P
Computer systems design services	P
Corporate headquarters, regional headquarters, and administrative offices **(4)**	P
Data processing and related services	P
E (electronic)-commerce including mail order houses	P
Educational facilities in business parks including, but not limited to, professional, vocational and business schools; and job training and vocational rehabilitation services	P
Graphic art services	P
High Impact Public Facilities **(10)**	D
Internet and web site and web search portal (includes services and technical support center)	P
Internet publishing and broadcasting	P
Laboratories, including medical, dental and x-ray	P
Large- and medium-scale research and development complexes **(6)**	P
Light industrial manufacturing involving the secondary processing of previously prepared materials into components or the assembly of components into finished products **(1)**	P
Mail distribution facilities **(5)**	P
Management, consulting, and public relations offices	P
Media productions, including, but not limited to: TV and radio broadcasting studios as well as cable and other program distribution and motion picture production	P
Non-profit organization office	P
Printing and publishing	P
Professional membership and union offices	P
Satellite telecommunications	P
Software development (includes services and technical support center) and publishing	P
Wired or wireless telecommunications carrier offices	P
Secondary Uses (3) (8)	
ATM's; banks, savings and loans, and credit unions	P
Barber, beauty, nail and tanning shops	P
Bike paths and pedestrian trails	P
Building maintenance services	P
Day care facilities that meet Children's Services Division (CSD) regulations	P
Eating and drinking establishments including, but not limited to: delicatessens, restaurants, and coffee/espresso shops	P
Industrial and professional equipment and supply stores	P
Low impact public utility facilities	P
Outdoor recreation uses and pedestrian amenities including, but not limited to facilities that are provided in association with a primary use within the same development area:	P
Parking lots and parking structures	P
Pedestrian plazas and similar public spaces	P
Product showrooms, limited to wholesale sales	P
Retail, wholesale and service uses:	P
Swimming pools, playgrounds, tennis and other sport courts	P
Transit stations and stops, exclusive of terminals or transit storage areas	P
Accessory components of a Permitted Primary Use (3)	
Central mail room	P
Conference rooms for tenant use	P
Employee lounges and dining rooms	P
Indoor recreation areas including, but not limited to game and craft rooms and exercise and dance studios	P
Warehousing **(9)**	P
Prohibited Uses	
Heavy industrial uses that involve the primary manufacturing of large volumes of raw	N

materials into refined materials including, but not limited to processing from trees to lumber, wood products or paper; from ores to primary metals; and animal or fish processing in packing plants	
Any use that cannot meet the operational performance standards specified in Section 3.2-425	N
Any retail uses, unless permitted as a secondary use as specified in Section 3.2-415	N
Stand-alone industrial/commercial warehousing, unless permitted as a secondary use as specified in Section 3.2-410	N
Mini-warehouse storage facilities	N
Drive-through facilities	N
Medical and dental practitioner offices	N
Motor freight terminals	N
Moving and storage facilities	N
Truck and auto repair and painting facilities	N
Truck and car washes	N
Gas stations	N
Motels	N

(1) There is no use list for this category of uses. Proposed light industrial manufacturing uses shall comply with the operational performance standards specified in Section 3.2-425 in order for to be considered a permitted use. Large- and medium-scale light industrial manufacturing uses may stand alone. Small-scale light industrial manufacturing uses shall be located within a business park.

(2) No more than 40 percent of the gross acres of a CI District shall be developed as business parks. Business parks shall be 5 acres or more in size. Unless specified in Section 3.2-435, business parks may contain permitted small- and medium-scale light industrial manufacturing uses as well as any permitted primary or secondary uses. Multiple story buildings are encouraged; office/commercial uses may be located above industrial uses. Development standards for business parks shall be as specified in Sections 3.2-445 and 3.2-450.

(3) The following commercial and office uses are permitted within a business park.

(4) Corporate headquarters, regional headquarters, and administrative offices may be permitted as part of a large-scale light-manufacturing use or located within a business park. Corporate and regional headquarters may also stand alone. The acreage comprising stand alone corporate or regional headquarters site shall be applied to the 40 percent gross acre standard for business parks specified in Note (2), above. Corporate and regional headquarters shall have at least 20 or more employees at the time of occupancy.

(5) The acreage comprising a stand alone mail distribution site shall be applied to the 40 percent gross acre standard for business parks as specified in Note: (2), above.

(6) Large- and medium-scale research and development complexes may stand alone. Stand alone large- and medium-scale research and development complexes are considered an industrial component of the CI District. Small-scale research and development complexes shall be located within a business park.

(7) Agricultural cultivation are permitted as an interim use on undeveloped land, provided that spraying, dust, odors, and other side effects of the use do not interfere with the operation of permitted uses in the CI District.

(8) Secondary uses.

- **(a)** In no case shall a secondary use stand alone or be permitted in the absence of a primary use.
- **(b)** Retail, wholesale and service uses, either alone or in combination, shall not exceed 20 percent of the gross floor area of a building. These uses shall exclude any drive-through facility and shall not primarily serve the public. Except for ATMs, each use is limited to 2,500 square feet of gross floor area.
- **(c)** Child care facilities may exceed the 2,500 square foot standard in order to comply with size requirements specified in ORS 667A.

(9) Warehousing is permitted only as a secondary use in the following circumstances:

- **(a)** For the storage and regional wholesale distribution of products manufactured in the CI District;

(b) For products used in testing, design, technical training or experimental product research and development in the CI District; and/or

(c) In conjunction with permitted office-commercial uses in the CI District.

(d) The secondary use status of warehousing is typically determined by a square footage standard which is less than 50 percent of the gross floor area of the primary use. In the CI District, the number of employees at the time of occupancy may also be used to determine secondary use standards status. In this case, the primary use shall have 20 or more employees and the warehousing use shall have fewer employees than the primary use. If the employee standard is met, the warehousing use may have more square footage than the primary use.

(10) If approved in a Conceptual Development Plan, or a Master Plan for the subject CI site, or included in an adopted Public Facilities Plan, high impact public facilities are subject only to Site Plan Review approval.

3.2-420 Base Zone Development Standards

The following base zone industrial development standards are established.

	Zoning District			
Development Standard (1)	**CI**	**LMI**	**HI**	**SHI**
Minimum Lot/parcel Size **(2)**	10,000 square feet	10,000 square feet	10,000 square feet	10,000 square feet
Minimum Frontage **(3)**	75 feet	75 feet	75 feet	75 feet
Panhandle Lot/parcel- Minimum Frontage- both single and double panhandles	N/A	40 feet	40 feet	40 feet
Maximum Lot/parcel Coverage	Limited only by requirements of other Sections of this Code.			
Landscaped Setbacks (4)				
Front Yard, Street Side Yard, and Through Lot/parcel Rear Yard				
Building Setback	20/30 Feet	10 Feet	10 Feet	10 Feet
Parking, Driveway, and Outdoor Storage	5 Feet **(5)**	5 Feet	5 Feet	5 Feet
Interior Side Yard and Rear Yard Setback				
Building Setback from residential districts	50 feet	10 Feet	10 Feet	10 Feet
Building Setback from CI District	N/A	10 Feet	10 Feet	10 Feet
Building Setback within the CI District from other districts	20 Feet	N/A	N/A	N/A
Building separation form other buildings within the CI District	20 Feet	N/A	N/A	N/A
Parking, Driveway, and Outdoor Storage	5 Feet **(5)**	5 Feet	5 Feet	5 Feet
Maximum Height (6)	45 Feet	No Maximum Height, except when abutting residential districts (See below)		
Industrial District abuts an LDR or MDR District to the North		Defined by the Maximum Shade Point Height requirement of Section 3.2-225A.1.b., or up to 50 feet south of a northern lot/parcel line a plane extending south with an angle of 23 degrees and originating from the top of a 16 foot hypothetical fence located on the northern lot/parcel line.		
Industrial District abuts an LDR or MDR District to the east, west, or south		No greater than that permitted in the LDR, MDR or NC District for a distance of 50 feet.		

(1) Exceptions to these development standards may be allowed for lots/parcels created prior to the adoption of the Comprehensive Zoning Code, 1982.

(2) Until annexed to the City, the minimum lot/parcel size in the SHI District shall be 40 acres and the minimum development area shall be 10 acres.

(3) The Director may waive the requirement that buildable City lots/parcels have frontage on a public street when all of the following apply:

- **(a)** The lots/parcels have been approved as part of a Development Area Plan, Site Plan, Subdivision or Partition application; and
- **(b)** Access has been guaranteed via a private street or driveway by an irrevocable joint use/access agreement as specified in Section 4.2-120A.

(4) Setback Exceptions:

- **(a)** 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.
- **(b)** 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 required parking.
- **(c)** In the CI District, setbacks from local streets shall be 20 feet and from collector and arterial streets 30 feet.
- **(d)** In the CI District, the Director may reduce building setbacks and separations without a variance when:
  1. The building design incorporates landscaped stormwater quality facilities within the setback area that also enhances pedestrian amenities and the campus environment;
  2. Necessary to protect natural assets identified in the Gateway Refinement Plan or elsewhere in this Code;
  3. Necessary to preserve existing healthy mature trees;
  4. Necessary to accommodate handicapped access requirements; or
  5. Legally created lots/parcels do not meet the minimum lot/parcel size.

(5) In the CI District, no outside storage is permitted.

(6) Height Exceptions. Incidental equipment may exceed the height standards.

3.2-425 CI District - Operational Performance Standards

The operational performance standards listed below apply to all uses permitted within the CI District. For permitted light industrial manufacturing uses, compliance with these operational performance standards shall be the determining factor. In all other cases, the use lists in Section 3.2-415 are the determining factor.

A. All manufacturing operations shall be entirely enclosed within a building;

EXCEPTION: The Director may allow an outdoor utility yard to store tanks containing gases and/or fluids that are essential to the operation of the permitted use that cannot otherwise be contained in an enclosed building for fire and life safety reasons, as determined by the Fire Marshall. The utility yard shall be screened from public view by a masonry or decorative concrete wall at least 8 feet in height that is an extension of the building, complements the façade of the building and meets the setback requirements specified in Section 3.2-420.

B. All applicable on-site design standards specified in Section 3.2-445 shall be met;

C. The storage of raw materials and/or finished products shall occur entirely within enclosed buildings. The parking of trucks necessary for the operation of the facility shall also occur within enclosed buildings, unless permitted as specified in Sections 4.6-125 and 3.2-445C.;

D. Office and commercial uses shall not primarily serve the public;

E. The movement of heavy equipment on or off the site shall not be permitted.

EXCEPTION: Truck deliveries and shipments are permitted;

F. Proposed uses on the prohibited use list specified in Section 3.2-415 shall not be permitted; and

G. Proposed uses shall also comply with the additional operational performance standards listed below. The intent is not to specifically deny a use, but ensure compliance with applicable local, State, and Federal regulations. Compliance with these operational performance standards are the continuing obligation of the property owner. Failure to comply with these operational performance standards shall be a violation of this Code and/or Chapter 5 of the Springfield Municipal Code, 1997.

1. Air pollution. Air pollution includes, but is not limited to, emission of smoke, dust, fumes, vapors, odors, and gases. Air pollution shall not be discernable at the property line by a human observer relying on a person's senses without the aid of a device. The applicant shall obtain and maintain all applicable licenses and permits from the appropriate local, State, and Federal agencies.

EXCEPTION: Water vapor or other benign plumes from processes or pollution control equipment shall not be considered air pollution.

2. Fire and explosive hazards. All activities involving the use, storage and/or disposal of flammable or explosive materials shall comply with the Uniform Fire Code as most recently adopted by the City.

3. Glare.

a. Glare resulting from exterior lighting, excluding low-intensity pedestrian-level lighting, shall be controlled by deflecting light away from abutting uses and from public rights-of-way as specified in Section 4.5-100.

b. Glare resulting from an industrial operation including welding or laser cutting shall not be visible from the outside of the building.

4. Groundwater Protection. Proposed development utilizing hazardous materials that may impact groundwater quality shall be as specified in Section 3.3-200.

5. Hazardous Waste. Proposed development shall not utilize or produce hazardous waste unless permitted as specified in Oregon Administrative Rule (OAR) 340-102-0010 through 340-102-0065 or any applicable Federal regulation.

6. Noise. These standards apply to noise generated by any machinery or equipment on the development site. The maximum permitted noise levels in decibels across lot/parcel lines and district boundaries shall be as specified in OAR 340-035-0035, Noise Control Standards for Industry and Commerce.

EXCEPTION: Excluded from these noise standards are background traffic on State highways and public streets and occasional sounds generated by temporary construction activities, truck deliveries, warning devices, or other similar temporary situations.

7. Radiation. There are various sources of radiation, including, but not limited to ionizing radiation, electromagnetic radiation, and radiation from sonic, ultrasonic, or infrasonic waves. Uses that involve radiation shall comply with the regulations in OAR 333-100-0001 through 333-100-0080 and any applicable Federal regulation.

8. Vibration. No use, other than a temporary construction operation, shall be operated in a manner that causes ground vibration that can be measured at the property line. Ground-transmitted vibration shall be measured with a seismograph or a complement of instruments capable of recording vibration displacement, particle velocity, or acceleration and frequency simultaneously in three mutually perpendicular directions.

3.2-430 CI District - Monitoring Uses

A. CI District uses shall be monitored by implementing a Pre-certification process. The purpose of Pre-certification is to determine whether a proposed use us, in fact, a permitted use within the CI District. Pre-certification applies to all new uses and any change of use in the CI District.

B. The Director shall review the proposed use prior to the submittal of a development application or in some cases, a building permit. The Director shall consider both the permitted uses and the operational performance standards specified in Sections 3.2-415 and 3.2-425. If the Director does not approve the Pre-certification, the applicant may submit a request in writing to the Director to make a determination that the proposed use is similar to a permitted use. If the Director cannot make a determination that the proposed use is similar to a permitted use, the applicant may apply for an Interpretation as specified in Section 5.11-100. After Pre-certification by the Director, the form will be kept on file in the Development Services Department to be used for continued compliance with Section 3.2-415.

3.2-435 CI District - Status of Existing Uses

Unless existing uses are on the prohibited use list specified in Section 3.2-415 after July 6, 2004, existing uses have status as specified below. The intent is that the existing uses do not become non-conforming uses.

A. Corporate headquarters that are located outside of a business park including, Pacific Source, Symantec, and Holt International are permitted primary uses. If

these uses own or have options on adjacent property for future expansion, they may expand without the need to be located within a business park.

B. Large-scale light industrial manufacturing buildings may be reused for permitted office/commercial uses as long as these uses do not exceed 50 percent of the gross floor area of the building. In addition, warehousing may occur as specified in Section 3.2-415.

EXCEPTION: For SONY, reuse may include any permitted use in the CI District. If no large- or medium-scale light industrial manufacturing use is proposed, conversion to a business park is permitted. However, the acreage comprising a conversion to a business park shall be applied to the 40 percent gross acre standard for business parks as specified in Section 3.2-415, Note (2). The SONY site may also use the excess facility capacity as a private utility to serve other properties in the vicinity.

C. Stand-alone day care centers that primarily serve CI District businesses are a permitted secondary use.

D. Permitted stand alone office/commercial uses outside of business parks are a permitted primary use.

E. Significant Goal 5 historic resources, including the Brabham farm, the Koppe farm, and the Rice farm, may continue as a residential use or as any permitted commercial use. Any external modifications to these structures shall be as specified in Section 3.3-900.

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 when phased developments exceeding two 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.

3.2-445 Campus Industrial Design Standards

In the CI District, new buildings; expansions of, or additions to existing buildings; or improvements to existing facades that require a building permit shall provide architectural designs that encourage flexibility and innovation in site planning by complying with the following on-site design standards:

A. Building Exteriors. In order to break up vast expansions of single element building elevations applicable to both length and height, building design shall include a combination of architectural elements and features, including, but not limited to: offsets, windows, entrances, and roof treatments.

1. Offsets. Offsets shall occur at a minimum of every 100 feet of lineal building wall by providing recesses or extensions with a minimum depth of four feet.

   EXCEPTION: Variations in building wall materials, including, but not limited to: wood siding, brick, stucco, textured concrete block, tile, glass, stone, or other suitable materials may be used instead of offsets.

   The Director, in consultation with the Building Official, may approve other suitable materials without the need for a Variance. Smooth-faced concrete panels or prefabricated steel panels may also be used as accents, but shall not dominate the building exterior. Exterior colors for buildings and fences shall be subdued or earth tones.

2. Windows. Ground floor windows are required for all office and commercial uses, including those office and commercial uses that are contained within light industrial manufacturing uses. Ground floor windows for the remainder of a light industrial building are optional. All elevations of office and commercial buildings abutting any street shall provide at least 50 percent of their length (e.g., a 100-foot-wide building façade shall have a total of at least 50 linear feet of windows) and at least 25 percent of the ground floor wall area as windows and/or doors that allow views into lobbies, merchandise displays, or work areas. On corner lots/parcels this provision applies to both elevations. Where upper story windows are proposed, either awnings, canopies, or other similar treatments shall be required for ground floor windows or variations in window materials, trim, paint or ornamentation may be used.

   EXCEPTIONS:

   a. A mural, that does not include any advertising, may be used to meet 50 percent of the ground floor window standard specified in Subsection 2., above. Murals are regulated under Chapter 8.234 of the Springfield Municipal Code, 1997.

   b. Building elevations adjacent to alleys or vehicle accessways used primarily for servicing and deliveries are exempt from this standard

3. Entrances. To the greatest extent practicable, all new buildings in the CI District shall be oriented toward both exterior and internal streets.

   a. The primary entrance to all buildings in the CI District shall be visible from the street; and

   b. A weather-protected area, including, but not limited to: awnings or canopies, at least 6 feet wide, shall be provided at all public entrances.

4. Roof Treatments. The following roof treatments are required.

a. Sloped roofs and multiple roof elements shall be the primary methods for roof treatment. Variations within one architectural style; visible roof lines and roofs that project over the exterior wall of a building enough to cast a shadow on the ground and architectural methods used to conceal flat roof tops may also be used. Mansard style roofs shall not be permitted. If building wall offsets are used, offsets or breaks in roof elevation with a minimum of three feet or more in height may be used for every 100 feet of lineal building wall.

b. The architectural design of the building roof shall also incorporate features which screen all heating, ventilation and air conditioning units from adjacent LDR and MDR properties and the street. Mechanical equipment shall also be buffered so that noise emissions do not exceed the standards specified in Section 3.2-425G.6. The City may require a noise study certified by a licensed acoustical engineer for compliance verification.

B. Landscaping. The following landscaping standards are in addition to standards specified in Section 4.4-105:

1. A minimum of 35 percent of each development area shall be landscaped open space.

2. Plants shall be sized to attain 90 percent coverage of required landscape areas (excluding tree canopies), within three years of installation. Plantings of native species and plant communities shall achieve 90 percent coverage within five years of installation.

3. At least 10 percent of the interior of a parking lot having 20 or more parking spaces shall be landscaped. This standard is in addition to any landscaping setbacks required in Section 3.2-420.

4. Natural assets identified in the Gateway Refinement Plan, any other applicable refinement plan or elsewhere in this Code shall be included in the site design and protected. Where protection of these natural assets prevents the development of the site consistent with this Code, the functional equivalent of the natural assts may be substituted as may be allowed by the City.

C. Screening. Screening shall be as specified in Section 4.4-110. In addition, truck parking for vehicles necessary for the operation of the facility shall be screened by a masonry or concrete wall that is an extension of the building and complements the façade of the building. The wall shall have a minimum height of 8 feet. The wall shall totally conceal trucks from public view and shall meet the setback requirement specified in Section 3.2-420.

EXCEPTION: The Director may consider proposed truck parking that is enclosed by buildings and complies with Section 4.6-125.

D. Pedestrian Walkways and River Access

1. Walkways from a sidewalk to building entrances. A continuous pedestrian walkway shall be provided from the primary frontage sidewalk for pedestrians to access building entrances.

2. Walkways from parking lots to building entrances. Internal pedestrian walkways shall be developed for persons who need access to the buildings from the parking lots. The walkways shall be located within the parking lots and designed to provide access from the parking lots to the entrances of the buildings. The walkways shall be distinguished from the parking and driving areas by use of any of the following material: special pavers, brick, raised elevation, scored concrete or other materials as approved by the Director.

3. In the Gateway CI District, access to the McKenzie River, both for pedestrians and bicycles, shall be addressed in the site design, where specified in the applicable refinement plan or TransPlan.

E. Transit Stations and Stops. When required, transit stations and stops shall conform to the standards of the Lane Transit District.

3.2-450 Business/Industrial Parks

A. Development plans submitted as part of a Business/Industrial Park Site Plan Review application shall be prepared by a design team comprised of a project architect, engineer, and landscape architect, one of whom shall serve as the project coordinator. The design team shall certify that building, elevation, site, and landscape plans submitted in connection with the Site Plan Review application comply with the on-site design standards specified in Section 3.2-445 and any other applicable CI District provisions.

B. Subdivisions in the LMI District shall conform to Industrial Park standards

1. Development plans submitted as part of an Industrial Park Site Plan Review application shall be prepared by a design team comprised of a project architect, engineer, and landscape architect, one of whom shall serve as coordinator. The design team shall certify that building, site, and landscape plans submitted in connection with the Site Plan Review and Building Permit applications comply with applicable SDC provisions and conditions of approval.

2. Buildings and uses within an Industrial Park shall be approved as specified in the criteria specified below:

a. The proposed development is of general design character, (including, but not limited to: anticipated building design, type, location, setback, bulk, height, signage, and distribution of landscaped area, parking, streets and access) which will not create problems for the appropriate development of neighboring properties.

b. The proposed development will create an attractive, safe, efficient, and stable internal environment.

c. Proposed buildings, streets and other uses will be designed and sited to ensure preservation of significant on-site vegetation, topographic features, and other unique or worthwhile natural features, and to prevent soil erosion or flood hazard.

Section 3.2-500 Medical Services Zoning District

3.2-505 Establishment of the Medical Services (MS) District

A. The MS District is established to provide for hospital expansion and health services development and for suitable, geographically dispersed areas for the development of hospitals, health services, and medical offices and associated medical residential facilities. These facilities shall be developed comprehensively and designed to ensure compatibility with the surrounding neighborhood.

B. The MS District may be applied in the vicinity of McKenzie-Willamette Hospital, as delineated in Section 3.3-1110 and to land designated Community Commercial, Major Retail Commercial, Mixed Use, Medium Density Residential or High Density Residential under the Metro Plan, provided that all or portions of these designated property abut and have direct access to a collector or an arterial street.

C. The MS District shall be applied to contiguous sites of three or more acres.

D. Unless the use is limited to the conversion of a single-family residence to a medically related use, the minimum development area shall be at least one acre. This means that phasing of developments shall occur in increments of not less than one acre.

E. A Traffic Impact Study prepared by a Traffic Engineer as specified in Section 4.2-105A.4. shall be required prior to the application of the MS District and prior to Site Plan approval.

3.2-510 Schedule of Use Categories

The following buildings and uses are permitted in this district as indicated subject to the provisions, additional restrictions and exceptions specified in this Code. Secondary retail uses shall be limited to 20 percent of the total gross floor area of all buildings on the site.

Uses/ Use Categories	***MS District***
Primary Uses	
Hospital services	P
Medical clinics	P
Physicians services	P
Medical laboratory services	P
Dental services	P
Dental laboratories	P
Wellness, fitness and nutrition services	P
Physical rehabilitation centers	P
Housing for the elderly and handicapped, independent of care facilities	P
Residential care facilities	P
Child care facilities that meet Children's Services Division (CSD) regulations	P
Adult day care facilities subject to any applicable State regulations	P
Certain Wireless Telecommunications Systems Facilities (Section 4.3-145)	P
Health Services	P
Medical Office Buildings	P
Secondary Uses	
Dispensing pharmacies	P
Prosthesis, hearing and speech aids sales and service	P

Home medical equipment rental and sales	P
Cafeterias, medical related recreational facilities, low impact public utility facilities, and heliports and helistops serving and constructed in conjunction with on-site development.	P

3.2-515. Base Zone Development Standards

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

Development Standard	MS Zoning District Requirement
Minimum Area	3 or more contiguous acres **(1)**
Landscaped Setbacks (2), (3)	
Front Yard, Street Side Yard, and Through Lot/parcel Rear Yard	
Building Setback	10 Feet
Parking, Driveway, and Outdoor Storage	5 Feet
Interior Side Yard and Rear Yard Setback, When Abutting Residential or CI District	
Building Setback	10 Feet
Parking, Driveway, and Outdoor Storage	5 Feet
Maximum Lot/Parcel Coverage	Lot/parcel coverage standards are limited only by standards specified in other Sections of this Code.
Maximum Height (3)	None, unless abutting an LDR or MDR District (See below)
MS District abuts an LDR or MDR District to the north	Defined by the Maximum Shade Point Height requirement of Section 3.2-225A.1.b., up to 50 feet south of a northern lot/parcel line a plane extending south with an angle of 23 degrees and originating from the top of a 16 foot hypothetical fence located on the northern lot/parcel line.
MS District abuts an LDR or MDR District to the east, west, or south	Building height limitation shall be no greater than that permitted in the residential districts for a distance of 50 feet

(1) Unless the use is limited to the conversion of a single-family residence to a medically related use, the minimum development area shall be at least 1 acre. This means that phasing of developments shall occur in increments of not less than 1 acre.

(2) Where an easement is larger than the required setback standard, no building or above grade structure, except a fence, shall be built upon or over that easement.

(3) 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 required parking.

(4) Incidental equipment may exceed the height standards.

Section 3.2-600 Mixed-Use Zoning Districts.

3.2-605 Establishment of Mixed-Use Zoning Districts

The following mixed use zoning districts are established to implement areas designated Mixed Use by the Metro Plan, on adopted refinement plans, specific area plans and specific development plan diagrams and along transportation corridors designated for commercial development:

A. **Mixed-Use Commercial District (MUC).** The MUC District is established where a mix of commercial with residential uses is compatible with existing nearby uses. Development within the MUC District shall have a commercial dominance, with residential and public uses also allowed. The primary development objectives of the MUC District are to expand housing opportunities; allow businesses to locate in a variety of settings; provide options for living, working, and shopping environments; facilitate more intensive use of land while minimizing potentially adverse impacts; and to provide options for pedestrian-oriented lifestyles. Lots/parcels in the MUC District shall generally have frontage on either an arterial or collector street.

B. **Mixed-Use Employment District (MUE).** The MUE District is established where a mix of light-medium industrial or special light industrial uses with commercial or medium-high density residential uses is intended. Development within the MUE District shall have an employment (industrial) emphasis, but may include commercial, public, and multi-family residential uses. The primary development objectives of the MUE District are to expand employment opportunities by allowing businesses to locate in a variety of locations, provide services for employees in close proximity to their work place, to provide options for living, working, and shopping environments; facilitate more intensive use of land while minimizing potentially adverse impacts; and to provide options for pedestrian-oriented lifestyles. Lots/parcels in the MUE District shall generally have frontage on either an arterial or collector street.

C. **Mixed-Use Residential District (MUR).** The MUR District is established where a mix of medium and high density residential with commercial uses is intended. The MUR District shall only be applied to properties that are contiguous with property designated Community Commercial, Mixed-Use Employment or Mixed-Use Commercial on the Springfield Zoning Map. Development within the MUR District shall have a multi-family residential emphasis, but may include small-scale retail, office and service uses when they are developed as part of a mixed-use development in order to increase housing opportunities in close proximity to designated commercial zones; support the retail, office and service uses of the adjacent commercial zone; and to provide options for pedestrian-oriented lifestyles. Lots/parcels in the MUR District shall generally have frontage on either an arterial or collector street.

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.

	Districts		
Categories/Uses	**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
Business And Professional Offices And Personal Services			
Accountants, bookkeepers and auditors	P	P	P
Advertising/marketing agencies	P	P	P
Architects, landscape architects and designers	P	P	P
Art studios, fine	P	N	P
Art restoration	P	N	P
Attorneys	P	P	P
Audio/video production studio	P	P	N
Authors/composers	P	N	P
Banks, credit unions and savings and loans	P	P	P
Barber and beauty shops	P	P	P
Blue printing, Photostatting, and photo developing	P	P	N
Business schools	P	N	N
Business, labor, scientific and professional organizations and headquarters	P	P	P
Catering services	P	P	N
Clinics and research/processing laboratories	P	P	P
Collection agencies	P	N	P
Commodity contract brokers and dealers	P	P	P
Computer and information services	P	P	P

	Districts		
Categories/Uses	**MUC**	**MUE**	**MUR**
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
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

	Districts		
Categories/Uses	**MUC**	**MUE**	**MUR**
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
Electronic components and accessories	N	P	N
Electronic transmission and distribution equipment	N	P	N
Engineering, laboratory, scientific, and research instruments	N	P	N
Finished wood manufacturing and assembly including cabinets and door frames	N	P	N
Furniture, including restoration	N	P	N
Greeting cards, business forms and other business related printing	N	P	N
Measuring, analyzing, and controlling instruments	N	P	N
Medical, dental, and surgical equipment and supplies	N	P	N
Medicinal chemicals and pharmaceutical products	N	P	N
Metal fabrication and machine shops	N	P	N

	Districts		
Categories/Uses	**MUC**	**MUE**	**MUR**
Musical instruments	N	P	N
Prosthetic and orthopedic devices	N	P	N
Office computing and accounting equipment	N	P	N
Optical instruments, including lenses	N	P	N
Perfumes and toiletries	N	P	N
Photographic equipment and supplies	N	P	N
Signs and advertising display	N	P	N
Toys, sporting and athletic goods	N	P	N
Watches, clocks, and related components	N	P	N
Other Industrial Uses:			
Industrial/Business Parks (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
Miniature golf	P	N	N
Movie theaters, indoor, single screen	P	P	N
Non Alcoholic Night Club	P	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

	Districts		
Categories/Uses	**MUC**	**MUE**	**MUR**
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
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

	Districts		
Categories/Uses	**MUC**	**MUE**	**MUR**
Novelties and gifts	P	N	N
Office equipment	P	P	N
Paint, glass and wallpaper	P	N	N
Pharmacies	P	P	P
Pottery	P	N	N
Radios, televisions and stereos	P	N	N
Second hand and pawn shops	P	N	N
Sewing machines	P	N	N
Shoes	P	N	P
Small electrical appliances	P	N	N
Sporting goods	P	N	P
Stationary	P	P	P
Supermarkets	P	N	N
Toys	P	N	P
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
Watch repair	P	P	P
Transient Accommodations			
Bed and breakfast facilities (Section 4.7-120)	P	N	S
Emergency shelter facilities	N	N	P
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:			

	Districts		
Categories/Uses	**MUC**	**MUE**	**MUR**
Manufacture or assembly of goods or products to be sold on premises	P	P	N
Accessory structures	N	P	N
Administrative professional or business offices	P	P	P
Blueprinting, photostatting, and photo developing	P	P	N
Cafeteria (serving employees only)	N	P	N
Child care facilities (primarily serving employees on site)	P	P	P
Developed recreation area (serving the development area)	N	P	P
Heliports and helistops	N	P	N
Financial institutions	P	P	P
Manufactured home used as a night watch person's quarters (Section 4.7-185)	N	S	N
Outdoor storage of materials directly related to a permitted use. (Section 3.2-630B.3.)	N	P	N

3.2-615 Base Zone Mixed Use Development Standards

The following base zone mixed use development standards are established.

Development Standard	***MUC***	***MUE***	***MUR***
Minimum Area	6,000 square feet	10,000 square feet	See Section 3.2-215
Minimum Street Frontage **(1)**	40 feet	75 feet	See Section 3.2-215
Maximum Lot/Parcel Coverage	Lot/parcel coverage standards in the MUC and MUE Districts shall be limited only by standards (including, but not limited to: required parking, landscaping) specified in Sections 4.4-105 and 4.6-100. Generally, there is no maximum lot/parcel coverage standard.		45 Percent
Minimum Landscaping	Minimum requirements defined by standards in other Sections of this Code.		
Landscaped Setbacks (2), (3),(4) and (5)			
Front, Street Side Yard, and Through Lot/parcel Rear Yard			
Building Setback	None	10 Feet	See Section 3.2-215
Parking, driveway, and outdoor storage setback	5 Feet	5 Feet	See Section 3.2-215
Interior Side, Rear Yard Setbacks when Abutting Residential or CI Districts			
Building Setback	10 Feet	10 Feet	See Section 3.2-215
Parking, Driveway, Outdoor Storage Setback	5 Feet	5 Feet	See Section 3.2-215
Maximum Building Height (6)			
Maximum unless abutting residential districts (See below)	90 feet	60 feet	60 feet
When abutting an LDR, MDR, or MUR District to the north	Defined by the Maximum Shade Point Height requirement of Section 3.2-225A.1.b., or up to 50 feet south of a northern lot/parcel line a plane extending south with an angle of 23 degrees and originating from the top of a 16 foot hypothetical fence located on the northern lot/parcel line.		See Section 3.2-225
When abutting an LDR, MDR, or MUR District to the east, west, or south	No greater than that permitted in the LDR or MDR Districts for a distance of 50 feet.		See Section 3.2-225

(1) The Director may waive the requirement that buildable City lots/parcels have frontage on a public street when all of the following apply:
  (a) The lots/parcels have been approved as part of a Development Area Plan, Site Plan, Subdivision or Partition application, and
  (b) Access has been guaranteed via a private street or driveway by an irrevocable joint use/access agreement as specified in Section 4.2-120A.
(2) There are no setback requirements for buildings in the Downtown Exception Area.
(3) Where an easement is larger than the required setback standard, no building or above grade structure, except a fence, shall be built on or over that easement.
(4) 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 required parking.
(5) Architectural extensions may protrude into any 5 foot or larger setback area by not more than 2 feet.
(6) Incidental equipment may exceed these height standards. In the MUE District, incidental equipment exceeding the height standards cannot occupy additional floor space.

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

A. Conflicts.

1. In cases where the development standards of this Section conflict with standards found in other Sections of this Code, the standards of this Section shall prevail.

EXCEPTION: Standards in this Code pertaining to environmental protection, water quality protection and or public health and safety matters shall prevail over the standards in this Section.

2. Development standards found in adopted refinement plans, specific area plans and specific development plans shall prevail over those in this Section.

3. The intent of this Section is not to create non-conforming uses due to necessary zoning map amendments to Mixed Use. However, if a non-conforming situation is created; existing buildings, structures, and uses may continue, expand, or be modified as permitted in Sections 5.8-120 and 5.8-125 until they are abandoned and are transferable to a future purchaser.

B. Exemption Process.

1. Sections 3.2-625 and 3.2-630 detail a series of design standards that seek to achieve attractive, pedestrian oriented development where mixed-use is applied. Developers may choose to meet these standards as prescribed, or they may propose other design ideas which are equal to or superior in meeting the objective of a particular standard. When a developer requests an exemption from a required standard, it is their responsibility to propose an alternative that fulfills the intent of the standard to the Director's satisfaction. The Director has the authority to authorize the exceptions and to determine the acceptability of the alternative the developer proposes.

2. When developers propose alternatives to development standards in Sections 3.2-625 and 3.2630 that is not acceptable, the Director shall deny the exemption. The Director shall issue findings which state the intent of the standard and describe how the alternative fails to meet that intent. The developer may appeal the decision of the Director to the Planning Commission as specified in Section 5.3-115.

3.2-625 Mixed-Use District Development Standards – General

Mixed use zoning districts require special attention to building design because of the intermixing of land uses and higher intensity of development that can occur in these areas. The standards below implement commonly accepted design principles with the goal to achieve more attractive, functional and pedestrian oriented design. Not every case and circumstance is anticipated by these standards, nor is it the goal of this Section to prescribe every design detail of development. It is expected that the Springfield development community will apply their own design creativity to build on these principles and create attractive, livable, and viable projects. The standards below provide an objective framework for achieving the desired goal of attractive, pedestrian oriented development. Developers may choose to meet these standards as prescribed, or they may propose other design ideas which are equal or superior to a particular standard in meeting the design objectives in Subsections A.-G., below. Where developers request an exemption from a stated standard, it is their responsibility to propose an alternative design and to demonstrate to the Director that it is equal or superior to the stated standard. The Director has the authority to authorize an exception to these standards and determine the acceptability of an alternative design the developer proposes. When developers propose alternative designs that are not acceptable to the Director, they may appeal the decision as specified in Section 5.3-115.

A. Building Design Standards. Intent: New structures and improvements to facades requiring building permits shall provide architectural relief and interest, with emphasis at building entrances and along sidewalks, to promote and enhance a comfortable pedestrian scale and orientation. Blank walls shall be avoided to the maximum extent practicable by complying with the following minimum requirements. The following standards are intended to be specific and quantifiable while allowing for flexibility in design.

1. Ground floor windows shall be required for all civic and commercial uses. All elevations of buildings abutting any street shall provide at least 50 percent of their length (e.g. a 100 foot wide building facade shall have a total of at least 50 linear feet . of windows) and at least 25 percent of the ground floor wall area as windows and/or doors that allow views into lobbies, merchandise displays, or working areas. On corner lots/parcels this provision applies to both elevations.

   EXCEPTION: Elevations of buildings adjacent to alleys or vehicle accessways used primarily for service and delivery access is exempt from this requirement.

2. Ground floor windows are required as part of the primary entrance elevation for all industrial uses. Windows are required for at least 30 percent of the primary entrance and ground level offices that are part of

the entrance elevation. The windows shall be measured in linear fashion (e.g. a 100 foot wide building entrance and office facade shall have a total of at least 30 linear feet of windows and/or doors on the ground floor that allow views into lobbies, merchandise displays, or working areas).

3. Along the vertical face of a structure, offsets shall occur at a minimum of every 50 feet by providing at least one of the following:

a. Recesses, including, but not limited to: entrances and floor area with of a minimum depth of four feet.

b. Extensions, including, but not limited to: entrances and floor area with a minimum clearance of four feet, a minimum depth of four feet, and a maximum length of an overhang shall be 25 feet.

c. Offsets or breaks in roof elevation with a minimum of three feet or more in height.

4. In order to break up vast expanses of single element building elevations, building design shall include a combination of architectural elements and features, including, but not limited to: offsets, windows, entry treatments, wood siding, brick, stucco, textured concrete block.

5. In order to provide differentiation between the ground floor and upper stories, building design shall include bays or balconies for upper levels, and awnings, canopies, or other similar treatments for lower levels. Variation in building materials, trim, paint, ornamentation, windows, or other features including public art, may also be used.

6. External modifications proposed for structures listed on the Springfield Historic Landmark Inventory shall comply with the applicable standards specified in Section 3.3-900.

7. The proposal contains an equally good or superior way to achieve the intent of Subsections 1. through 6., above.

B. Building Orientation and Maximum Setbacks. Intent: To the greatest extent practicable, all new buildings in a mixed-use development shall be oriented toward both exterior and internal streets in a manner that accommodates pedestrian comfort, convenience and safety.

1. In the Downtown Mixed Use Area, buildings shall be oriented towards fronting streets in a manner that frames and defines both streets and pedestrian areas along those streets. The maximum building setback in the Downtown Mixed Use Area is 10 feet. Buildings in this area shall not be separated from fronting streets by off-street parking, vehicle circulation aisles or drive-thru lanes.

EXCEPTIONS: Street setbacks in the Downtown Mixed Use Area may be approved by the Director when:

a. The building design incorporates public seating, plazas, or other usable public space as specified in Subsection G. below;

b. The building design incorporates landscaped stormwater quality facilities within the setback area that also enhance the pedestrian scale, orientation and interest;

c. Necessary to preserve existing healthy mature trees; or

d. Necessary to accommodate handicapped access requirements.

2. Parking in the Downtown Mixed Use Area shall be located beside or behind buildings, internal to development on a site. For existing development sites, outparcel buildings between a large parking lot and the street shall be used to help define the streetscape, and lessen the visual impact of the parking lot from the street.

3. Public entrances to all new buildings in the Downtown Mixed Use Area shall be visible from the street and oriented so that pedestrians have a direct and convenient route from the street sidewalk to building entrances.

4. In MUC Districts outside of the Downtown Mixed Use Area, buildings may be set back from fronting public or private streets, but shall be connected to those by a continuous internal sidewalk (and as needed, sidewalk crossings). This internal sidewalk network shall connect customer entrances of buildings on a development site with one another and with fronting public sidewalks or rights-of-way. The internal sidewalks shall be at least 5 feet wide. The internal sidewalk network shall connect transit stops or station to buildings on the development site to form a direct and convenient pedestrian connection with these transit facilities.

5. The proposal contains an equally good or superior way to achieve the intent of Subsections 1. through 4., above.

C. Weather Protection. Intent: Awnings and canopies are intended to protect pedestrians from the weather and add to the architectural interest of buildings. New commercial or mixed-use residential development shall provide a weather-protected area adjacent to sidewalks and plazas.

1. Awnings or canopies shall be at least 6 feet wide, and shall follow building offsets to eliminate long expanses of awnings and or canopies.

2. Awnings and canopies shall not obscure architectural features (e.g. transom area) of the building and shall not extend into the second story of the building.

3. Awnings and canopies shall be in proportion to the overall building and shall match the width of the storefront or window opening.

4. Backlit awnings and canopies are not permitted.

5. Awnings and canopies shall be suspended from the building and not supported by posts.

6. The proposal contains an equally good or superior way to achieve the intent of Subsections 1. through 5., above.

D. Landscaping and Screening.

1. Intent: Landscaping is intended to compliment built forms within a development area, softening and providing visual relief and contrast to buildings, sidewalks and parking lots. Trees, as part of a landscaping plan, shall provide shade for pedestrian comfort as well. The installation of landscaping shall be accomplished in a manner that assures that planted stock receives adequate irrigation. Screening is intended to compliment a development area by shielding trash receptacles, storage areas and other unsightly facilities from public view within the development area.

   a. Mixed-use developments shall provide landscaping and screening in accordance with Sections 4.4-100 and 4.4-110 and the following standards:

   b. Street trees shall be required consistent with Section 4.2-140. Species shall be compatible with the design features specified in Subsection G., below and shall provide continuity with nearby landscaping. The Director may grant a one-for-one reduction in the number of street trees required when a development preserves healthy, mature trees located within 10 feet of the sidewalk Required street trees shall be placed in planter strips between sidewalks and curbs as specified in Sections 4.2-135 and 4.2-140, or in individual tree pits. If individual tree pits are utilized, each pit shall be a minimum of 64 square feet per tree, with a minimum width of 4.5 feet.

2. Screening of parking areas, drives, mechanical equipment and trash receptacles shall be as specified in Section 4.4-110. In addition:

   a. No trash receptacles shall be allowed within the front setback areas abutting residential districts.

   b. All ground-mounted utility equipment not installed underground shall be placed to reduce visual impact or screened with walls or landscaping.

   c. Notwithstanding the timelines specified in Section 4.4-105, plants shall be sized to attain 50 percent coverage in two years and 100 percent coverage in four years.

3. Irrigation systems are required to support landscaping. Drought-resistant plants are encouraged. See Sections 5.17-120D.3. and 4.4-105.

4. Parking areas, drives, and mechanical equipment shall be screened as specified in Section 4.4-110. Trash receptacles shall be screened from on and offsite view by placement of a solid fenced or walled enclosure, from 5 to 6 feet in height. No receptacles are allowed within front setback areas abutting residential districts. All ground-mounted utilities equipment not placed underground shall be placed to reduce visual impact or screened with walls or landscaping. Plants shall be sized to attain 50 percent coverage in two years and 100 percent coverage in four years.

5. The proposal contains an equally good or superior way to achieve the intent of Subsections 1. through 4., above.

E. Street Connectivity and Internal Circulation. Intent: To make mixed-use developments part of a connected street system that serves vehicles, pedestrians and bicycles. Public or private streets connect the development to adjacent neighborhoods and zoning districts. When street connections are not practicable, pedestrian connections are made to and through the development in lieu of planned street connections. Pedestrian connections shall equal what would be available if they were on a street.

1. Streets and accessways of any one development or site shall interconnect with those of adjacent developments or sites. Internal street or circulation patterns that isolate a development from all adjacent developments, and only allow access to fronting arterial or collector streets, shall be prohibited.

   EXCEPTION: The Director may determine that topography and/or existence of natural features of the development site would be better accommodated with an alternative circulation pattern.

2. Streets and accessways shall align and connect to each other to create a direct and convenient pattern of circulation that is consistent with the City's existing street and block pattern in the area. The maximum block perimeter shall be 1,400 feet.

3. A mixed use development's street network (both public and private on-site streets) shall connect directly to neighborhood streets in the surrounding area, providing multiple paths for pedestrian, bicycle, and vehicular movement to and through the development area. In this way, trips made from the surrounding residential neighborhood to the mixed use development will be possible without requiring travel along a major thoroughfare or arterial.

4. Outparcel buildings shall be connected to and served from the internal streets of the primary development area of which they are a part.

5. Pedestrian paths and sidewalks shall connect all building entrances with each other and with public rights-of-way in a manner that is direct and convenient for the pedestrian.

6. The proposal contains an equally good or superior way to achieve the intent of Subsections 1. through 5., above.

F. Neighborhood Compatibility. Intent: To achieve a compatible transition between mixed-use and other zones of differing height, bulk and scale requirements, consideration shall be given to the scale and design of surrounding buildings to promote compatibility and complement or enhance the character of existing single-family neighborhoods. Development in mixed-use districts shall be appropriate and related to the setting and established character of the surrounding area or neighborhood. Minimum standards adjacent to Low Density Residential Districts are:

1. Architectural compatibility between new development and adjacent LDR development, including, but not limited to: similar roof forms, windows, trim, and materials, shall be required to the maximum extent practicable.

2. Lighting shall be arranged and constructed not to produce direct glare on adjacent LDR development as specified in Section 4.5-100.

3. Site obscuring landscaping shall be required, including, but not limited to: the retention of existing vegetation; installation of a 6-foot minimum height, site-obscuring fence with shade trees planted a maximum of 30 feet on center (2-inch caliper at planting); and/or other landscaping to provide visual buffering.

4. Mechanical equipment shall be screened from view from adjacent LDR properties and the street as specified in Subsection D.4., above. Mechanical equipment shall be buffered so that noise does not typically exceed 50 decibels as measured at the LDR property line. The City may require a noise study certified by a licensed acoustical engineer.

5. The proposal contains an equally good or superior way to achieve the intent of Subsections 1. through 4., above.

G. Pedestrian Amenities. Intent: To provide appropriate pedestrian amenities in mixed-use developments, pedestrian amenities, including, but not limited to: benches, ornamental paving and public art shall be provided and durably designed and integrated into an overall design scheme or pattern.

1. All new structures and substantial improvements to existing buildings shall provide pedestrian amenities, as specified in this Subsection. The number of pedestrian amenities provided shall comply with the following sliding scale.

Size of Structure or Substantial Improvement	Number of Amenities
<5,000 sq. ft.	1
5,000 – 10,000 sq. ft.	2
10,000 – 50,000 sq. ft.	3
>50,000 sq. ft.	4

2. Acceptable pedestrian amenities include:

   a. Sidewalks incorporating ornamental paving treatments, including, but not limited to: concrete masonry unit pavers, brick, or stone, which are 50 percent wider than required by this Code.

   b. A public outdoor seating plaza adjacent to, or visible and accessible from, the street (minimum useable area of 300 square feet).

   c. Sidewalk planters between the sidewalk and building including stormwater swales.

   d. Street tree density more extensive than required by this Section.

   e. Streetscape scale container planters.

   f. Installation of 3" caliper size or larger to fulfill the street tree requirement.

   g. Public art, including, but not limited to: sculptures, fountains, clocks, or murals with a value equal to or greater than one percent of construction value of the structure.

   h. Pocket parks with a minimum usable area of 300 square feet.

3. Guidelines for the siting, construction and character of pedestrian amenities:

   a. Amenities shall be visible and accessible to the general public from a fully improved street. Access to pocket parks, plazas, and sidewalks shall be provided via a public right-of-way or a public access easement.

   b. The size or capacity of pedestrian amenities shall be roughly proportional to their expected use, including use by employees, customers, residents, and other visitors. The Director may alter minimum area standards for pocket parks and plazas based on this guideline.

   c. Amenities shall be consistent with the character and scale of surrounding developments. For example, similarity in awning height, bench style, planter materials, street trees, and pavers is recommended to foster continuity in the design of pedestrian areas. Materials shall be suitable for outdoor use, easily maintained, and have at least a 10-year expected service life.

   d. Bus stops, as a pedestrian amenity, shall conform to standards of the Lane Transit District.

4. The proposal contains an equally good or superior way to achieve the intent of Subsections 1. through 3., above.

3.2-630 Mixed-Use Development Standards – Specific

A. MUC Development Standards.

1. Preservation of the Commercial Land Supply

a. 100 percent of a new mixed use building footprint may be developed for commercial uses.

b. A minimum of 60 percent of the ground floor area within a new building in the MUC District shall be dedicated to commercial uses to ensure that commercial land is preserved for primarily commercial purposes. Up to 100 percent of any building may be developed for residential uses so long as 60 percent of the total ground floor area within the development area is devoted to commercial uses.

EXCEPTION: This provision shall not apply when commercial uses are proposed for an existing residential building within a commercial district that was within a commercial district prior to June 3, 2002.

c. The commercial uses on an MUC site shall be developed prior to or concurrently with other proposed uses. Concurrency may be established by approval of a Master Plan that provides a mix of uses that includes commercial and other proposed uses.

EXCEPTION: This provision shall not apply to residential and/or limited manufacturing uses that are in existence as of June 3, 2002.

2. Maximum Footprint for Retail Uses. The maximum building footprint for a grocery store shall be 70,000 square feet. The maximum building footprint for other single tenant wholesale or retail uses shall be 50,000 square feet. The maximum footprint for all other uses shall be based upon lot/parcel coverage and building setbacks.

3. Minimum Floor Area Ratio. A minimum floor area ratio (FAR) of .40 shall be required for all new development or redevelopment in the MUC portion of the Downtown Mixed Use Area. A FAR of .30 is required for new development on lots/parcels greater than one acre in the MUC District outside of the Downtown Mixed Use Area. FAR is defined for this purpose as the amount of gross floor area of all buildings and structures on the building lot/parcel divided by the total lot/parcel area.

B. MUE Development Standards.

1. Preservation of the Industrial Land Supply

   a. A minimum of 60 percent of the gross floor area within a MUE District shall be dedicated to industrial uses to ensure that industrial land is preserved for primarily industrial purposes.

      EXCEPTION: Pre-existing structures and uses shall be covered under the provisions of Section 5.8-100 that addresses continuing non-conforming uses.

   b. "Businesses and Professional Offices and Personal Services" listed in Section 3.2-610 shall not have a ground floor area of more than 5,000 square feet for any single use.

   c. The industrial uses on an MUE site shall be developed prior to or concurrently with any other commercial or residential uses. Concurrency may be established by approval of a Master Plan that provides a mix of uses that includes commercial and other proposed uses.

      EXCEPTION: Commercial and/or residential uses that are in existence as of June 3, 2002.

2. Minimum Floor Area Ratio. A minimum floor area ratio of .25 is required for all new development or redevelopment in the MUE District.

3. On-Site Design Standards specified in Section 3.2-445 apply to development in the MUE District with the following exemptions:

   a. Outdoor storage is allowed, but storage areas shall not be permitted in front or street-side yards.

   b. Outdoor storage shall be screened from the view of adjacent properties and from public rights-of-way as specified in Section 4.4-110. Painted structural screens shall match the building color scheme of the development area.

   c. The minimum landscaped open space and the maximum impermeable surface standards specified in Section 3.2-445 shall be reduced to 25 percent and 75 percent respectively.

C. MUR Development Standards.

1. Preservation of the Residential Land Supply

   a. A minimum of 80 percent of the gross floor area within a MUR District shall be dedicated to multi-unit residential uses to ensure that medium and high density land is preserved for primarily residential purposes.

EXCEPTION: Pre-existing structures and uses shall be covered under the provisions of Section 5.8-100 that addresses continuing non-conforming uses.

b. The residential uses on an MUR site shall be developed prior to or concurrently with any other commercial or industrial uses. Concurrency may be established by approval of a Master Plan that provides a mix of uses that includes commercial and other proposed uses.

EXCEPTION: Commercial and/or industrial uses that are in existence as of the adoption of this MUR District.

2. Minimum/Maximum Residential Densities.

a. Minimum residential densities for strictly residential development within the MUR District shall be 20 units per gross acre.

b. Minimum residential densities for developments that include mixed uses within the MUR District shall be 12 units per gross acre.

EXCEPTION: If less than 20 units per gross acre are provided, the development shall include a minimum of 10 percent of the total gross floor area in nonresidential uses.

c. There are no maximum residential densities established for the MUR District.

EXCEPTION: Building heights shall regulate maximum densities.

3. Nonresidential Uses.

a. Nonresidential uses in the MUR District shall not exceed 5,000 square feet of ground floor area for each separate use and shall be limited to a maximum of 20 percent of the total gross floor area in the development area.

b. Nonresidential uses developed as part of a mixed use building that includes housing shall be developed to maintain a minimum density of 12 dwelling units per acre. When a development site is composed of two or more phases, each phase shall also meet this standard.

EXCEPTION: Civic uses shall not be a permitted use in the MUR District.

4. All development in the MUR District complies with the standards specified in Section 3.2-240.

EXCEPTION: Section 3.2-240D.5.a. exempts multi-unit developments in mixed-use buildings from the minimum open space standards.

3.2-635 Phased Development

A. If development is planned to occur in phases, a phased development plan shall be submitted concurrently with the Site Plan application specified in Section 5.17-100. In addition to the phasing requirements specified in Section 5.17-115, the phasing plan shall include the following information:

1. Existing buildings and dimensions with distances from property lines and other buildings.

2. The location of future right-of-way dedications based on TransPlan, the adopted Local Street Network Plan and the block length and size standards specified in Section 3.2-625E.

3. A re-division plan at the minimum density required by this Subsection, for any lot/parcel that is large enough to further divide or a plot plan showing building footprints for MUC minimum densities.

4. The location of natural resources, regulated wetlands, natural drainage/stormwater management areas and wooded areas showing how future development will address preservation, protection or removal.

5. Adopted public facilities plans.

6. The intended use, residential, commercial, and/or industrial and size in square feet of each building.

7. The ratio of the square footage of each intended use, residential, commercial, and/or industrial to the total square footage of the buildings in each phase of the development.

B. Site Plan Review shall include the monitoring of the ratio of uses to ensure that the proposed development maintains the ratio of:

1. Commercial and non-commercial uses as specified in Section 3.2-630A.1.; or

2. Industrial and non-industrial uses as specified in Section 3.2-630B.1.; or

3. Residential and non-residential as specified in Section 3.2-630C.1.

Section 3.2-700 Public Land and Open Space Zoning District

3.2-705 Establishment of the Public Land and Open Space (PLO) District

A. Establishment of the PLO District includes the following categories:

1. Government uses, including public offices and facilities;

2. Educational uses, including high schools and colleges; and

3. Parks and open space uses including, publicly owned metropolitan and regional scale parks and publicly and privately owned golf courses and cemeteries.

B. The PLO District shall also be permitted on properties designated other than Public and Semi-Public as specified in the Metro Plan, a refinement plan, or plan district.

3.2-710 Schedule of Use Categories

The following buildings and uses are permitted in this district as indicated subject to the provisions, additional restrictions and exceptions specified in this Code.

"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.

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

Use Categories/ Uses	***PLO District***
Primary Uses (Section 4.7-203)	
Education	
Colleges	S
High Schools	S
Private/Public Elementary and Middle Schools	S
Government	
Libraries	S
Senior/Adult Activity Centers	S
Courts	S
Fire Stations	D
Administrative offices	S
Museums	S
Neighborhood and community centers	S
Performing arts centers	S
Plazas and other sites of public interest	S
Police satellite facilities	D
Post offices	S

Public transit facilities	D
Sports complexes/stadiums	D
Justice Center, a building, including, but not limited to: a police station, courts, administrative offices and a jail	D
Parks and open spaces	
Public and private parks and recreational facilities:	
Neighborhood Parks	P
Community Parks	S
Regional Parks	S
Private areas of greater than one acre reserved for open space as part of a cluster or hillside development	P
Publicly and privately owned golf courses and cemeteries	D
R.V. parks and campgrounds within a regional park	S
R.V. parks and campgrounds outside of a regional park and without sanitary sewer service as a temporary use subject to termination when within 1,000 feet of sanitary sewer	D
Secondary uses (Section 4.7-203)	
Agricultural cultivation of undeveloped land	P
Cafeteria and restaurants primarily serving the patrons of the development	P
Child care facilities	P
Heliports and helistops	D
Office and storage yards that are incidental to a primary use	P
Mortuaries and chapels associated with cemeteries	D
Maintenance and security residences, excluding mobile homes	D
Low impact public facilities	P
High impact public facilities (Section 4.7-160)	D
Certain Wireless Telecommunications Systems Facilities	(Section 4.3-145)
Wellness center	S
Parking structures	S

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.

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.
Landscaped Setbacks ***(1), (2), (3) and(4)***	
Street Setback	15 feet
Residential Property Line	20 feet
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.

Section 3.2-800 Quarry and Mining Operations Zoning District

3.2-805 Establishment of the Quarry and Mine Operations (QMO) District

A. The QMO District is established to:

1. Recognize that minerals and materials within the Springfield Urban Growth Boundary are a non-renewable resource, and that extraction and processing are beneficial to the local economy.

2. Protect major deposits of minerals, rock and related material resources with appropriate zoning.

3. Institute procedures for the protection of public health and safety on and adjacent to land where quarry and mining blasting operations are occurring.

4. Institute standards to be used in reviewing referrals from State and Federal agencies of Operation and Reclamation Plans, pollution control and similar permits.

5. Provide for cooperation between private and governmental entities in carrying out the purposes of this Section.

B. The QMO District is applied to areas with a Sand and Gravel designation on the Metro Plan Diagram.

3.2-810 Schedule of Use Categories

The following buildings and uses are permitted in this district as indicated, subject to the provisions, additional restrictions and exceptions specified in this Code and the provisions of the Reclamation Permit required by ORS 517.790, issued by the Oregon Department of Geology and Mineral Industries.

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

"S" = SPECIAL DEVELOPMENT STANDARDS subject to special locational and siting standards to be met prior to being deemed a permitted use.

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

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

Uses/ Use Categories	***QMO District***
Extracting and storing of rocks and minerals, including equipment and materials necessary to carry out these functions	P
Plants for the processing of minerals from quarry and mining extraction operations	P
Sale of products generated from the quarrying and mining operation	P
Activities permitted as part of the reclamation process	P
Structures and buildings used in conjunction with the extracting and storing of	P

mineral	
Parking facilities for employees and customers	P
Tree felling necessary to prepare a site for mining or as a quarry activity as specified in Section 5.19-100	P
Low impact public facilities	P
High impact public facilities	P
Certain Wireless Telecommunications Systems Facilities (Section 4.3-145)	P
Night watchperson's quarters	P

3.2-815 Review

A. To establish a new quarry or mining operation within the Springfield Urban Growth Boundary, the following are required:

1. A Metro Plan amendment (Type IV review).

2. A concurrent zone change to QMO District (Type IV review). The ordinance rezoning properties to the QMO District shall specify the precise location of any scenic areas listed on Metro Plan inventories that require protection under Subsection A.1., above.

3. Site Plan Review (Type II review). For the purpose of this Section, all permitted uses are considered industrial uses requiring Site Plan Review as specified in Section 5.17-100.

4. A copy of the application for a Reclamation Permit as specified in Section 3.2-820 shall be referred to the Director for review.

B. To expand an existing quarry or mining operation, which is zoned QMO District, within the Springfield Urban Growth Boundary, the following are required:

1. Discretionary Use (Type III review) shall be used to determine whether, where and under what conditions quarry and mining operations may occur in identified scenic areas within the QMO District.

2. Site Plan Review (Type II review). For the purpose of this Section, all permitted uses are considered industrial uses requiring Site Plan Review as specified in Section 5.17-100.

3. A copy of the application for a Reclamation Permit as specified in Section 3.2-820 shall be referred to the Director for review.

3.2-820 Permits for Quarry and Mine Extraction

No quarry or mining extraction or related operations may be initiated in the QMO District until a Reclamation Permit required by ORS 517.790 has been issued by the Oregon Department of Geology and Mineral Industries. Standards established under ORS 517 for quarry and mine extraction are considered minimum standards to be observed during extraction, processing and reclamation activities to assure that the operation takes into consideration the health, safety and welfare of people on and off the site who may be affected by the operation, and that the site shall be clean, orderly and left in a condition conducive to appropriate uses after extraction has been

completed and that conflicts between other identified environmental resources are resolved consistent with the Policies of the Metro Plan.

3.2-825 Operation and Reclamation Standards

A. Information submitted as part of the Reclamation Permit process required in Section 3.2-820 shall be evaluated against the following standards by the Director:

1. In lieu of uniform setbacks for all quarry and mine extraction operations:

a. Setbacks from adjacent properties shall be sufficient to protect the normal activities of residences, businesses, industries recreation and other uses permitted under this Code.

b. Setbacks from adjacent properties shall be a distance sufficient to minimize hazards to persons and property resulting from blasting, slides, slippage, subsidence, ground and surface water contamination and depletion and other hazards.

2. Any night lighting shall be arranged and controlled so as not to illuminate adjacent properties and uses permitted under this Code.

3. The hours of operation shall be determined by what is necessary to protect the surrounding activities from disturbance caused by quarry and mining extraction operations.

4. Fencing around the quarry and mining operation shall be required when it has been determined that the location, type and nature of the operation poses hazards to the safety of the surrounding residents and public and private property.

5. When expansion of an existing operation is in close proximity to existing or planned uses potentially incompatible with QMO District uses, or where there is a conflict with any other resource that appears on an adopted environmental resource inventory, the application of the QMO District or the expansion of an existing operation may be limited to a specific portion of a property in order to encourage the compatibility and proper management of land uses.

6. All mining spoils shall be disposed of so they will not create a geological hazard or contribute to water pollution through leaking, leaching or erosion. Management of mining spoils shall be in a manner which is consistent with the standards of the local soil and water conservation district.

7. Overburden and topsoil not removed from the property shall be placed and stabilized in a manner that does not create safety hazards or nuisances for adjacent properties.

8. Screening shall be required where it is determined necessary to minimize the visual impact of the quarry and mining extraction operation on

neighboring properties, residences, commercial, industrial, park and recreational or other land use activities.

9. Wherever possible, existing trees, shrubs, and other types of vegetation along street frontages shall be preserved, maintained and supplemented.

10. When the quarry and mine operation includes the use of open shafts or tunnels, the entrance to all shafts and tunnels shall be covered, closed off or otherwise protected against entry during non-working hours.

B. Reclamation of land subjected to quarry and mining extraction operations is an ongoing process, which shall occur as phases of the quarry and mine extraction operation are completed. The application for the Reclamation Permit required in Section 3.2-820 shall comply with the following standards:

1. General Provisions and Timing.

a. A schedule for reclamation shall define areas covered by each phase and the probable timing.

b. Reclamation operations shall be consistent with the Metro Plan.

c. All structures and buildings used in conjunction with the extraction and storing of minerals shall be removed following completion of the operation, unless the structures or buildings are suitable for other permitted uses or as determined by the Director.

2. Topsoil and Fill Material.

a. Material used in refilling holes, pits and excavations shall be of a quality that will not decompose, contaminate or pollute the groundwater or surface, or cause subsidence either during the operation of the excavation or upon termination of the quarry and mine operations.

b. All graded or back-filled areas, or banks shall be covered with topsoil to a depth sufficient to support vegetation and/or other approved cover adequate to control soil erosion.

3. Slopes and Grading. Excavations made to any setback lines shall meet the following requirements:

a. Where excavations have not been made to water-producing depth;

i. Slopes that are steeper than that of the immediately surrounding area shall be acceptable if they are designed by an engineer with expertise in the field of rock and soils mechanics and acceptable to the State Department of Geology and Mineral Industries. If the slopes are steeper than 1 vertical to 1 1/2 horizontal, provisions shall be made

so that people and wildlife can find safe egress from the excavation area.

ii. The bottom of any excavation shall be graded so that drainage flows into one low area of the excavation. If drainage from this site is practical, the site shall be graded to discharge water to existing natural channels.

b. Where excavations have been made to water-bearing strata;

i. Excavations made to a water-producing depth creating lakes and ponds shall be deep enough to prevent stagnation and development of an insect-breeding area or back-filled with material that will not impair the groundwater quality.

ii. All banks shall be sloped at a ratio no steeper than 1 vertical to 2 horizontal to a water depth of three feet, measured from the low water mark, and to 3 feet above the high water mark.

iii. All grading shall be done to establish safe access to and egress from water for persons and wildlife.

c. Unless specified above, upon completion of operations, the condition of the land shall allow sufficient drainage to prevent water pockets or significant erosion. Natural drainage shall be maintained to prevent harmful effects on neighboring property. The rate of drainage shall not be increased over what it would have been if the site had remained in its original use.

d. All quarry faces, which exceed 45 degrees, shall be benched. The bench face ratio shall not exceed 1 1/2 vertical to 1 horizontal. Benches shall be at least 10 feet wide.

3.2-830 Blasting Standards

Operators using explosives for quarry and mine extraction shall follow explosive regulations and use engineering standards acceptable to the Public Works Director, based on atmospheric conditions and physical conditions of the site to prevent injury to persons and damage to public and private property.

A. When blasting is proposed within 500 feet of an occupied building, the operator, or an authorized agent, shall notify all occupants that a blast is to be initiated. Notice shall be given not more than six hours nor less than 30 minutes prior to detonation and shall include the approximate time of the blast.

B. Each operator shall maintain a record of each blast for at least two years. These records shall be available upon request to the City, the State Department of Geology and Mineral Industries and other governmental agencies with appropriate jurisdiction. The records shall show the following for each blast:

1. Name of quarry or mine.
2. Date, time and location of blast.
3. Description of type of explosives and accessories used.
4. Time interval of delay in milliseconds.
5. Number of different delays.
6. Number of holes per delay.
7. Nominal explosive weight per hole.
8. Total explosive weight per delay.
9. Total weight of explosives per blast.
10. Blast hole diameter, depth, spacing and stemming height.

Section 3.3-100 Overlay Districts

3.3-100 Overlay Districts

The regulations of the overlay district shall supplement the regulations of the underlying zoning district. In cases where the regulations conflict, the overlay district regulations shall supersede the underlying zoning district regulations. The following overlay districts are established:

Section	*Overlay District Name*	*Metro Plan Reference*
3.3-200	Drinking Water Protection	Environmental Resources Element
3.3-300	Willamette Greenway	Willamette River Greenway, River Corridors, and Waterway Element
3.3-400	Floodplain	Environmental Resources Element
3.3-500	Hillside Development	Environmental Resources Element
3.3-600	Reserved for Future Use	
3.3-700	Reserved for Future Use	
3.3-800	Urbanizable Fringe	Growth Management & Urban Service Area Policies
3.3-900	Historic	Historic Preservation Element
3.3-1000	Nodal Development	Nodal Development Area Designation
3.3-1100	Hospital Support	Economic Element

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 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 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 materials which are potential groundwater contaminants;

2. Set standards for the storage, use, handling, treatment, and production of hazardous materials that pose a risk to groundwater within TOTZ; and

3. Review new or expanded uses of hazardous material that pose a risk to groundwater.

3.3-210 Applicability

As of May 15, 2000, all areas within specified wellhead TOTZ automatically are rezoned to add the DWP Overlay District to the underlying zoning district. The areas to which the DWP Overlay District is applied are shown on the Drinking Water Protection Area Maps on file in the Development Services Department and incorporated in this Section by reference.

3.3-215 Warning and Waiver of Liability

The degree of aquifer protection required by this Section in the areas designated in Section 3.3-220 is based on scientific and engineering considerations. The nature of these considerations is that the exact boundaries of Time of Travel Zones (TOTZ) have an associated uncertainty that renders conclusions based on them to be estimates. Under no conditions should this Section be construed to guarantee the purity of the ambient ground water or guarantee the prevention of ground water contamination. Therefore, this Section shall not create liability on the part of the City, or any City personnel, for any contamination that may result from reliance on this Section or any administrative decision made under this Section.

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 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 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 materials that pose a risk to groundwater; or

b. Increase the quantity of hazardous 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;

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.

3.3-230 Exemptions

This Section does not exempt any material or use from Fire Code regulations adopted by the City.

A. Exemptions are as specified in this Section unless the Director, in consultation with SUB and Fire/Life Safety, determines that a hazardous material, activity, and/or facility that is exempt pursuant to this Section has a significant or substantial potential to degrade groundwater quality. Then the Director may require compliance with the requirements of this Section related to that hazardous material, activity or facility. This determination will be based upon site and/or chemical-specific data and are eligible for appeal to the Hearings Official as specified in Section 3.3-245.

B. Unless otherwise provided herein, the following materials are exempt from regulation hereunder:

1. Use, storage and handling of specific hazardous materials that do not present a risk to the aquifer, as determined and listed by the Director in consultation with SUB, are exempt from all regulation under this Section with the exception of the potential requirement to list these hazardous materials on the Hazardous Material Inventory Statement as found in the most recent Fire Code regulations adopted by the City. A Hazardous Materials Exemption Request may be submitted to the Director for Hazardous Materials that can be demonstrated to pose no threat to the aquifer. These materials may be exempted from regulation and added to the list. The demonstration of no threat is the responsibility of the

applicant seeking the exemption and will be subject to review by technical experts.

2. Hazardous materials offered for sale in their original sealed containers of 5 gallons or less are exempt from the 500 gallon storage limit specified in Section 3.3-235A.1.

3. Hazardous materials in fuel tanks and fluid reservoirs attached to a private or commercial motor vehicle and used directly in the motoring operation of that vehicle, or machinery, including, but not limited to: fuel, engine oil and coolant.

4. Fuel oil used in existing heating systems.

5. Emergency use, storage, and handling of hazardous materials by governmental organizations in the public interest.

6. Hazardous materials used and stored specifically for water treatment processes of public water systems and private systems for the same purposes when approved by the Director.

7. Hazardous materials contained in properly operating sealed units (including, but not limited to: transformers, refrigeration units) that are not opened as part of routine use.

8. Local natural gas distribution lines.

9. Fuel for emergency generators located at facilities that provide essential community services (including, but not limited to: hospitals, fire/life safety, police, public shelters, and telephone systems).

10. Any commonly used office supply – including, but not limited to: correcting fluid for typewriters, toner for computer printers or cleaners for windows and bathrooms – where the supplies are purchased off-site for use on-site.

11. Aggregate quantities equal to or less than 20 gallons of hazardous materials that do not contain DNAPLs.

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 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 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).

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 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 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 materials that pose a risk to groundwater unless exempted.

7. 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 materials that pose a risk to groundwater shall be met unless exempted.

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 materials that pose as risk to groundwater shall be stored in areas with approved secondary containment in place (Uniform Fire Code Articles 2 and 8003.1.3.3).

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 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 monitoring methods to detect hazardous materials in the secondary containment system shall be met for all amounts of hazardous materials that pose a risk to groundwater unless exempted.

7. 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 materials that pose a risk to groundwater shall be met unless exempted.

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 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).

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. 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 materials that pose a risk to groundwater shall be met unless exempted.

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.

3.3-240 Conditions

The Director may attach conditions of approval that will minimize negative impacts of regulated substances on groundwater and ensure that the facility or the proposed development can fully meet the standards specified in Section 3.3-235. These conditions may include, but are not limited to: on-site monitoring wells, Wellhead Protection Area signs, special storm water facilities or other conditions to address specific risks associated with the proposed development.

3.3-245 Appeals

The only portions of this Section that are subject to appeal are Section 3.3-225F., the Director's decision on a DWP application, Section 3.3-230, Exemptions, and Section 3.3-235A.1., Waiver. The appeal of a decision of the Director may be appealed as specified in Section 5.3-115.

Section 3.3-300 Willamette Greenway Overlay District

3.3-305 Purpose

The Willamette Greenway (WG) Overlay District is established to protect and preserve natural scenic, historic and recreational qualities of lands along the Willamette River. This overlay district delineates the Willamette Greenway area for the City and establishes standards for the delineation of the Greenway Setback Area.

3.3-310 Applicability

The WG Overlay District applies to all lands which are within 150 feet of the ordinary low water line on the channel of the Willamette River, or are adjacent to the river and are publicly owned for park and recreation purposes.

3.3-315 Review

A. Development proposals shall be reviewed under Discretionary Use procedure as specified in Section 5.9-100, the Site Plan Review process as specified in Section 5.17-100, where applicable, and the standards of this Section.

B. Notice shall be given to the Oregon Department of Transportation by immediately forwarding a copy of the application by certified mail, return receipt requested. Notice of final City action shall also be provided to the Oregon Department of Transportation.

3.3-320 Permitted and Discretionary Uses

A. Uses allowed in the WG Overlay District are the same as those in the underlying zoning districts (See Section 4.3-145 for siting standards and review process for certain wireless telecommunications systems facilities).

EXCEPTION: Uses within the Greenway Setback Area are limited to water-dependent or water-related uses as may be permitted in Section 3.3-325.

B. Any change or intensification of use, or construction that has a significant visual impact shall require Discretionary Use Approval.

3.3-325 Greenway Setback

A Greenway Setback Line is established to protect, maintain, preserve and enhance the natural, scenic, historic and recreational qualities of the Willamette Greenway. Only water-dependent or water-related uses are permitted between the Willamette River and the Greenway Setback Line. The Greenway Overlay District shall substitute temporarily as the Greenway Setback Line for all properties within this Overlay District that do not have an established Setback Line. Establishment of this Setback Line may occur with or without a request for development approval, but any request for development approval on land without an established Setback Line shall be accompanied by an application for establishment of the Greenway Setback Line. The location of the Greenway Setback Line shall be determined consistent with the following standards derived from Section C.3 of the Willamette River Greenway Goal 15:

A. Local, regional and State recreational needs shall be provided for consistent with the carrying capacity of the land. The possibility that public recreation use might disturb adjacent property shall be considered and minimized to the greatest extent possible.

B. Adequate public access to the river shall be provided.

C. Significant fish and wildlife habitats shall be protected.

D. Identified scenic qualities and view-points shall be preserved.

E. The maintenance of public safety and protection of public and private property, especially from vandalism and trespass shall be provided for, to the maximum extent practicable.

F. The natural vegetative fringe along the river shall be enhanced and protected to the maximum extent practicable.

G. The location of known aggregate deposits shall be considered. Aggregate extraction may be permitted outside the Greenway Setback Area subject to compliance with State law, the underlying zoning district and conditions of approval designed to minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, quiet and safety and to guarantee reclamation.

H. Developments shall be directed away from the river to the greatest possible degree; provided, however, lands committed to urban uses shall be permitted to continue as urban uses, including port, public, industrial, commercial and residential uses, uses pertaining to navigational requirements, water and land access needs and related facilities.

3.3-330 Development Standards

In addition to Discretionary Use criteria specified in Section 5.9-120, applications in the WG Overlay District shall also meet the standards specified in Section 3.3-325.

Section 3.3-400 Floodplain Overlay District

3.3-405 Purpose

A. The Floodplain (FP) Overlay District is established to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas. The provisions of this Section are designed to:

1. Protect human life and health.

2. Minimize expenditure of public money on costly flood control projects.

3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.

4. Minimize prolonged business interruptions.

5. Minimize damage to public facilities and utilities, including, but not limited to: water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazards.

6. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard to minimize future flood blight areas.

7. Provide information to potential buyers of property in areas of special flood hazard.

8. Minimize the threat to persons, property and urban water quality from flooding and inadequate or improper drainage resulting from uncontrolled development or redevelopment of land to include filing, grading, excavation, removal; earthwork construction including berms and dikes; stockpiling of materials; or other Land and Drainage Alterations.

B. In order to accomplish the purpose, this Section includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.

2. Requiring that uses vulnerable to floods, including facilities which serve these uses, be protected against flood damage at the time of initial construction.

3. Controlling the alteration of natural floodplains, stream channels and protective barriers, which help accommodate or channel flood waters.

4. Controlling filling, grading, dredging and other development, which may increase flood damage.

5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters, or which may increase special flood hazards in other areas.

6. Issuing a Land and Drainage Alteration Permit.

3.3-410 Applicability

A. The FP Overlay District applies to all areas of special flood hazard.

B. The areas of special flood hazard are identified as follows:

1. Those areas identified by the Federal Insurance Administration in scientific and engineering reports entitled "THE FLOOD INSURANCE STUDY FOR THE CITY OF SPRINGFIELD, LANE COUNTY, OREGON", dated June 2, 1999 and any revision thereto, and "THE FLOOD INSURANCE STUDY FOR LANE COUNTY, OREGON, UNINCORPORATED AREAS," dated June 2, 1999 and any revisions thereto, with accompanying Flood Insurance Maps;

2. Areas of special flood hazard designated by the City Engineer as susceptible to inundation of water from any source where the above-referenced maps have not identified any special flood areas.

C. The flood insurance studies specified above are hereby adopted by City Ordinance and filed with the City Engineer. These studies shall form the basis for the administration and implementation of this Section.

D. Warning and Disclaimer of Liability. The degree of flood protection required by this Section in the areas designated in Subsection B., above is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by human-made or natural causes. This Section does not imply that land outside the areas of special flood hazards or uses permitted within these areas will be free from flooding or flood damages. This Section shall not create liability on the part of the City, or any officer or employee of the City, for any flood damage that may result from reliance on this Section or any administrative decision lawfully made under this Section.

3.3-415 Review

A. Development proposals within the FP Overlay District shall be reviewed under Type I procedure (See Section 4.3-145 for siting standards and review process for certain wireless telecommunications systems facilities). Development approval within the FP Overlay District, including a Land and Drainage Alteration Permit, shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.3-410B. Approval is required for all structures, manufactured homes and development as defined in this Code.

B. Special Review Procedures. The Director shall administer this Section in consultation with the Building Official and the City Engineer. They shall:

1. Review all development applications to determine that the application requirements of this Section have been satisfied;

2. Review all development applications to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies for which prior approval is required;

3. Review all development applications to determine if the proposal is located in the floodway. If the proposal is located in the floodway, assure that the encroachment provisions of Section 3.3-420C. are met.

4. When base flood elevation data has not been provided as specified in Section 3.3-410B.1., the City Engineer shall obtain, review and utilize any base flood elevation data and floodway data available from a Federal, State or other source in order to administer this Section.

5. Where base flood elevation data is provided through the Flood Insurance Study or as specified in Subsection B.4., above, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;

6. For all new or substantially improved flood-proofed structures:

   a. Verify and record the actual elevation (in relation to mean sea level); and

   b. Maintain the flood-proofing certifications required in Section 3.3-420B.2.a.iii.;

7. Maintain for public inspection all records pertaining to the provisions of this Section;

8. Notify adjacent communities and the Division of State Lands prior to any alteration or relocation of a watercourse, and submit evidence of this notification to the Federal Insurance Administration;

9. Require that a program of periodic inspection and maintenance be provided with the altered or relocated portion of a watercourse so that the flood carrying capacity of the watercourse is not diminished; and

10. Make interpretation, where needed, as to exact location of the boundaries of areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). A person contesting the location of the boundary may appeal the interpretation as specified in Section 5.3-100.

3.3-420 Development Standards

A. General Standards. In all areas of special flood hazard within the City and its urbanizable area, the following standards apply:

1. Anchoring. All new construction, manufactured homes and substantial improvements subject to less than 18 inches of flood water during a 100 year flood shall be anchored to prevent flotation, collapse or lateral movement of the structure and shall be installed using methods and practices that minimize flood damage. Anchoring methods for manufactured homes may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques). If subject to 18 inches or more of flood water, or located in the floodway, manufactured homes, apart from manufactured homes in Mobile Home Parks and Subdivisions, shall be anchored to prevent flotation or lateral movement and the design shall be certified by an engineer or architect. Manufactured homes in an existing Mobile Home Park or Subdivision may use the ties to ground anchors and additional techniques specified above.

2. Construction Materials and Methods.

   a. All new construction and substantial improvements shall be constructed with approved materials and utility equipment resistant to flood damage.

   b. All new construction and substantial improvements shall be constructed using approved methods and practices that minimize flood damage.

   c. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located to prevent water from entering or accumulating within the components during conditions of flooding.

3. Utilities.

   a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

   b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

   c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. Subdivision Proposals.

   a. All subdivision proposals shall be consistent with the need to minimize flood damage;

   b. All subdivision proposals shall have public utilities and facilities, including, but not limited to: sewer, gas, electrical and water

systems located, constructed and maintained to minimize flood damage;

c. All subdivision proposals shall have adequate drainage to reduce exposure to flood damage; and

d. 100-year flood elevation data shall be provided and shown on final and subdivision plats. The boundaries of the 100-year flood and floodway shall be shown on the final subdivision plat.

e. A permanent monument shall be established and maintained on land subdivided, showing the elevation in feet above mean sea level. The location of the monument shall be shown on the final partition map or subdivision plat.

f. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be prepared by the applicant's engineer for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

5. Review of Building Permits. Where base flood elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for Building Permits including those for manufactured home placement shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness shall include but not be limited to the use of historic data, high water marks, photographs of past flooding, where available. Failure to elevate at least two feet above (the exterior) grade in these zones may result in higher insurance rates. This requirement does not apply to manufactured homes in existing Mobile Home Parks and Subdivisions.

B. Specific Standards. In all areas of special flood hazard within the City and its urbanizable area where base flood elevation data has been provided as specified in Sections 3.3-410A. and B. or 3.3-415B.4., the following provisions are required:

1. Residential Construction.

a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to 1 foot above the base flood elevation.

b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood-waters. Designs for meeting this requirement shall either be certified by an engineer or architect or shall meet or exceed the following minimum criteria:

i. A minimum of two openings of equal size having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

ii. The bottom of all openings shall be no higher than 1 foot above grade.

iii. Openings shall be located to allow unrestricted cross-flow of flood-waters through the enclosed area from one side to the other.

iv. Openings may be equipped with screens, louvers, or other coverings or devices if certified by an engineer or architect, provided that they permit the automatic entry and exit of flood-waters.

2. Nonresidential Construction.

a. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have either the lowest floor, including basement, elevated to a level at least 1 foot above the base flood elevation; or together with utility and sanitary facilities shall:

i. Be flood-proofed to 1 foot above the base flood level, so that the structure is watertight with walls substantially impermeable to the passage of water;

ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

iii. Be certified by an engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this Subsection based on their development and/or review of the structural design, specifications and plans. The certifications shall be provided to the Building Official as specified in Section 3-415B.6.b.

b. Nonresidential structures that are elevated, not flood-proofed, shall meet the same standards for space below the lowest floor as specified in Subsection B.1.b., above.

c. Applicants flood-proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are 1 foot below the flood-proofed level (e.g., a building constructed to the base flood level will be rated as 1 foot below that level).

3. Manufactured Homes.

a. All manufactured homes that are placed or substantially improved within Zones A1-30, AH and AE shall be elevated on a permanent foundation where the lowest floor of the manufactured home is elevated to a height of 1 foot above the base flood elevation:

i. On sites outside of a manufactured home park or subdivision;

ii. On sites in a new manufactured home park or subdivision;

iii. On sites in an expansion to an existing manufactured home park or subdivision; and

iv. On sites within an existing manufactured home park or subdivision and upon which manufactured homes have incurred substantial damage as the result of flood.

b. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH or AE that are not subject to the provisions of Subsection a., above shall be elevated so that:

i. The lowest floor of the manufactured home is at or above the base flood elevation, or

ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.

c. Recreational vehicles placed on site within Zones A1-30, AH or AE shall

i. Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use; or

ii. Satisfy the review procedure of Section 3.3-415.

4. Foundations. Foundations for all new construction, substantial improvements and manufactured homes subject to 18 inches or less of flood water during a 100 year flood shall be as specified in the Springfield Building Safety Codes. Foundations for all new construction, substantial improvements and manufactured homes not in a Mobile Home Park or Subdivision subject to 18 inches or more of flood water during a 100 year flood or located within a designated floodway shall be certified by an engineer to meet the following foundation requirements:

a. Concrete footings sized for 1000 psf soil pressure unless data to substantiate the use of higher values are submitted;

b. Footings shall extend not less than 18 inches below the undisturbed natural grade or engineered fill and in no case less than the frost line depth; and

c. Reinforced concrete, reinforced masonry, or other suitably designed supporting systems to resist all vertical and lateral loads which may reasonably occur independently or combined.

5. Streets.

a. Adequate provisions shall be made for accessibility during a 100 year flood, to ensure ingress and egress for ordinary and emergency vehicles and services during potential future flooding.

b. No street or surface of any new street shall be at an elevation of less than 1 foot below the base flood height.

C. Floodways. Located within areas of special flood hazard established in Section 3.3-410A. and B. are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Encroachments, including fill, new construction, substantial improvements, and other development is prohibited unless certification by an engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

EXCEPTION: Manufactured homes as well as other structures already in the floodway may be replaced if they are located in the same site and are the same size without the certification.

2. If the requirements of Subsection C.1., above are satisfied, all new construction and substantial improvements shall comply with all applicable special flood hazard reduction provisions of Subsection B., above.

3. Subdivision and partitioning of land for residential purposes is prohibited if land is located entirely within the floodway.

D. Encroachment. The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than 1 foot at any point.

3.3-425 Emergency Approval

Where there is an emergency, the Director may issue development approval, including a Land and Drainage Alteration Permit either orally or in writing:

A. If issued orally, written approval shall follow within 5 days setting forth the conditions of operation.

B. Emergency approval may be issued to protect existing shorelines or structures under immediate threat by flood or storm waters or for the prevention of channel changes that threaten immediate and significant loss of property.

C. A representative of the City may inspect the project site to verify that an emergency condition exists and that the emergency action will not adversely impact water resources.

D. Emergency approval shall be in effect for the time required to complete the authorized emergency action and shall not exceed 60 days.

E. Any emergency approval shall be circulated for public information within 10 days of issuance.

3.3-430 Variance Procedures

A. A Variance from the provisions of this Section, with respect to the provisions for special flood hazard reduction, shall be reviewed as a Type III procedure as specified in Section 5.1-135.

B. The Approval Authority shall consider all technical evaluations, all relevant factors and standards specified elsewhere in this Section. A Variance shall be granted if the proposal is determined by the Approval Authority to meet each of the following criteria:

1. There is no potential danger that materials may be swept onto other lands to the injury of others;

2. There is no potential danger to life and property due to flooding, debris or erosion damage;

3. There is no significant susceptibility of the proposed facility and its contents to flood damage and the effect of that damage on the individual owner;

4. The facility necessitates a waterfront location, where applicable;

5. There are no other alternative locations for the proposed use, which are not subject to flooding or erosion damage;

6. The proposed use is compatible with existing and anticipated development;

7. The proposed use is consistent with the Metro Plan and Floodplain management program for that area;

8. There is adequate and safe access to the property in times of flood for ordinary and emergency vehicles;

9. There has been adequate consideration of expected heights, velocity, duration, rate of rise, sediment, debris transported by the floodwaters and the effects of wave action, if applicable, expected at the site; and

10. There are no substantial costs of providing governmental services during or after flood conditions, including maintenance and repair of public utilities and facilities, including, but not limited to: sewer, gas, electrical and water systems, and streets and bridges.

C. Reasonable conditions may be established in connection with a Variance if necessary to comply with the purpose and requirements of this Section. In cases where a Variance is granted to allow residential construction with a lowest floor elevation below the required minimum elevation, or nonresidential flood-proofing below the required minimum elevation, the applicant shall record a deed covenant that the cost of flood insurance will be commensurable with the increased risk resulting from the reduced floor elevation flood-proofing.

D. Variances may be issued for the reconsideration, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to procedures specified in the remainder of this Section.

E. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

F. Variances shall only be issued upon a determination that the Variance is the minimum necessary, considering the special flood hazard, to afford relief.

3.3-435 Post-Flood Substantial Damage Procedures

A. Building inspectors from the Development Services Department shall make post-flood inspections immediately after a flood event to determine damage to structures by the flooding.

B. A list of damaged structures, which are not in compliance with the provisions of this Section, shall be reported to FEMA.

C. The City shall notify affected property owners prior to submitting the damage report to FEMA.

3.3-440 Periodic Floodplain Inspections and Enforcement Actions

Field staff from the Development Services Department and/or the Public Works Department shall make periodic inspections of floodplain areas both within the city limits and outside the city limits, but within the City's urban services area to establish that any activity involving the fill and/or removal of materials within the floodplain is being performed in compliance with an approved Land and Drainage Alteration Permit. The staff shall prepare a field report listing non-complying conditions to be delivered to the Director. Upon receipt of the report, the Director shall proceed with enforcement actions including, but not limited to: the issuance of a Stop Work Order; the issuance of a citation; and the commencement of civil legal proceedings.

3.3-445 Land and Drainage Alteration Permits - Enforcement of Requirements and Penalties

A. Within Springfield's city limits:

1. Enforcement of the provisions of this Section is through commencement of civil legal proceedings in the Springfield Municipal Court. Violation of the provisions of this Section including the failure to obtain a Land and Drainage Alteration Permit and the failure to comply with the requirements of a Land and Drainage Alteration Permit shall be punished by a fine not exceeding $250.00 or imprisonment, not exceeding 100 days, or both fine and imprisonment. Every day of the violation shall constitute a separate offense.

2. Enforcement of the provisions of this Section may also be through commencement of legal proceedings in Lane County Circuit Court. Upon determination that a violation has occurred, the court may:

a. Require the person responsible and/or the property owner to cease the violation of the provisions of this Section and bring the property into conformance with this Section;

b. Require the person responsible and/or the property owner to take action to return the property to its original condition action before any work initiated without a Land and Drainage Alteration Permit;

c. If the person responsible and/or the property owner does not return the property to its original condition within the prescribed time period, authorize the City to take whatever action is necessary to return the property to its original condition prior to the initiation of any work without a Land and Drainage Alteration Permit, or otherwise bring the property into conformance with the provisions of this Section;

d. Authorize the City to charge the costs for restoring the property to its original condition or for bringing the property into conformance with the provisions of this Section either against the property itself, the person responsible, or the property owner; and/or

e. Order the person responsible and/or the property owner to pay to the City its attorney fees and costs incurred in pursuing its civil legal remedies.

3. Enforcement of the provisions of this Section may also be through the use of nuisance abatement procedures of Sections 5.000 to 5.018 of the Springfield Municipal Code, 1997.

B. Beyond Springfield's city limits but within Springfield's urban services area. Enforcement of the provisions of this Section may also be through commencement of legal proceedings in Lane County Circuit Court. Upon determination that a violation has occurred, the court may:

1. Require the person responsible and/or the property owner to cease the violation of the provisions of this Section and bring the property into conformance with this Section;

2. Require the person responsible and/or the property owner to take action to return the property to its original condition before any work initiated without a Land and Drainage Alteration Permit;

3. If the person responsible and/or the property owner does not return the property to its original condition within the prescribed time period, authorize the City to take whatever action is necessary to return the property to its original condition prior to the initiation of any work without a Land and Drainage Alteration Permit, or otherwise bring the property into conformance with the provisions of this Section;

4. Authorize the City to charge the costs for restoring the property to its original condition or for bringing the property into conformance with the provisions of this Section either against the property itself, the person responsible, or the property owner; and/or

5. Order the person responsible and/or the property owner to pay to the City its attorney fees and costs incurred in pursuing its civil legal remedies.

Section 3.3-500 Hillside Development Overlay District

3.3-505 Purpose

The Hillside Development (HD) Overlay District is established to ensure that development in hillside areas: Minimizes the potential for earth movement and resultant hazards to life and property; protects water quality by minimizing soil erosion and siltation; retains and protects natural vegetation, natural water features and drainageways, scenic quality and open space by minimizing vegetation removal in sloped areas; assures the compatibility of new development with surrounding areas; encourages site and building design that is consistent with the natural topography in order to minimize the cost of providing public infrastructure; provides for adequate access for emergency services; and otherwise protects the public health and safety.

3.3-510 Applicability

The HD Overlay District is applied in residential zoning districts above 670 feet elevation or to development areas below 670 feet in elevation where any portion of the development area exceeds 15 percent slope as determined using the slope calculation described in Subsection 3.3-520A.

3.3-515 Review

Development within the HD Overlay District is reviewed under Type II procedure, submitted concurrently with the applicable application for a: Site Plan Review, Property Line Adjustment, or a Partition or Subdivision Tentative Plan.

3.3-520 Development Density and Options

A. For the purpose of calculating the allowed number of dwelling units in the development area below 670 feet in elevation, the "average slope" as defined below may be used:

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

Where:

S = Average % of slope for the area.

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

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

A = Area.

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

B. The developer has two options for the development of steeply sloped land. Option "A", is designed to correlate minimum lot/parcel sizes to the average slope of the development area. Option "B", is designed to allow for a density transfer bonus to stimulate development on those portions of the development area where the slope of the land is less than 15 percent. A combination of Options "A" and "B" may be used.

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

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

i. Less than 15 percent.

ii. From 15 percent to 35 percent.

iii. Greater than 35 percent.

Use the following formula to determine the % of slope:

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

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

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

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

Where:

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

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

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

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

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

Table 3.3-1

Average Slope	Minimum Lot/Parcel Size Per Dwelling Unit	Minimum Per Lot/Parcel Frontage*
Less than 15 % and below 670 feet	See the applicable lot/parcel size and frontage requirements in Section 3.2-215.	
Less than 15% on wooded lots**	10,000 sq. ft.	60 ft.
15% - 25%	10,000 sq. ft.	90 ft.
25% - 35%	20,000 sq. ft.	150 ft.
Over 35%	40,000 sq. ft.	200 ft.

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

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

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

a. Step 'B-1'. Determine the area of the parcel where the average slope of the land is:

i. Less than 15 percent.

ii. From 15 percent to 25 percent.

iii. From 25 percent to 35 percent.

iv. Greater than 35 percent.

b. Step 'B-2'. Determine the average slope of the area of the parcel where the average slope of the land is greater than 15 percent by using the formula identified in Option A, Step 'A-2'.

c. Step 'B-3'. Determine the number of potential lots/parcels for the total development area which could have been permitted, for the portion of the parcel where the average slope is greater than15 percent, if the average slope option had been considered by using Table 3.3-1 in Option "A", Step 'A-3'.

d. Step 'B-4'. Multiply the number of potential lots/parcels by 1.2 to determine the density that may be transferred to those sections of the development area where the slopes are less than 25 percent. In no case shall the density of the developed portion of the site exceed 8 dwelling units per developable acre, (i.e., excluding streets and open space). Land of greater than 15 percent average slope used to calculate a density transfer bonus shall be maintained as permanent open space or dedicated for park use. Modification of standards as specified in Section 3.3-535 may be applied to the entire development area.

3.3-525 Street Grade Standards

A. Streets shall be contoured in hillside areas to minimize environmental and scenic disruption.

B. Street grades may exceed the 12 percent local street standard specified in Section 4.2-105, Street Standards – Public, only where topographical conditions make it impractical to meet the 12 percent standard, subject to the following conditions:

1. No new driveways or intersections shall be permitted where street grades exceed 12 percent.

EXCEPTION: Lots/parcels created prior to the adoption of the Comprehensive Zoning Code, 1982.

2. No street with a grade of 15 percent or greater shall be permitted for a distance of more than 200 feet.

3. In no case shall a street grade exceed 18 percent for any distance.

3.3-530 Reports Required

Where the buildable portion of the land to be developed exceeds 15 percent average slope, the following reports are required and their conclusions applied in order to prevent or mitigate possible hazards to life and property and adverse impacts on the natural environment, consistent with the purpose of this Section. The applicant shall fund peer review of the reports as deemed necessary by the City Engineer.

A. Geotechnical Report. This report shall include data regarding the geology of the site, the nature, distribution, and strength of existing soils, conclusions and recommendations for grading procedures, design criteria for corrective measures, and options and recommendations to maintain soil and slope stability and minimize erosion of the site to be developed in a manner imposing the minimum variance from the natural conditions. Where geologic conditions of the site indicate that a

hazard may exist, the report shall show that the proposed Subdivision or Partition shall result in lots/parcels that are suitable for development. The investigation and report shall be prepared by a civil engineer/geologist or a geotechnical engineer.

B. Grading Plan Report. This plan shall include the following information:

1. Existing and proposed details and contours (5-foot intervals) of property;

2. Details of terrain and area drainage;

3. Location of any existing buildings or structures on the property where the work is to be performed, the location of any existing buildings or structures on land of adjacent owners which are within 100 feet of the property or which may be affected by the proposed grading operations, and proposed or approximate locations of structures relative to adjacent topography;

4. The direction of drainage flow and the approximate grade of all streets with the final determination to be made as specified in Subsection D., below;

5. Limiting dimensions, elevations, or finished contours to be achieved by the grading, including all cut and fill slopes, proposed drainage channels, and related construction;

6. Detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs, and other protective devices to be constructed with, or as a part of, the proposed work, together with a map showing drainage areas, the complete drainage network, including outfall lines and natural drainageways which may be affected by the proposed development, and the estimated run-off of the area served by the drains;

7. A schedule showing when each phase of the project will be completed, including the total area of soil surface which is to be disturbed during each stage, and estimated starting and completion dates; the schedule shall be drawn up to limit to the shortest possible period the time that soil is exposed and unprotected. In no event shall the existing "natural" vegetative ground cover be destroyed, removed, or disturbed more than 15 days prior to grading or construction of required improvements. Within 15 days of grading or other pre-development activity that removes or significantly disturbs ground cover vegetation, exposed soil shall either be built upon (i.e., covered with gravel, a slab foundation or other construction), landscaped (i.e., seeded or planted with ground cover) or otherwise protected; and

8. The Grading Plan shall be prepared by a civil engineer.

C. Vegetation and Re-vegetation Report. This report shall be as specified in Section 5.19-120, if tree felling is proposed.

D. Verification of Slope and Grade Percentages. Prior to acceptance of the Final Plat, all streets shall be cross-sectioned and their center-lines staked in the field, to

determine the accuracy of preliminary slope and grade percentages. If there are significant differences between preliminary and final grade and slope determinations, i.e., density or street gradients exceed the limits specified in this Section, the Tentative Plan shall be modified to reflect the revised information and resubmitted.

E. Development Plan Report. A proposed development plan shall be submitted, depicting building envelopes for each lot/parcel, including driveway approaches and all other associated impervious surface areas. The applicant shall specify whether trees will be felled under one Tree Felling Permit, as specified in Section 5.19-100, as part of the subdivision construction process or by separate Tree Felling Permit for each individual lot/parcel prior to the issuance of a Building Permit. The plan shall be based upon the findings of the required reports in this Section and the lot/parcel coverage standards of Section 3.2-215. Building envelopes shall be specified in Covenants, Conditions, and Restrictions recorded with the Subdivision Plat.

3.3-535 Modification of Standards

The Director may modify the standards of this Code, as they apply to the entire development area, within the following prescribed limits:

A. Front, side and rear yard setbacks may be reduced to zero (when permitted by the Building Safety Codes); provided, however, where attached dwellings are proposed, there shall not be more than 5 dwelling units in any group.

B. The reduction of public right-of-way, pavement width, and/or requirements for the installation of sidewalks as specified in Table 4.2-1, may be allowed if provisions are made to provide off-street parking in addition to that specified in Section 4.6-125. The Director may require combinations of collective private driveways, shared parking areas and on-street parallel parking bays where topography, special traffic, building, grading, or other circumstances necessitate additional regulation to minimize land and soil disturbance and minimize impervious surface areas.

3.3-540 Fire Protection Requirements

Additional fire protection requirements may be required in hillside development areas which are considered vegetated areas subject to wildfires as determined by the Fire Marshal.

A. All buildings with a gross area in excess of 1,500 square feet shall be constructed within 50 feet of an approved fire lane or public street. Fire apparatus access shall be provided to within 50 feet of the building (This may mean modifying the driveway designs for width, grade and construction material in order to meet fire lane requirements). Installation of a residential fire sprinkler system will be considered as an alternative to the requirement to be within 50 feet of a fire lane or street.

B. The developer shall specify in the recorded Covenants, Conditions and Restrictions that a wildfire defense plan for each lot/parcel, approved by the Fire Marshal, will be required prior to the issuance of a building permit.

C. All buildings located in or adjacent to vegetated areas subject to wildfires shall have Class A or B roofing as specified in the Oregon State Structural Specialty Code.

Section 3.3-600 Reserved for Future Use

Section 3.3-700 Reserved for Future Use

Section 3.3-800 Urbanizable Fringe Overlay District

3.3-805 Purpose

The Urbanizable Fringe (UF-10) Overlay District is established to effectively control the potential for urban sprawl and scattered urbanization to achieve the goal of compact growth. This concept will remain the primary growth management technique for directing geographic patterns of urbanization in the City. The UF-I0 Overlay District limits the division of land and prohibits urban development of unincorporated urbanizable land which will eventually be annexed to the City. All interim development shall be designed and constructed to City standards.

3.3-810 Applicability

A. The provisions of the UF-I0 Overlay District apply to all land between Springfield's city limits and the Urban Growth Boundary.

B. **EXCEPTIONS:**

1. The provisions of the UF-I0 Overlay District shall not apply to land designated Government and Education on the Metro Plan diagram.

2. The UF-I0 Overlay District shall cease to apply upon annexation to the City.

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

The following uses may be permitted in the underlying residential, commercial, or industrial district subject to the provisions, additional restrictions and exceptions specified in this Code. **EXCEPT AS SPECIFIED IN SECTION 3.3-810B., URBAN USES (e.g., multiple-family or churches) NOT LISTED IN THE UF-I0 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**

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

3.3-820 Review

A. The siting of single-family residences in the UF-10 Overlay District that require a Future Development Plan as specified in Section 5.12-120E shall be reviewed under Type I procedure.

B. Partitions are reviewed under Type II procedure.

C. All other requests are reviewed in accordance with the procedures applicable in the underlying zoning district (See Section 4.3-145 for siting standards and review process for certain wireless telecommunications systems facilities).

D. The Hearings Official shall hear all Type III land use requests.

3.3-825 Additional Provisions

A. The City shall not extend water or sanitary sewer service outside the city limits, unless the property owner obtains annexation approval.

B. The Lane County Sanitarian shall certify that the proposed individual waste water disposal system meets D.E.Q. standards prior to Development Approval.

C. Lane County is considered an affected party and shall be notified of all development applications.

D. Siting of Residential Uses. Detached single family dwellings shall be sited to allow the future division and/or more intensive use of the property. The applicable on-site sewage disposal facility shall be conditional, and made a part of any permit necessary to achieve the standards of this Overlay District. The following standards apply:

1. In order to achieve ultimate densities provided in the Metro Plan, the siting of single family homes on any lot/parcel designated MDR or HDR, or any lot/parcel 5 acres or more in size and designated LDR, shall require approval of a Future Development Plan as specified in Section 5.12-120E.

2. Additional development restrictions that limit the location of buildings and on-site sewage disposal facilities shall be applied where necessary to reserve land for future urban development.

E. Connection to the sanitary sewer system. Any property to be partitioned that is within the distances specified in OAR 340-071-0160(4) for connection to the City's sanitary sewer system shall require annexation to the City, unless the Director determines that a topographic or man-made feature makes the connection physically impractical.

F. Uses requiring Discretionary review, uses requiring specific development standards, new permitted uses and expansion of permitted uses in commercial and industrial districts shall demonstrate that the use will not generate singly or in the aggregate additional need for key urban services.

G. 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. 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 3.3-900 Historic Overlay District

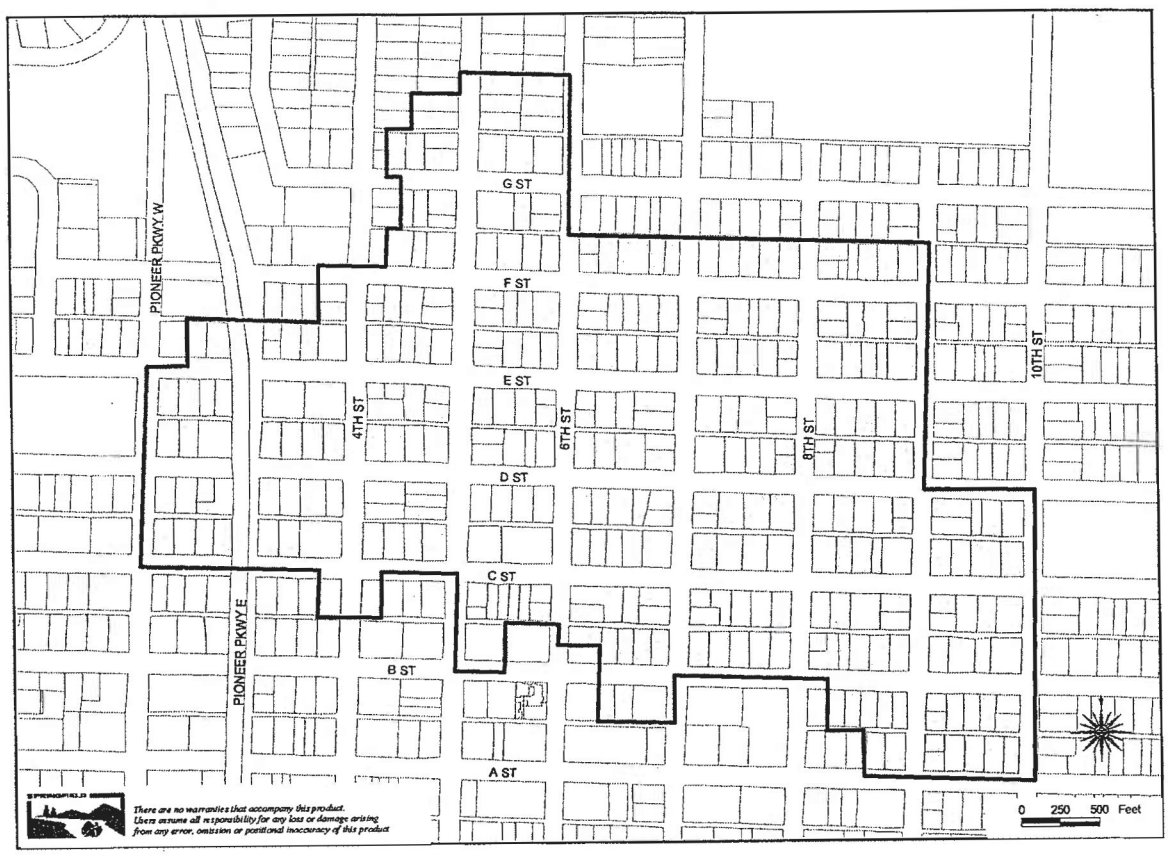
3.3-905 Purpose

The Historic (H) Overlay District is established to encourage the restoration, preservation and adaptive use of identified Historic Landmark Structures and Sites. The H Overlay District implements the Washburne Historic Landmark District, Section 2.500 et. Seq., of the Springfield Municipal Code, 1997 and OAR Chapter 660-023.

3.3-910 Applicability

This Section applies in the following instances to all structures and sites:

A. Within the Washburne Historic Landmark District; and



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	310 S. 7th Street
Brattain / Hadley House	1260 Main Street
Stewart House	214 2nd Street
Douglas House	961 S. 32nd Street

3.3-915 Review

A. The Historic Commission shall make recommendations to the Planning Commission or City Council on the following issues:

1. The establishment or modification of a Historic Landmark District (e.g. the Washburne Historic Landmark District) - Type IV procedure and as specified in Section 3.3-930;

2. The establishment of the Historic Landmark Inventory - Type III procedure and as specified in Section 3.3-920;

3. The removal of individual Historic Landmark Sites and Structures from the Historic Landmark Inventory - Type III procedure and as specified in Section 3.3-925;

4. Demolition of Historic Landmark Structures - Type III procedure and as specified in Section 3.3-950; or

5. Any Discretionary Use listed in the underlying zoning district - as specified in Section 5.9-100.

B. The following major alterations of Historic Landmark Sites or Structures shall be reviewed under Type II procedures as specified in Section 3.3-945:

1. Additions, partial demolitions, or substantial alterations to a building facade;

2. A change to a more intensive use category as defined in the underlying zoning district;

3. Installation of four or more parking places;

4. Removal or radical trimming of large established trees or vegetation, unless necessary for immediate public safety as determined by the City Engineer;

5. Specific Development Standards in the Washburne Historic Landmark District specified in Section 3.3-935B.;

6. New construction of 1,000 square feet or more within the Washburne Historic Landmark District; or

7. Any other alteration or use that the Director determines may detract from the historic character of a Historic Landmark Site or Structure.

C. The following minor alterations of Historic Landmark Sites and Structures shall be reviewed under Type I procedures as specified in Section 3.3-945:

1. Construction, modification or demolition of accessory structures;

2. Additions, partial or total demolitions or substantial alterations to the building facades of non-contributing and intrusive structures within the Washburne Historic Landmark District;

3. Replacement of damaged exterior features with virtually identical materials;

4. Additions, partial demolitions or alterations to Historic Landmark Sites and Structures which fully conform to the standards of Section 3.3-945 and which are not visible from the street;

5. Installation of fewer than four parking spaces;

6. Installation of signs of less than four square feet; or

7. Any similar alteration or use which does not detract from the character of a Historic Landmark Site or Structure.

D. The application shall include a Plot Plan and exterior elevations of sufficient detail to determine compliance, as prescribed by the Director or Historic Commission.

3.3-920 Establishment of the Historic Landmark Inventory

A. The following criteria shall be considered by the Historic Commission or Planning Commission in establishing sites or structures on the Historic Landmark Inventory. In each case the approval authority shall determine whether the Historic Landmark Site or Structure is:

1. Associated with historic or famous events;

2. Old (usually at least 50 years old);

3. Representative of a period or style of architecture or method of construction;

4. Recognized as having architectural merit, by reason of unusual or extraordinary design, detail, use of materials or craftsmanship;

5. Identified as the work of an architect, designer, or master builder whose individual work has influenced development in the City, State or Nation;

6. Included in the National Register of Historic Places;

7. Related to the broad cultural history of the City, State or Nation;

8. Identified with a person or persons, organizations or events that have contributed significantly to the history of the City, State or Nation; or

9. Identified as a unique aesthetic or educational feature of the City.

B. If at least two of the criteria specified in Subsection A., above apply, and the Historic Landmark Site or Structure is not in an advanced state of deterioration, the Planning Commission upon the recommendation of the Historic Commission may add the Historic Landmark Site or Structure to the Historic Landmark Inventory.

C. Once a Historic Landmark Site or Structure is included in the Historic Landmark Inventory, it is automatically subject to the provisions of the H Overlay District.

3.3-925 Removal of Individual Historic Landmark Sites and Structures From the Historic Landmark Inventory

In order to remove a Historic Landmark Site or Structure from the Historic Landmark Inventory, the Historic Commission shall determine that:

A. The original criteria used in determining historic significance as specified in Section 3.3-920A. were erroneously applied; or

B. That demolition has been approved as specified in Section 3.3-950.

3.3-930 Establishment and Modification of Historic Landmark Districts

A. Historic Landmark District Preservation Plans shall be defined as Refinement Plans of the Metro Plan.

B. The provisions of Section 5.6-100 shall apply to the establishment and modification of Historic Landmark Districts.

C. The applicant shall demonstrate that the establishment or modification of a Historic Landmark District is in conformance with the following additional criteria:

1. The area can be logically bounded and is distinguishable from the surrounding areas; and

2. The area possesses a significant number of Historic Landmark Sites and/or Structures; or

3. The area possesses a significant concentration, linkage or continuity of sites and/or structures that may individually lack distinction but are collectively important due to their visual or historic association.

3.3-935 Schedule of Use Categories

The following buildings and uses are permitted in the H Overlay District as indicated subject to the provisions, additional restrictions and exceptions specified in this Code.

A. Historic Landmark Sites and Structures. The categories of uses listed in the underlying zoning district are permitted, provided that the integrity of the historic landmark site or structure can be maintained as specified in this Section (See Section 4.3-145 for siting standards and review process for certain wireless telecommunications systems facilities for all underlying zoning districts in the Historic Overlay District).

B. The Washburne Historic Landmark District. To encourage investment in the historic restoration of existing homes, limited small-scale businesses shall be considered in residential districts. These businesses may operate out of a home, provided that the residential character of the neighborhood and the integrity of the Historic landmark Site or Structure is not substantially altered. Therefore, in addition to uses permitted in the underlying residential district, the following additional uses may be permitted subject to the Specific Development standards of Subsection C., below and the provisions, additional restrictions and exceptions specified in Sections 3.3-900-950.

1. Professional offices. Including accountants, architects, attorneys, counselors, engineers, insurance agents, medical practitioners, planners, and real estate sales.

2. Studios for artists, interior decorators or photographers.

3. Retail sales of hand-crafted merchandise, original art or antiques, exclusive of mass-produced items, copies of original art objects, or second-hand goods with limited historic value as determined by the Historic Commission.

4. Bed and Breakfast facilities.

C. Washburne Historic Landmark District Specific Development Standards.

1. Both the business and the dwelling shall be owned and operated by the resident.

2. Not more than 40 percent of the habitable floor area of the dwelling may be used for business purposes; i.e. at least 60 percent of the habitable floor area shall be used for residential purposes.

3. The business may not employ more than two full-time support persons, exclusive of family members who reside on the premises. All professional practitioners shall reside on premises.

4. In addition to the two required parking spaces for the dwelling, one off-street parking space is required for each full time employee.

a. Access to employee parking shall be through an alley, and employee parking spaces shall not be located between the house and front or street side property line.

b. In cases where the installation of employee parking would require the removal of a Historic Landmark Site or Structure, the Historic Commission may waive one or both of the required spaces if substantial traffic problems would not result. In making this determination, the Historic Commission shall consider the report of the Transportation Manager.

5. No display of merchandise either from the windows of a structure or on the property itself is permitted.

6. No commercial vehicle repair and/or sales is permitted.

7. Home businesses shall not be open to the public on Sundays or holidays recognized by the City, apart from for activities sponsored by the City or the Washburne Neighborhood Association.

8. Hours of operation are limited as follows:

a. On local streets, from 9:00 a.m. to 8:00 p.m.

b. On collector or arterial streets, from 7:00 a.m. to 10:00 p.m.

D. Commercial uses as specified in Section 3.3-935B.1. through 3. may be permitted on Assessor's Map 17-03-35-24 Tax Lots 10800, l0801, 10900, 12900, 13000 and 13100 when the integrity of the Historic Landmark Site or Structure is not substantially altered provided that:

1. The development meets the standards of Section 5.17-100.

2. Parking areas shall have paved alley access, and shall not be located between the house and front or streetside property line.

3. In cases where the installation of parking would require the removal of a Historic Landmark Site or Structure, the Historic Commission may waive up to 50 percent of the required spaces if substantial traffic problems would not result. In making this determination, the Historic Commission shall consider the report of the City Engineer.

4. No display of merchandise for sale that is incompatible with the residential character of the neighborhood is permitted.

5. No commercial vehicle repair and/or sales is permitted.

3.3-940 Development Standards

Placement. In order to protect the historic character of an Historic Landmark District or an individual Historic Landmark Structure, residential garages may be permitted to abut an alley, provided that:

A. Minimum fire separation as required by the Building Safety Codes is not exceeded; and

B. Access is taken from the alley.

3.3-945 Major and Minor Alteration Standards

A. The following standards apply to major and minor alterations as specified in Section 3.3-915B. and C., within the H Overlay District.

1. Any proposed use shall minimize exterior alteration of the Historic Landmark Site or Structure and its environment; uses that require substantial exterior alteration shall not be permitted.

2. The distinguishing original qualities of the Historic Landmark Site or Structure and its environment shall not be substantially altered. The removal or alteration of any historic material or distinctive architectural features is prohibited unless an immediate hazard to public safety exists.

3. All Historic Landmark Sites or Structures are recognized as products of their own time. Alterations which have no historic basis and which seek to create an earlier appearance are prohibited.

4. Changes that have taken place in the course of time are evidence of the history and development of a Historic Landmark Site or structure and its environment. Where changes have acquired significance in their own right, this significance shall be recognized.

5. Distinctive stylistic features and examples of local or period craftsmanship which characterize a Historic Landmark Site or Structure shall be retained.

6. Deteriorated architectural features shall be repaired rather than replaced. In the event replacement cannot be avoided, the new material shall match the material being replaced in composition, design, color, texture and visual qualities. Repair or replacement of missing architectural features is based on accurate duplicate features, substantiated by historic, physical or pictorial evidence rather than on conjectural design, or the availability of different architectural elements from other buildings or structures.

7. New design for undeveloped Historic Landmark Sites in the Washburne Historic Landmark District and for alterations and additions to existing Historic Landmark Sites and Structures are permitted when they complement significant historic, architectural or cultural features and the design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.

8. New additions or alterations to Historic Landmark Structures shall not impair the essential form and integrity of the structure.

3.3-950 Demolition Standards

Demolition of Historic Landmark Sites or Structures is an extreme measure that may be permitted only after all other reasonable alternatives for preservation have been thoroughly examined.

A. No demolition permit will be granted for any Historic Landmark Site or Structure unless the owner has demonstrated to the satisfaction of the Historic Commission that one of the following criteria applies:

1. The condition of the Historic Landmark Site or Structure constitutes a serious and immediate threat to the safety of the public or occupants that cannot be eliminated without repairs that would exceed 50 percent of the value of the structure itself.

a. A MIA-certified appraisal shall be required to determine the value of the Historic Landmark Structure.

b. At least two bids from qualified contractors shall be required to determine the cost of repairs to the Historic Landmark Structure.

2. The property owner has demonstrated that there would be no reasonable, long-term economic benefit from preservation of the Historic Landmark Site or Structure. In making this determination, the owner shall demonstrate that all potential uses or adaptive uses for the Historic Landmark Site or Structure have been thoroughly examined. For example:

a. The fact that a greater economic return would result from demolition than preservation is insufficient to meet this criteria.

b. A lack of adequate funds to pursue potential uses or adaptive uses is insufficient to meet this criteria (i.e., selling the Historic Landmark Site or Structure is an option that shall be considered).

B. If a Historic Landmark Site or Structure is permitted to be demolished, the property owner shall provide the Historic Commission with:

1. Four sets of measured drawings prepared by a qualified draftsperson showing the primary floor plans and the primary exterior elevations.

2. A set of photographs that document the exterior and interior details, including significant architectural elements.

C. The property owner shall also supply the Historic Commission with any artifact or other architectural element as identified by the Historic Commission. The artifact or architectural element shall be carefully removed and delivered to the Historic Commission in good condition to be used in future conservation work.

Section 3.3-1000 Nodal Development Overlay District

3.3-1005 Purpose, Applicability and Review

A. Purpose. The Nodal Development (/ND) Overlay District is established to work in conjunction with underlying zoning districts to implement transportation related land use policies found in TransPlan and in the Metro Plan. The /ND Overlay District also supports "pedestrian-friendly, mixed-use development" as outlined in the State Transportation Planning Rule.

Design standards for the /ND Overlay District are structured to foster the essential characteristics of pedestrian-friendly, human scale development that define "nodal development." These include:

1. Design elements that support pedestrian environments and encourage transit use, walking and bicycling;

2. Transit access within walking distance (generally 1/4 mile) of anywhere in the node;

3. Mixed uses and a core commercial area so that services are available within walking distance;

4. Public spaces, including parks, public and private open space, and public facilities that can be reached without driving; and

5. A mix of housing types and residential densities that achieve an overall net density of at least 12 units per acre.

It is important to note that the Nodal Development Overlay District works using the design and development standards found in Section 3.2-600 Mixed-Use Districts, as a basis for achieving pedestrian-friendly design. The overlay district is needed to add those special standards and prohibitions that help define a nodal development area under TransPlan.

B. Applicability. The /ND Overlay District applies to all property where /ND Overlay is indicated on the Springfield Nodal Overlay Map, unless the property is an historic property as specified in Section 3.3-900. The /ND Overlay District requirements described in this Section apply to the following:

1. New development on vacant land.

2. New structures on already developed sites, including the conversion of a parking area to a structure or demolition of a structure and construction of a new structure.

3. An expansion of 50 percent or more of the total existing building square footage on the development site.

4. The /ND Overlay standards in this Section do not apply to a building alteration.

5. Single-Family dwelling units for which building permits were filed prior to the designation of an area for nodal development are exempt from Section 5.8-120 and from the standards of this Section for the purposes of reconstruction if the dwelling unit is partially or completely destroyed or if the dwelling undergoes renovation. Room additions or other expansions typical of a single-family use shall also be allowed.

C. Review Procedure. All multi-unit residential, commercial and industrial development proposals within the /ND Overlay District are reviewed under Type II procedure.

3.3-1010 Permitted and Prohibited Uses

A. Permitted Uses. The table below shows the schedule of allowed uses within each base zone. With some exceptions, the activities allowed within the base zone are also allowed within the /ND Overlay District. The /ND Overlay District adds the flexibility of mixing compatible uses on a given site. Mixed-use development is encouraged within the /ND Overlay District. Certain auto oriented uses listed in Subsection B. below, are prohibited within the /ND Overlay District.

Allowed Use Categories	***Base Zone***
Those uses allowed within Mixed-Use Commercial MUC District in Section 3.2-610	NC, CC, MRC, GO, MUC, MS
Those uses allowed within Mixed-Use Employment MUE District in 3.2-610	LMI, SLI, HI, MUE
Those uses allowed within Mixed-Use Residential MUR District in 3.2-610	MDR, HDR, MUR
Those uses allowed within the Low Density Residential zone as described in 3.2-210	LDR

B. Prohibited Uses.

1. Car washes.
2. Auto Parts stores.
3. Recreational vehicle and heavy truck sales/rental/service.
4. Motor vehicle sales/rental/service.
5. Service stations, including quick servicing.
6. Tires, sales/service.
7. Transit park and ride, major or minor.

   EXCEPTION: Where there is a shared parking arrangement with another permitted use.

8. Agricultural machinery rental/sales/service.
9. Boats and watercraft sales and service.

10. Equipment, heavy, rental/sales/service.
11. Manufactured dwelling sales/service/repair.

3.3-1015 Location Standards

When establishing the location and boundaries of a /ND Overlay District, the following criteria shall be considered:

A. The /ND Overlay District shall be applied to the mixed-use centers or "nodes" identified by the City in response to its responsibility under TransPlan.

B. All parcels included within a /ND Overlay District shall be located within 1/4 mile of a transit stop, and shall have near its center a commercial or employment core area.

3.3-1020 Minimum Density and General Development Standards

The General Development Standards for Mixed-Use described in Section 3.2-625 describe the pedestrian-friendly and transit oriented design standards that apply to mixed use and nodal development. These standards apply to development within the /ND Overlay District. In addition to those standards found in Section 3.2-625, the following apply:

A. Minimum Density and Floor Area Ratio (FAR).

FAR means the amount of gross floor area of all buildings and structures on a building lot/parcel divided by the total lot/parcel area. A two story building that covers 50 percent of a lot/parcel would have a FAR of 1.0. Typical suburban FAR's range from 0.3 to 1.0 in mixed-use centers.

1. Where the base zone is LDR, new subdivisions shall achieve a minimum residential density of 6 units per net acre. Minimum residential density in MDR or MUR shall be 12 units per net acre; in HDR it shall be 25 units per net acre. The combined net residential density within a node or mixed-use center shall be 12 units per acre or more.

2. Where the base zone is NC, CC, MRC, MUC, or GO, the minimum floor area ratio (FAR) is .40.

3. Where the base zone is LMI, CI or MUE, the minimum FAR is 0.25.

B. Building Setbacks.

1. Buildings occupied by commercial and industrial uses shall be set back a maximum of 20 feet from the street. There is no minimum setback from the street for commercial and industrial uses.

2. Residential uses shall be set back a maximum 25 feet from the street.

3. Where the site is adjacent to more than one street, a building is required to meet the above maximum setback standards on only one of the streets.

C. Parking Between Buildings and the Street.

1. Automobile parking, driving, and maneuvering areas shall not be located between the main building and a street.

2. For sites that abut a street, parking shall be located at the rear of the building or on one or both sides of a building when at least 40 percent of the site frontage abutting the street (excluding required interior yards) is occupied by a building and/or an enhanced pedestrian space.

EXCEPTION: These parking standards shall not apply where the base zone is LDR.

3.3-1025 Specific Design Standards

A. Specific Development Standards for Single Family and Multi-Unit Residential Uses.

1. Detached Single Family, Two-Unit Attached Single Family, & Duplexes

a. Building Orientation and Connectivity to the Fronting Street

Dwelling units shall have a front door opening directly to the fronting street. A minimum 3-foot wide walkway shall connect the front door to the street. The walkway shall be constructed of a permanent hard surface (not gravel) and located directly between the street sidewalk and the front door. This walkway shall not be part of the driveway area.

b. Garage Doors. Garage door placement and design shall meet the following conditions:

i. Garage door openings facing a fronting street shall not exceed 40 percent of the width of the house facade.

ii. The garage facade shall be set back a minimum of four feet from the house facade. The minimum setback of the garage facade is reduced to 0 feet if the house facade has a porch, 50 square feet or more in size, encroaching into the setback.

c. Windows. A minimum area of 15 percent windows and/or dwelling doors shall be required on facades facing fronting streets, sidewalks, and multi-use paths (including garage facades). Gabled areas do not need to be included in the base wall calculation when determining the minimum 15 percent calculation for windows/doors.

d. Design Variety. Each home shall incorporate a minimum of three of the following seven building design features. Applicants shall indicate which options they are proposing on plans submitted for building permits. While not all of the design features are expressly required, the inclusion of as many as possible is strongly encouraged.

i. Roof Pitch & Design. A minimum 4 to 12 roof pitch.

ii. Eaves. Eaves with a minimum 18-inch overhang.

iii. Building Materials. At least two different types of building materials (including, but not limited to stucco and wood, brick and stone) or a minimum of two different patterns of the same building material (e.g., scalloped wood and lap siding) on facades facing streets. These requirements are exclusive of foundations and roofs, and pertain only to the walls of a structure.

iv. Trim. A minimum of 2.25-inch trim or recess around windows and doors that face the street. Although not expressly required, wider trim is strongly encouraged.

v. Increased Windows. A minimum area of 20 percent windows and/or dwelling doors on facades facing streets, sidewalks, and multi-use paths (including garage facades). Gabled areas do not need to be included in the base wall calculation when determining the minimum 20 percent calculation for windows/doors.

vi. Architectural Features. At least one architectural feature included on a dwelling facade that faces the street. For the purposes of this provision, architectural features are defined as bay windows, covered porches greater than 60 square feet in size, second floor balconies, dormers related to living space, or habitable cupolas. If a dwelling is oriented so its front facade (facade with the front door) is oriented to a sidewalk and no facades of the dwelling face a street, then the architectural feature may be counted if it is located on the facade of the dwelling that faces the sidewalk and contains the front door.

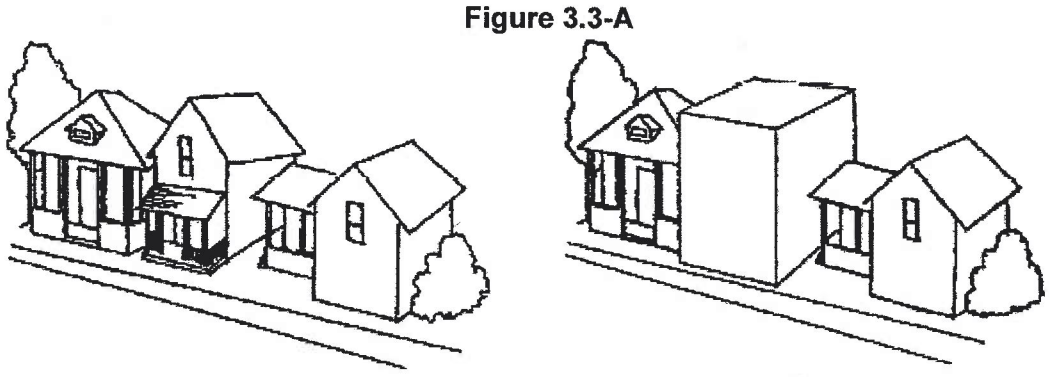
vii. Architectural Details. Architectural details used consistently throughout the construction of the dwelling facades that face streets. For the purposes of this provision, architectural details are defined as exposed

rafter or beam ends, eave brackets, gridded windows or windows with divided lites, or pergolas/trellis work integrated into building facades. Other architectural details may be approved by the Director. If a dwelling is oriented so it's front facade (facade with the front door) is oriented to a sidewalk and no facades of the dwelling face a street, then the architectural details may be counted if they are located on the facades of the dwelling that face the sidewalk.

e. Compatibility. New detached single family, two-unit attached single family, and duplexes constructed within the /ND Overlay District shall be generally compatible with existing homes. The goal is to reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings, including building details, massing, proportions, and materials. To foster compatible residential development at the higher densities sought by this Section, the following standards apply.

i. Front Yard Setbacks for Buildings in Established Residential Areas. When an existing single family residence is located within 25 feet of the subject site and fronts on the same street as a proposed building, a front yard setback similar to that of the nearest single family residence shall be used. "Similar" means the setback is within 5 feet of the setback of the nearest single family residence. For example, if the existing single family residence has a front yard setback of 20 feet, then the new building shall have a front yard setback between 15 and 25 feet. If there are two adjacent single family residences fronting on the same street, then an average measurement shall be taken using the two adjacent residences. In no case shall the front yard setback be less than 10 feet. This standard shall not cause a front yard setback to exceed 25 feet.

Figure 3.3-A



Similar Setback

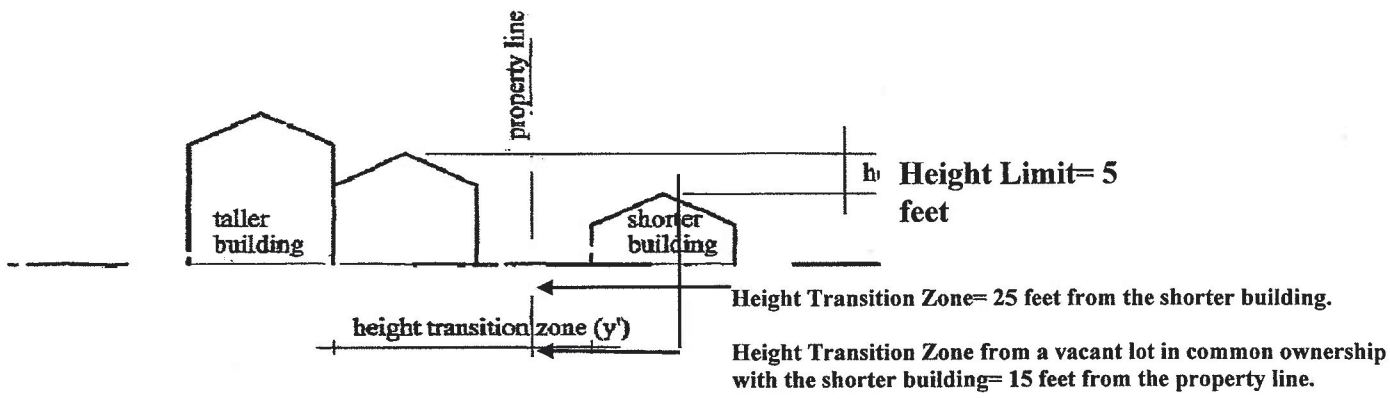
Not This

Figures 3.3-A through 3.3-E are taken from the Infill and Development Handbook, Oregon TGM Program Sept. 1999.

ii. Building Height Transition. Taller buildings shall step-down to provide a height transition to existing single story buildings. This standard applies to new and vertically expanded buildings within 25 feet (as measured horizontally) of an existing single story building. The standard is met when the height of the taller building or portion of the taller building does not exceed the height of the shorter building by more than 5 feet within the 25 foot horizontal zone. This horizontal zone is called the height transition zone.

When the owner of an existing single story home also owns an adjacent vacant lot/parcel, the height transition zone between the vacant lot/parcel and a new taller building shall be 15 feet as measured from the property line between the vacant lot/parcel and the new building.

Figure 3.3-B



iii. Massing and Scale. The scale, proportions, massing and detailing of any proposed building shall be in proportion to that of the block face where the building will be located. Proposed new low density residential development in the /ND Overlay District shall comply with the design guidelines shown in A-C below:

aa. Scale. Relate the size and proportions of new structures to the scale of adjacent buildings. Avoid buildings that in height, width, or massing, violate the existing scale of the area.

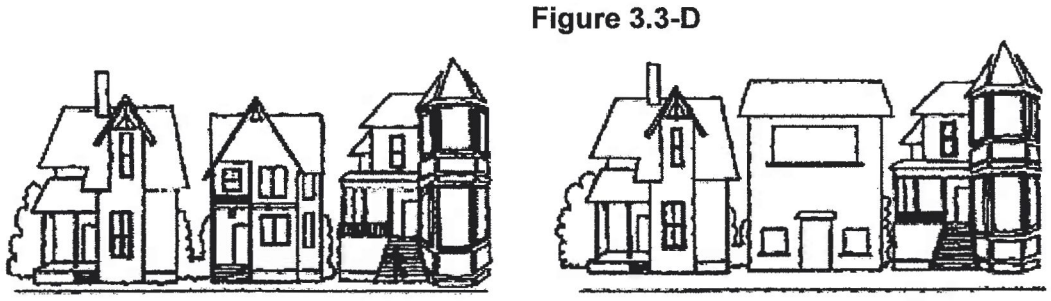
Figure 3.3-C



Recommended Avoid

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

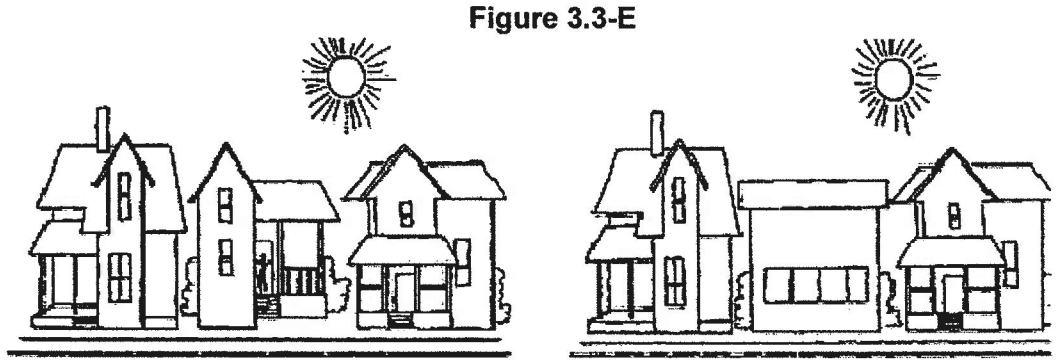
Figure 3.3-D



Recommended Avoid

iv. Roof Shapes. Relate new roof forms to those found in the area. Avoid roof shapes, directional orientation, pitches, or materials that would cause the building to be out of character with quality buildings in the area.

Figure 3.3-E



Recommended Avoid

2. Multi-Unit Residential Uses (including, but not limited to: attached single family dwellings three units or greater, town-homes, row-houses, triplexes, four-plexes, apartments)

Multi-unit residential dwellings shall comply with the design standards specified in Section 3.2-240 and Section 3.2-625C.

B. Specific Development Standards for Commercial, Industrial, and Mixed-Uses.

Specific development standards for commercial, industrial and mixed-uses within the /ND Overlay District shall conform to those standards specified in Section 3.2-630.

1. Commercial and Civic Uses. Commercial uses shall comply with the special development standards specified in Section 3.2-630A.

2. Light Industrial and Campus Industrial uses. Industrial uses shall comply with the development standards specified in Section 3.2-630B.

3. Mixed-Uses. For mixed use developments, the dominant use of the building or development (dominant is defined as the use represented by the greatest floor area) shall determine the applicable development standards. If the dominant use is residential, the applicable Subsection Section of 3.3-1025 Development Standards For Single Family And Multi-Unit Residential Uses apply. If the dominant use is commercial, Section 3.3-1025A. Development Standards for Commercial and Civic Uses apply. If the dominant use is industrial, Section 3.3.105B. Development Standards for Light Industrial and Special Light Industrial Uses apply.

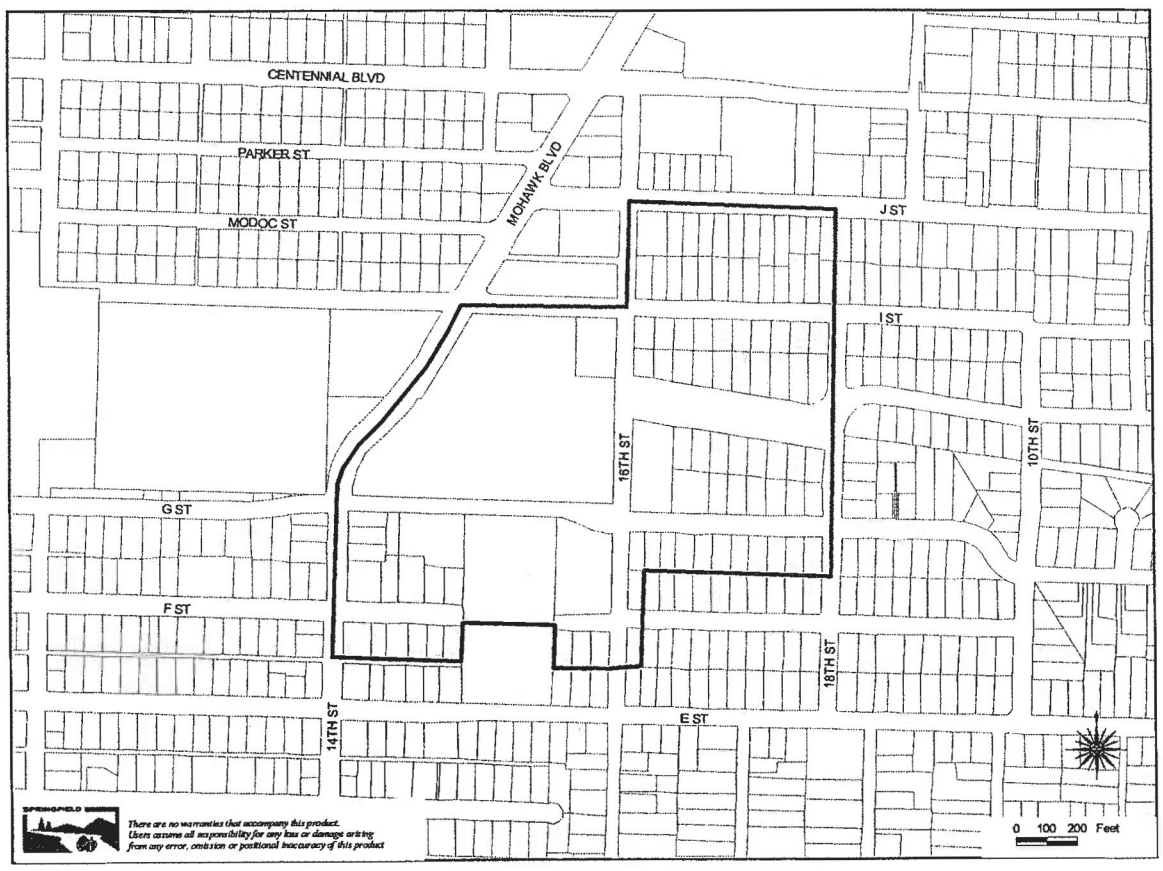
Section 3.3-1100 Hospital Support Overlay District

3.3-1105 Purpose

The Hospital Support (HS) Overlay District is established to provide an area in the immediate vicinity of the McKenzie-Willamette Hospital for future hospital expansion and for hospital related support services.

3.3-1110 Applicability

The provisions of Section 3.3-1100 apply only to the land within the boundaries of the HS Overlay District:



3.3-1115 Review

Development proposals are reviewed under Type II procedure as specified in Section 5.17-100.

3.3-1120 Permitted or Discretionary Uses

The following uses may be allowed in the HS Overlay District as indicated, subject to the provisions, additional restrictions and exceptions specified in this Code.

Use/ Use Categories	*HS Overlay District*
Physicians services	P
Dental services	P
Hospital services, including medical heliport	P
Medical laboratory services	P
Dental laboratories	P
Group care homes	P
Medical clinic, out-patient service	P
Other medical and health services, including food service, cafeteria and laundry service	P
Certain Wireless Telecommunications Systems Facilities (See Section 4.3-145)	D/P
Residential or skilled care facilities	P
Secondary uses including medical-related retail and service uses, restaurants, convenience stores and services, and day care facilities **(1)**	P
Parking garages	P

(1) These secondary uses permitted, but may not exceed 10 percent of the gross floor area of all the buildings in a development area.

3.3-1125 Design Standards

A. All yard, lot/parcel size, coverage, density, fencing, parking standards shall be subject to the same standards as professional offices in residential districts.

B. A minimum of 25 percent of the lot/parcel shall be of planted material.

C. Parking lots shall meet the planting standards applicable to commercial development.

Section 3.4-100 Plan Districts

3.4-100 Plan Districts

Plan Districts apply to unique areas when other zoning mechanisms cannot achieve the desired development objectives. An area may be unique based on natural, economic or historic attributes; be subject to problems from rapid or severe transitions of land use; or contain public facilities which require specific land use regulations for their efficient operation. Plan Districts provide a means to modify zoning regulations for specific areas defined in special plans or studies. Each Plan District has its own nontransferable regulations. These regulations supplement base zone and overlay zone provisions which are intended to be applicable in large areas or in more than one area. However, Plan Districts are not intended for small areas or individual properties. A Plan District may be established or removed as the result of an area planning study, reviewed through the legislative procedure as an amendment of this Code. Plan District regulations are applied in conjunction with one or more base zones. The Plan District provisions may modify any portion of the regulations of the base zone, overlay zone, or other regulations of this Code. The provisions may apply additional requirements or allow exceptions to general regulations. When there is a conflict between Plan District regulations and the base zone, overlay zone, or other regulations of this Code, the Plan District regulations shall control. The specific regulations of the base zone, overlay zones, or other regulations of this Code apply unless the Plan District provides other regulations for the same specific topic. Plan districts and their regulations will be reviewed periodically to determine whether they are still needed, should be continued or amended. The boundaries of each Plan District established are shown on maps located within a Plan District Section and are identified on the Official Zoning Map.

The following Plan Districts are established:

Section	Plan District Name	Related Refinement Plan/Study
3.4-200	Glenwood Riverfront	Glenwood Refinement Plan
3.4-300	Booth-Kelly Mixed Use	Downtown Refinement Plan

Section 3.4-200 Glenwood Riverfront Plan District

3.4-205 Purpose

A. Purpose. The Glenwood Riverfront (GR) Plan District provides opportunities for an urban level of mixed-use development including commercial, employment, office, higher density housing, institutional, and recreation uses. The specific objectives of the GR Plan District regulations guide both new development and redevelopment in order to strengthen Glenwood's role as a residential, commercial, and civic center within the Eugene-Springfield Metro Area. The regulations in this Section are intended to: stimulate business and economic vitality; promote housing choices and mixed-use development; ensure functionally coordinated, aesthetically pleasing and cohesive site planning and design; enhance the pedestrian environment; promote innovative building design through design guidelines; and protect the Willamette Greenway and opportunities to integrate the Willamette River as a unique element of the urban environment.

B. Relationship to the Glenwood Refinement Plan and the Glenwood Riverfront Plan. The GR Plan District regulations encourage the development of a mix of commercial, residential, and office, and employment uses in a pedestrian-oriented environment. The regulations protect the significant environmental features of the area, while accommodating development. The regulations in the GR Plan District have evolved from the policies contained in Subarea 8: The River Opportunity Area in the Glenwood Refinement Plan, adopted by the Springfield City Council in 1998. The GR Plan District regulations also implement the guiding principles of the Glenwood Riverfront Plan.

C. GR Plan Designation. In recognition of the policies within the Glenwood Refinement Plan that reflect the desire for mixed use development within Subarea 8, the Metro Plan and Glenwood Refinement Plan designation for the GR Plan District is Mixed Use/Nodal Development.

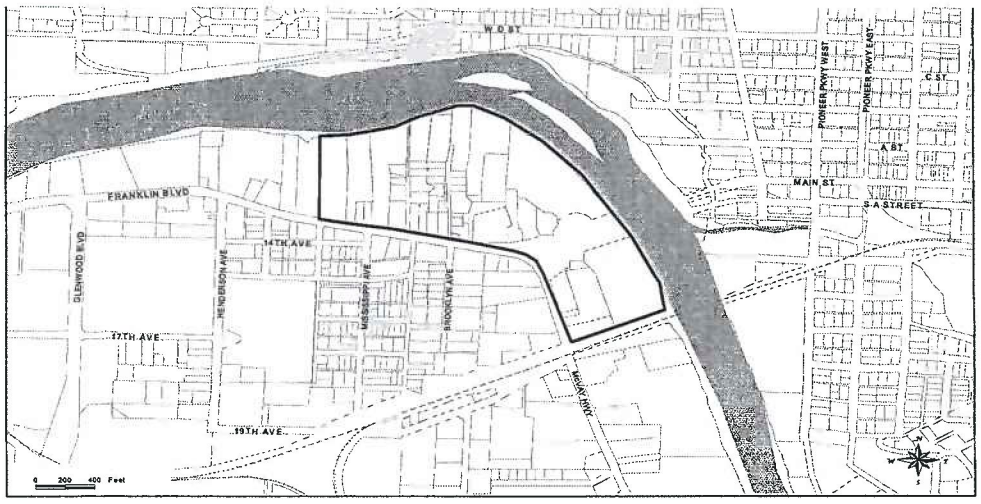
D. Permitted zoning and overlay districts. The following zoning and overlay districts are permitted within the GR Plan District: Medium and High Density Residential (MDR and HDR), Community Commercial (CC), Mixed Use Residential (MUR), Mixed Use Commercial (MUC), Mixed Use Employment (MUE), Public Land and Open Space (PLO), and the Willamette Greenway (WG), Floodplain (FP), and the Nodal Development (/ND) Overlay Districts. These zoning and overlay districts are designed to work together to result in development that is an attractive place to live, work, shop, and recreate, with less reliance on the automobile than is found elsewhere in the community.

E. Scale and character of development. The scale and character within the GR Plan District is intended to be similar to a traditional "main street" retail and residential district, with 2- to 4-story buildings placed close to sidewalks, and parking lots located behind or to the side of buildings. However, allowances are made for buildings that are taller than 4-stories, in order to create an interesting skyline and allow for some higher density residential or office uses with extensive views. Parking structures are encouraged within the GR Plan District, and in some

instances, may be required, in order to reduce the impacts of impervious surfaces on water quality in the Willamette River. The GR Plan District can also accommodate development proposals of all or most of the site by incorporation of these identified objectives and design principles into these proposals.

3.4-210 Applicability

A. GR Plan District boundaries. The GR Plan District applies to all property within the boundaries of "Subarea 8: The River Opportunity Area" in the Glenwood Refinement Plan. The GR Plan District is located in northeastern Glenwood.



B. Development requiring review. The GR Plan District requirements described in this Section apply to the following:

1. New development on vacant land.

2. New structures on already developed sites, including the conversion of a parking area to a structure or demolition of a structure and construction of a new structure.

3. **EXCEPTIONS:**

a. The GR Plan District standards in this Section shall not apply to an interior building alteration.

b. Single family dwellings in the GR Plan District for which building permits were filed prior to the designation of the area as Mixed Use/ Nodal Development Overlay shall be allowed to remain specified in Sections 5.8-120 and 5.8-125.

3.4-215 Review

A. Proposals that are substantially consistent with the Glenwood Riverfront Plan. Developers who use the adopted Glenwood Riverfront Plan as guidance shall not be required to submit an additional application for a new Master Plan or Master Plan Modification approval. However, the following standards shall be addressed concurrent with other necessary land use applications, including, but not limited to: an annexation application and annexation agreement, where applicable; Site Plan Review; and/ or a Zoning Map Amendment:

1. Streets, alleys, pedestrian accessways, bike lanes, drainage facilities, open spaces, and riparian corridors shall be located in conformance with those shown in the Glenwood Riverfront Plan; and

2. The location of land uses may vary from those shown in the Glenwood Riverfront Plan depending on developer preference and market conditions; however, the proposed land use allocations are as follows, based on the findings of "Market Position Analysis for the Glenwood Riverfront", Zimmerman-Volk/ZHA, June 2001:

a. Residential: 30-60 percent of the Glenwood Riverfront Plan area with an overall net residential density of at least 12 units/acre, based on the definition of a node contained in TransPlan.

b. Commercial Office/Employment: 10-30 percent of the Glenwood Riverfront Plan area.

c. Open Space, drainage facilities, the riparian setback area, and public right-of-way normally will be 25-35 percent of the Glenwood Riverfront Plan area.

B. Proposals that require modifications to the Glenwood Riverfront Plan. In order to allow flexibility in development options, the Glenwood Riverfront Plan is considered the equivalent of a Master Plan, without the seven year expiration restriction. A developer may choose to use the Glenwood Riverfront Plan as adopted, or use a new Master Plan or Master Plan Modification process, to be reviewed as follows:

1. Type I review. Those modifications that do not affect the basic underlying assumptions of the Glenwood Riverfront Plan and which are not determined by the Director to be similar to Subsections B.2. and B.3., below shall be processed under Type I Master Plan Modification, as a decision by the Director.

2. Type II review. Those modifications that are significant but do not affect the basic underlying assumptions of the Glenwood Riverfront Plan as determined by the Director shall be processed under a Type II Modification procedure as a decision of the Director, Examples of a Type II Master Plan Modification are as follows:

a. A change in the street layout that requires a local street, alley, easement, pedestrian/bicycle accessway or utility to be shifted more than 50 feet in any direction, as long as the change maintains the connectivity established by the Glenwood Riverfront Plan;

b. A request by the City or applicant for a change to the size or location of public facilities;

c. A request to integrate improvements to nearby transportation facilities;

d. A request initiated by the City to implement newly adopted State or Federal regulations, or adopted or amended City plans;

e. A request by the applicant for a one time extension of the approved time limit for up to three years. An 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; and

f. Other requests by the applicant that the Director determines to be similar to the modifications specified in Subsections B.2.a.-e., above.

3. Type IV review. Those modifications that are significant and modifies the basic underlying assumptions of the Glenwood Riverfront Plan as determined by the Director shall be processed under a Type IV Modification procedure. Examples of a Type IV Master Plan Modification are as follows:

a. The modification affects an area of 5 acres or larger.

b. A request by the applicant to alter significant natural resources, wetlands, and open space areas as prescribed in the Glenwood Riverfront Plan;

c. A change in the street layout plan that requires a street to be eliminated or to be located in a manner inconsistent with the Glenwood Riverfront Plan;

d. A change in the GR Plan District building design standards or guidelines;

e. Any change not listed under the Type I or Type II Modification in Subsections B.1. and 2., above and

f. The request shall be processed as a new Master Plan and shall comply with the Master Plan submittal requirements listed specified in Section 5.13-120 and the following:

i. The application shall illustrate the proposed street layout, open space, pedestrian connections, riparian protection, and other infrastructure alignments necessary as determined by the Director for the entire 48-acre site. The requirement for written consent from multiple property owners specified in Section 5.13-110B. shall not apply within the GR Plan District.

ii. The applicant shall address the applicability of the development standards in this Section to the proposed Master Plan. The Planning Commission and/or City Council may determine that the development standards in this Section may not apply, if the purpose and intent of the GR Plan District is satisfied.

iii. The application shall be prepared by a design team that includes, but is not limited to the following consultants: an architect, a landscape architect, a civil engineer, a geotechnical engineer, an acoustic engineer, a certified arborist, a transportation engineer and a qualified person to address riparian issues.

4. Supplemental submittal requirements. In order to allow the Director to determine the correct level of review, the applicant shall submit findings demonstrating how the proposed modification:

a. Maintains the transportation and multi-modal connectivity established by the Glenwood Riverfront Plan;

b. Furthers the design and access concepts advocated by the Glenwood Riverfront Plan, including, but not limited to: pedestrian access, bicycle access, and public access to the Willamette River;

c. Demonstrates how the proposal does not adversely affect the objectives of the GR Plan District as specified in Section 3.4-220; and

d. Avoids physical constraints, or protects significant natural features including, but not limited to, trees, rock outcroppings, wetlands, or to adjust to existing property lines between project boundaries.

5. Review authority. The Director shall have the authority to raise any review level to a higher review, for example, that a Type II Modification may be raised to a Type IV Modification.

3.4-220 New Master Plan And Master Plan Modifications Criteria Of Approval

In addition to the Master Plan criteria of approval specified in Section 5.13-125, new Master Plans and Master Plan Modifications within the GR Plan District shall meet the following objectives established during the development of the Glenwood Riverfront Plan. Where an

objective does not apply, the applicant shall address why that objective does not apply. A new Master Plan or Master Plan Modification proposal shall:

A. Establish a mixed use development pattern that will enhance and complement the adjacent riverfront and that is consistent with the nodal designation for the GR Plan District;

B. Provide transportation linkages between the Master Plan area and the surrounding neighborhoods;

C. Incorporate access to transit into the design of the Master Plan area.

D. Incorporate design and streetscape amenities into the Master Plan area which promote bicycle and pedestrian transportation opportunities. These amenities include sidewalks, bike lanes, and pedestrian amenities, with a focus on the edges of the Master Plan area, for example, Franklin Boulevard and the Willamette River;

E. Establish a multi-use riverfront path;

F. Identify open space and appropriate connections to open space. Public open space shall be designed to provide active and passive recreation opportunities for residents, visitors, employees, and provide visual relief. Streets shall be designed as view corridors, in order to open the site to the Willamette river;

G. Implement the objectives of TransPlan to increase densities within the GR Plan District. Average residential density for residential components shall be a minimum of 12 units per acre;

H. Reduce reliance on State Highway 126 (Franklin Boulevard.) for local east-west traffic through a strategy to resolve and reduce access issues within the GR Plan District boundaries;

I. Provide a connected street pattern that facilitates internal circulation, promotes walking, and that minimizes conflicts on Franklin Boulevard;

J. Facilitate a storm drainage system for the master plan that cleanses and treats the runoff prior to discharging into the Willamette River, and provides adequate drainage solutions as determined through Master Plan review; and

K. Protect and enhance the Willamette River's water quality and habitat for endangered species and other indigenous wildlife through environmentally sensitive development.

3.4-225 New Master Plan or Master Plan Modifications Conditions of Approval

New Master Plans or Master Plan Modifications within the GR Plan District shall be subject to the conditions of approval specified in Section 5.13-130 and any additional conditions found necessary by the Approval Authority to grant a new Master Plan or Master Plan Modification approval.

3.4-230 Schedule Of Use Categories

The following uses are permitted within the GR Plan District:

Allowed Use Categories	Base Zone
Those uses allowed within Mixed-Use Commercial MUC District in Section 3.2-610	CC, MUC
Those uses allowed within Mixed-Use Employment MUE District in Section 3.2-610	MUE
Those uses allowed within Mixed-Use Residential MUR District in Section 3.2-610	MDR, HDR, MUR
Those uses allowed within the PLO zone as described in Section 3.2-710	PLO

3.4-235 Prohibited Uses

The following uses are prohibited within the GR Plan District:

Use/ Use Categories
Agricultural machinery rental/sales/service
Auto parts, tires, batteries, and accessories
Car and truck washes
Drive-through facilities
Equipment, heavy, rental/sales/service
Exterior display and storage
Free-standing wireless communication towers
Heavy industrial uses
Key/ card lock fuel facilities
Manufactured dwelling sales/service/repair
Mini-warehouse storage facilities
Motor vehicle sales/rental/service
Motorized Boats and watercraft sales and service.
Moving and storage facilities
Recreational vehicle and heavy truck, sales/rental/service
Service stations and gas stations, including quick servicing
Tires, sales/service
Transit park and ride, major or minor, unless under a shared parking arrangement with another permitted use
Truck and auto repair and painting facilities

EXCEPTIONS:

1. Outdoor seating for restaurants and pedestrian-oriented accessory uses, including flower, food, or drink stands shall be permitted. Temporary open-air markets and carnivals shall also be permitted specified in the Springfield Municipal Code, 1997.

2. For the expansion of an outdoor storage facility of less than 50 percent of the total floor area, service yards and outdoor storage areas in the GR Plan District shall be screened from public areas, streets, alleys, and adjacent areas through the use of one or more of the following: walls,

fencing, or plantings, addressed during the MDS process specified in Section 5.15-100 or the Site Plan Review process specified in Section 5.17-100.

3.4-240 Base Zone Development Standards, Off-Street Parking, and Fence Standards

Base zone development standards, off-street parking, and fence standards shall be consistent with the underlying zoning district.

EXCEPTION: Any stricter GR Plan District standards shall apply.

3.4-245 Specific Development Standards

Mixed Use development within the GR Plan District shall comply with the development standards as specified in Section 3.2-630.

EXCEPTION: The maximum building footprint for a single use shall be 50,000 square feet, unless approved through a Type IV Master Plan Modification.

3.4-250 Minimum Density and General Development Standards

The following standards apply to development within the GR Plan District. The general development standards for Mixed-Use as specified in Section 3.2-630 describe the pedestrian friendly and transit oriented design standards that apply to mixed use and nodal development. The Multi-Unit Design Standards specified in Section 3.2-240 promote livability, neighborhood compatibility, and public safety for multi-unit housing as well as promote higher density housing.

A. Building Design and Building Form. The intent of the Building Design and Building Form Standards for new development within the GR Plan District is to ensure that development is aesthetically pleasing and provides pedestrian orientation, even with a mix of uses and higher intensity development. New structures and improvements to facades shall provide architectural relief and interest, with an emphasis at building entrances and the appearance along sidewalks, in order to promote and enhance a comfortable pedestrian scale and orientation, contribute positively to the neighborhood, and create an interesting streetscape.

1. Development within the GR Plan District shall incorporate the Building Design Standards specified in Section 3.2-625A., and Multi Family Residential or Mixed Use Residential development shall meet the standards for Building Form specified in Section 3.2-240D.2.

2. Alternatively, development shall satisfy the intent of the Building Design and Building Form Standards listed above and shall comply with the following guidelines, as determined during the Site Plan Review process:

a. Building scale is consistent with the scale of nearby buildings, transition is provided to adjacent buildings, and porches, bays, balconies, and human scale architectural detail are included.

b. Multi-story buildings are designed and constructed so the first floor is at a greater height than the upper floors, and architectural detailing that horizontally divides the first and second floors is incorporated in design and construction. Examples include bays windows, decks, or balconies for upper levels, and awnings, canopies, or other similar treatments for lower levels. Variation in building materials, trim, paint, ornamentation, windows, or other features including public art, may also be used.

c. Variations in roof forms, including, but not limited to: gabled, hipped roofs or cornices are provided.

d. Views into shops and offices for ground floor facades along public right-of-way are provided.

e. In order to break up vast expanses of single element building elevations, the building design includes a combination of architectural elements and features including, but not limited to offsets, windows, entry treatments, wood siding, brick, stucco, or textured concrete block.

f. Structures do not present excessive visual mass or bulk to public view or to adjoining properties.

g. Buildings provide architecturally defined entryways and design which provides a human scale.

B. Building Orientation and Maximum Setback Standards. The intent of the Building Orientation and Maximum Setback standards is to create a street presence that is a pleasant, diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas; to encourage continuity of retail and service uses; to encourage surveillance opportunities by restricting fortress-like facades at street level; and to avoid a monotonous pedestrian environment. All new buildings in a mixed-use development shall be oriented toward both exterior and internal streets in a manner that frames and defines both streets and pedestrian areas along those streets to the greatest extent practicable. Buildings in mixed use developments shall not be separated from fronting streets. Parking shall be located behind buildings, internal to development on a site. For existing development sites, out parcel 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.

1. Development within the GR Plan District shall incorporate the Building Design Standards specified in Section 3.2-625B., and Multi Family Residential or Mixed Use Residential development shall meet the standards for Building Form specified in Section 3.2-240D.2.

2. Alternatively, development shall satisfy the intent of the Building Orientation and Maximum Setback Standards described above and shall comply with the following guidelines, addressed during Site Plan Review:

a. Buildings are designed and constructed adjacent to a public street right-of-way that create safe, pleasant, and active pedestrian environments.

b. Buildings are designed and located to reinforce the pedestrian orientation of the GR Plan District.

c. An urban streetscape along street right-of-way is created by locating new buildings close to the street and close to one another wherever practical. The streetscapes create a sense of enclosure along sidewalks and provide a variety of street level facades.

d. Views into shops and offices are provided. Upper building levels incorporate decks and balconies.

e. To the greatest extent practicable, all new buildings are oriented toward both exterior and internal streets in a manner that frames and defines both streets and pedestrian areas along those streets.

f. Where setbacks from the street right-of-way are proposed, pedestrian amenities including public seating, courtyards or plazas between the building and the street are provided.

g. New residential development is oriented to a public street, unless buildings cannot meet this requirement due to inadequate street frontage. In this case, buildings are oriented to a private street, alley, or lane, and designed in conformance with the pedestrian circulation standards in this Code.

h. For existing development sites, outparcel buildings between a large parking lot and the street are used to help define the streetscape, and lessen the visual impact of the parking lot from the street.

C. Weather Protection Standards. The intent of the weather protection requirement within the GR Plan District is to provide for a pedestrian-oriented environment in inclement or warm weather, to break up long expanses of buildings, and to create an interesting streetscape.

1. Development within the GR Plan District shall incorporate the Weather Protection Standards specified in Section 3.2-625C.

2. Alternatively, development shall satisfy the intent of the Weather Protection Standards described above and shall comply with the following guideline, addressed during Site Plan Review; weather protection in the form of awnings or canopies is provided appropriate to the design of the structure.

D. Landscaping, Screening, Fences, and Walls Standards. The intent of the Landscaping, Screening, Fences, and Walls Standards for development in the GR Plan District is to provide shade, erosion control, visual interest, buffering, separation between abutting properties, privacy, open space and pathway identification, shading and wind buffering, noise attenuation, reduction of glare, screen objectionable views, to reduce the rate of storm water runoff, and enhance the visual environment, to establish a sense of place, promote safety, security, and privacy, to help retain the long-term value of properties, minimize the impacts of impervious surfaces and reduce the rate of storm water runoff, and ensure aesthetics and compatibility with surrounding land uses.

1. Development within the GR Plan District shall incorporate the Landscaping and Screening Standards specified in Section 3.2-625D., and Multi Family Residential or Mixed Use Residential development shall meet the standards for Landscaping, Screening, Fences, and Walls specified in Section 3.2-240D.6.

2. Alternatively, development shall satisfy the intent of the Landscaping, Screening, Fences, and Walls Standards described above and shall comply with the following guidelines, addressed during Site Plan Review:

a. Landscaping is designed and located so that enhances the urban character of the GR Plan District, so that it is visible from public right-of-way, and so that it provides adequate screening and buffering from adjacent uses. Landscaping is distributed in those areas where it provides for visual and acoustical buffering, open space uses, shading and windbreaks, and aesthetic qualities.

b. All landscaping is either irrigated or is certified by a registered Landscape Architect that it can be maintained and survive without artificial irrigation.

c. Natural vegetation and existing healthy trees are retained to the maximum extent feasible in the design of landscaping.

d. The design and development of landscaping retains and conserves the riparian vegetation to the maximum extent practicable, where development is adjacent to the Willamette River setback.

e. Pedestrian pathways and open space areas are defined with landscape materials, trees, and shrubs.

f. Signature trees (for example, large or unique trees), hedges and flowering plants provide focal points for the development area.

g. Trees provide summer shading within common open space areas and within front yards when street trees cannot be provided.

h. A combination of plants is provided for year-long colour and

interest, and a variety of tree types is distributed throughout the site to maximize coverage.

i. Landscaping is used to screen outdoor storage and mechanical equipment areas, and to enhance graded areas including berms, swales and detention/retention ponds within the development area.

j. Trash collection, recycling areas, service areas, and loading docks are screened on all sides so that no portion is visible from public streets, alleys, and adjacent properties. Required screening may include new and existing plantings, walls, fences, screen panels, doors, topographic changes, buildings, horizontal separation, or any combination thereof.

k. Landscaping is provided to define and accentuate the primary entry way of a dwelling unit or combination of dwelling units.

l. Vertical and horizontal landscape elements are provided along all exterior walls to soften the visual impact of new residential construction, and promote the residential character of the site.

m. Landscaping or a combination of landscaping and fencing is used to buffer multi family developments from abutting properties.

n. In multi family developments, landscaping is planted and fencing installed that does not obscure visual surveillance of common open space, parking areas, or dwelling entryways.

o. In multi family developments, fencing is designed to provide privacy and buffer sound, but does not create long expanses of uninterrupted walls.

E. Street Connectivity and Vehicular Circulation Standards. The intent of the Street Connectivity And Vehicular Circulation requirements within the GR Plan District is to encourage developments that are easily accessible for all modes of transportation, to promote the scale and character of a mixed use retail and residential district, to provide safe, direct, and convenient pedestrian circulation, to provide safe and efficient site access between parking areas and multi-family developments, and to encourage pedestrian and vehicle circulation linkages that will integrate amenities within multi family developments with the surrounding area.

1. Development within the GR Plan District shall incorporate the Street Connectivity and Circulation standards specified in Section 3.2-625E., and Multi Family Residential or Mixed Use Residential development shall meet the standards for vehicular circulation specified in Section 3.2-240D.9.

2. Alternatively, development shall satisfy the intent of the Street Connectivity and Vehicle Circulation Standards described above and shall comply with the following guidelines, addressed during Site Plan Review:

   a. Public pedestrian access between streets provides an inter-connected pedestrian circulation system within the development area and adjacent development.

   b. A continuous pedestrian and/or multi-use pathway system is provided within the development area to ensure safe, direct and convenient pedestrian circulation.

   c. The development is designed so that public and private transportation connections are provided to surrounding areas.

   d. Block length is consistent with Section 4.2-115.

   e. An internal circulation plan is provided that promotes accessibility to and from the site for all modes of transportation.

   f. Access is designed and constructed to consolidate driveways with existing or future adjacent developments.

   g. Methods that minimize vehicle and pedestrian conflicts are incorporated into the design of the development.

   h. Driveway access is connected to alleys and local streets, rather than directly onto arterial streets.

   i. Loading and service areas are located for ease of use and minimal conflict with on-site parking and circulation activities.

F. Pedestrian Amenities. The intent of the pedestrian amenity requirements for development within the GR Plan District is to provide comfortable and inviting pedestrian spaces. Pedestrian amenities serve as informal gathering places for socializing, resting, and enjoyment of the Glenwood Riverfront, and contribute to a walkable district.

   1. Development within the GR Plan District shall incorporate the Pedestrian Amenity standards specified in Section 3.2-625G.

   2. Alternatively, development shall satisfy the intent of the Pedestrian Amenity Standards described above and shall comply with the following guidelines, addressed during Site Plan Review:

      a. Pedestrian amenities are visible and accessible to the general public from a fully improved street. Access to pocket parks, plazas, and sidewalks are provided via a public right-of-way or a public access easement.

b. The size and capacity of pedestrian amenities is roughly proportional to their expected use, including use by employees, customers, residents, and other visitors.

c. Pedestrian amenities are consistent with the character and scale of surrounding developments. For example, similarity in awning height, bench style, planter materials, street trees, and pavers fosters continuity in the design of pedestrian areas. Materials are suitable for outdoor use, easily maintained, and have at least a 10-year expected service life.

d. Bus stops, as a pedestrian amenity, are designed to Lane Transit District standards.

G. Parking Standards. The intent of the parking standards for development within the GR Plan District is to minimize the amount of land devoted to off-street parking; develop land so that the primary focus is not the parking areas; to ensure that parking structures and lots are visually pleasing; to minimize the visual and environmental impact of parking areas; to increase Springfield's commercial land inventory by allowing retail uses on the ground floor of parking structures; to provide services for residents of nearby residential developments; and to provide adequate parking to serve development.

1. Development within the GR Plan District shall incorporate the parking standards specified in Section 4.6-125, and Multi Family Residential or Mixed Use Residential development shall meet the standards for Parking specified in Section 3.2-240D.8.

2. Alternatively, development shall satisfy the intent of the Parking Standards described above and shall comply with the following guidelines, addressed during Site Plan Review:

a. Parking areas are designed to minimize the expanse of continuous parking and impervious surfaces.

b. Parking areas are designed and located to reinforce the pedestrian orientation of the GR Plan District.

c. Parking areas are designed to minimize the impact to abutting properties and promote the human scale of development.

d. Canopy trees are distributed throughout the parking area, including the perimeter of the parking lot.

e. Sufficient shade is provided for all surface parking areas.

f. Pedestrian pathways are provided that connect parking areas to and between buildings, open space areas, and surrounding uses.

g. Topography, natural contours, and natural features including stands of trees are considered in the design of parking areas and circulation systems.

h. Parking area circulation systems are designed to minimize vehicle and pedestrian conflicts.

i. Parking areas are located to minimize views from the public right-of-way and abutting properties.

j. Parking areas are located to the rear or side of buildings.

k. Adequate, pedestrian scale lighting is provided in parking areas.

l. Pedestrian scale and orientation that is consistent with a pedestrian-oriented retail and residential district is provided for all parking areas.

m. Stormwater treatment techniques, including swales and pervious pavement treatments are included in all parking areas.

n. Parking lots are sited and designed to mitigate adverse lighting and noise impacts on residents.

o. In multi-family developments, pedestrian connections through parking areas are enhanced through scored concrete, striping, landscaping or other identification methods that provide compatibility in design and materials between parking areas and the dwelling units.

p. In commercial and mixed use commercial areas, parking structures provide retail storefronts at the ground level at the periphery of parking areas and structures. In residential areas, the street side of residential parking structures may contain facilities or services for residents, including, but not limited to: laundry rooms, lobbies, or exercise rooms.

q. In cases where a parking structure extends to the periphery of a site, the design of the structure reflects the massing, building materials, fenestration and detailing of adjacent and abutting buildings.

r. Entries are designed to be subordinate to the pedestrian entry in scale and detailing. If possible, automobile entries to parking structures are located away from the street, to the side or rear of the building.

s. Parking structures are sited and designed to mitigate adverse lighting and noise impacts on residents.

H. Height Standards. The intent of the building height standards for development in the GR Plan District that is not adjacent to the Willamette River is to encourage a built environment that provides compatibility with the surroundings, but also provides opportunities for higher density development and views of the Willamette River. Where a development proposes to exceed the height limitations of the underlying zoning district, the applicant shall illustrate the development meets the intent of the height standards, and satisfies the following guidelines. In no case may a development proposal exceed 90 feet in height within the GR Plan District. See Section 3.4-265 for height standards for development adjacent to the Willamette River.

1. Additional on-site pedestrian amenities are provided where a building exceeds the maximum height standards of the underlying zoning district.

2. When a greater height standard is proposed, a building offset interval along structure facades is established.

3. Structures that optimize light and views of the Willamette River and surroundings are provided.

4. Buildings are designed and constructed to take advantage of views to the Willamette River and surrounding natural features, including private open space on upper floors, and building facades with windows.

5. Provide additional setbacks, stepping-down of building elevations, visual buffering, screening, and/or other appropriate measures to create a height transition between the proposed development and adjacent development. Roof equipment and other similar features necessary to a building operation are screened, and may not exceed 8 feet in height.

3.4-255 Standards Specific to Residential Development

A. Storage. The intent of the storage standards for MUR, MDR, and HDR development is to provide space for trash receptacles, personal storage, and equipment. All new residential and mixed use residential development shall meet the storage standards specified in Section 3.2-240D.4.

B. Open Space. The intent of the open space requirements in the MUR, MDR, and HDR development is to provide usable common and private open space for residents and centrally located open space for activities; maximize private open space for each dwelling unit; preserve exposure to light, air, and visual access; provide safe children's play areas interspersed and centrally located within multi family developments; maximize visual relief from structural bulk; promote active recreational opportunities within open space; and provide pedestrian access to all common open space areas to promote active use.

1. All multi family development within the GR Plan District shall meet the standards for Open Space specified in Section 3.2-240D.5.

2. Alternatively, development shall satisfy the intent of the Open Space standards described above and shall comply with the following guidelines, addressed during Site Plan Review.

   a. The design and development of open space retains and conserves the riparian vegetation to the maximum extent practicable, where development is adjacent to the Willamette River setback.

   b. Native trees, shrubs, or other plants adapted for survival and growth in the Eugene-Springfield area are utilized in open space areas.

   c. Trees proposed are in scale with the proposed development.

   d. Open spaces and plazas are incorporated into the development that provide pleasing transitions between uses, soften and buffer utilities and loading areas, and provide variety next to buildings, along walkways, and within pedestrian plazas.

   e. Open space areas are included which are in scale with the development and sited to invite activity appropriate to adjoining uses.

   f. Pedestrian amenities, including, but not limited to: seating areas, drinking fountains, low level directional signs, and waste receptacles are provided in open space areas.

   g. The design provides a cohesive open space and pedestrian network within the development, with appropriate connections to surrounding properties and uses.

C. Pedestrian Circulation. The intent of the pedestrian circulation requirements is to provide separation between vehicles and pedestrians, and to provide clear, direct, safe, and identifiable connections between individual units, parking, storage, common open space areas, public sidewalks, and neighborhood uses.

   1. All multi family development within the GR Plan District shall meet the standards for Pedestrian Circulation specified in Section 3.2-240D.7.

   2. Alternatively, development shall satisfy the intent of the Pedestrian Circulation Standards described above and shall comply with the following guidelines, addressed during Site Plan Review.

      a. Privacy of ground floor residents is considered in the design of pedestrian circulation within the development area.

      b. Pedestrian linkages integrate amenities, including, but not limited to: open space areas, walkways, and activity centers within the multi-family developments and with the surrounding area.

c. The design of pedestrian pathways considers the natural contours, features, and topography of the site.

d. Pedestrian circulation areas include sidewalks, landscaping, crosswalks, and pedestrian-scale lighting.

e. Pedestrian pathways are provided that connect to and between buildings, open space, parking areas, and surrounding uses.

f. Adequate lighting levels for parking and pedestrian pathways are provided.

g. Pedestrian scale lighting is provided within internal blocks and walkways on poles not more than 16 feet high and shielded to light the walkways and open spaces only.

h. Clear and identifiable pedestrian connections to and between buildings are provided.

3.4-260 Special Standards for Development Fronting the Willamette River

A. Special standards. The intent of the special standards relating to development adjacent to the Willamette River is to implement the goals and policies relating to the Willamette River as expressed in the Glenwood Refinement Plan, Subarea 8: The River Opportunity Area and the Willamette River Site Development Guidelines, and to:

1. Recognize and respect the beauty and character of the Willamette River;

2. Conserve and enhance the existing riparian zone along the Willamette River;

3. Conserve and enhance property values;

4. Preserve, protect, and enhance water quality;

5. Encourage development, preservation, and enhancement of reasonable public access to the river for recreational use and visual enjoyment.

B. Proposals for development adjacent to the riparian corridor setback area shall consider the following, within a new Master Plan, Master Plan Modification, or Site Plan Review application:

1. Riparian setback area. The setback for all new buildings, parking lots, and loading areas shall be a minimum of 75 feet from the top of bank, or as identified on the City's Water Quality Limited Watercourse Map in the Development Services Department, unless significant stands of trees or other identified natural resources warrant a greater setback.

EXCEPTION: Rebuilding of existing structures. The setback restriction shall not prohibit rebuilding an existing structure provided that the rebuilt

structure is comparable in size, profile, use, and location to the structure that previously existed. The term "new development" shall not include rebuilding an existing structure provided that the rebuilt structure is comparable in size, profile, use and location to the structure that previously existed.

2. Conservation of natural features. Major outcrops, stands of trees, riparian areas, or other prominent natural features are an important part of the visual character and quality of the community. The impacts of the proposal on these resources will be reviewed, and limitations may be placed on the amount of removal. In order to mitigate adverse impacts, additional screening may be required, or a reduction in the size of the building or structure may be required.

3. Compatibility with existing area. The proposed development is similar with the existing surroundings, in terms of building bulk, height, location, separation, shape, parking areas, lighting, fences, landscaping, open space, visual and physical corridors to the river, and adjacent land use.

4. View Protection.

a. New development shall preserve and enhance views of the Willamette River and the views across the river to Kelly Butte and downtown Springfield. These regulations are not intended as a guarantee that a view will be preserved or created, only to require special and significant efforts to maintain and provide views.

b. New structures shall be designed and located to preserve and enhance views of the Willamette River and across the river.

c. Restaurants, outdoor cafes, housing, public gathering places, and hotels shall be oriented to available views, especially views of the Willamette River, where feasible.

d. Development along the Willamette Greenway Boundary or setback shall be designed and constructed to take advantage of views to the Willamette River, including private open space on upper floors and building facades with windows that face the river.

e. Staff may require site sections, photographs, view diagrams, survey spot elevations, view easements and other similar tools in order to ensure compliance with the requirements of Section 3.4-265.

5. Conditions of Approval. For projects proposing development adjacent to the riparian corridor setback area, the degree to which the project provides public access along the riverfront may be evaluated and dedication of public access along the riverfront may be required. Other conditions of approval for projects may include enhanced landscaping, minimum corridors between buildings, variations in building setbacks, size

or bulk of facades, limitations on building heights, lighting, the size and shape of windows facing the river, and the location of parking areas.

C. Proposals for development adjacent to the riparian corridor setback area shall not exceed 35 feet in height.

3.4-265 Street, Sidewalk, and Alley Standards

A. Development proposals that utilize the Glenwood Riverfront Plan as a Master Plan shall use the streetscape cross-sections illustrated in the Glenwood Riverfront Plan.

B. Development proposals that use the Master Plan Modification process shall design the transit stations according to Lane Transit District standards, and street and sidewalk system using the City's existing street standards specified in Section 4.2-105, the Glenwood Riverfront Plan, or satisfy the criteria of approval listed for Master Plans within the GR Plan District.

C. Alley Standards

1. All blocks or individual sites shall be served by alleys, all vehicular access for on-site parking, services and utilities shall be accessed by alleys.

2. Alley right-of-way shall be a minimum of 22 feet-wide with 14 feet paved for vehicular uses. Within this right-of-way, the alley shall provide visible and direct pedestrian walkways and connections to the commercial mixed use or central areas of the proposed redevelopment scheme. The pedestrian portion shall be distinguished from the vehicular portion of the alleys. The walkways are encouraged to be paved with pervious materials.

3. Alleys shall drain to lined interior "block" swales or from drains then piped to swales as the grades permit.

D. Alley Space. Where feasible, outdoor café seating, landscaping, signage, lighting and display features shall be included in alley design. Alley space shall be designed to minimize service functions, to screen trash/storage areas and to enhance pedestrian/patron use.

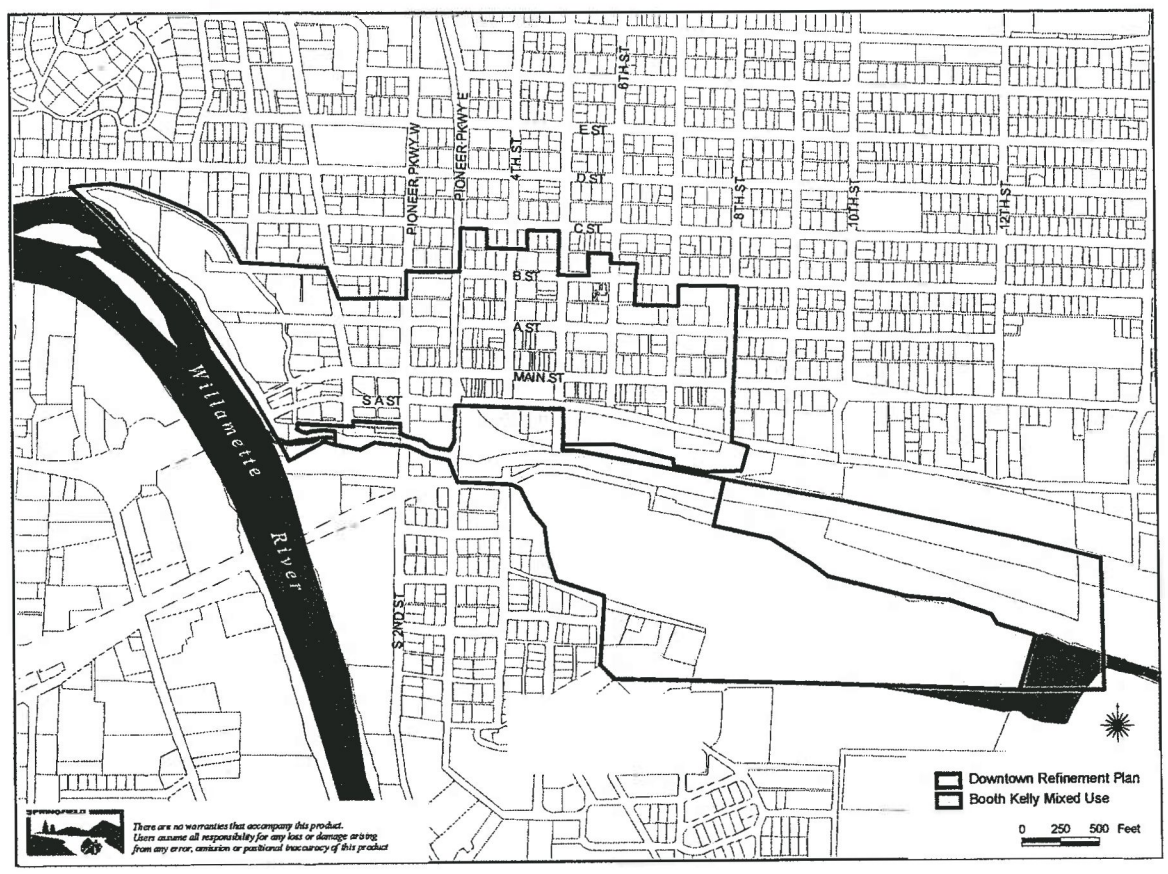
3.4-270 Drainage System Standards

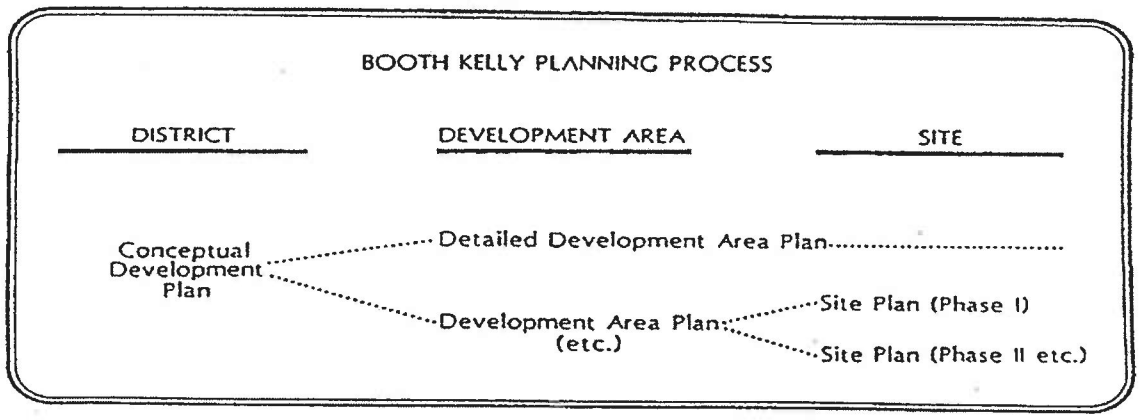
Development proposals within the GR Plan District shall use the "Storm Drainage Master Plan for the Glenwood Riverfront Area", the drainage design standards developed as part of the Glenwood Riverfront Plan, and the Engineering Design Standards and Procedures Manual as guidance for designing drainage systems within the GR Plan District, as interim guidance until the City adopts the Stormwater Facilities Master Plan.

Section 3.4-300 Booth-Kelly Mixed Use Plan District

3.4-305 Establishment of the Booth-Kelly Mixed Use Plan District

The Booth-Kelly Mixed Use (BKMU) Plan District is established to implement the Downtown Refinement Plan text addressing the Booth-Kelly Development Area. The standards of the BKMU Plan District are intended to be applied in conjunction with the policies of the Downtown Refinement Plan. The BKMU Plan District provides for a mixed use employment center that complements Downtown Springfield. Within the BKMU Plan District, a variety of commercial, industrial, recreational and residential land uses are encouraged in a pedestrian-oriented setting that takes advantage of the BKMU Plan District's natural features. The Conceptual Development Plan and the Site Plan Review process will ensure that Metro Plan policies are considered in the development process, that land use conflicts are minimized, and that the BKMU Plan District's full development potential is realized.





3.4-310 Development Area Plan and Design Standards

A. The minimum development area for major redevelopment or new construction shall be 10 acres.

EXCEPTIONS:

1. The 10 acre minimum development area does not apply to lots/parcels fronting South "A" Street or the minor expansion of existing structures on existing lots.

2, The minimum development area may be reduced when the Director determines that the development proposal is in all other respects consistent with this Section, the Downtown Refinement Plan and the approved Conceptual Development Plan.

B. Development Area Plans shall be prepared by a design team comprised of a project architect, engineer and landscape architect, one of whom shall serve as a coordinator. The design team shall certify that the Development Area Plan is in conformance with Section 5.17-100.

C. The Development Area Plan shall comply with the following criteria:

1. The proposed development will create an attractive, safe, efficient, and stable environment within the Development Area.

2. Proposed buildings, streets and other uses will be designed and sited to ensure preservation of significant on-site vegetation, topographic features, and other unique or valuable natural features, and to prevent soil erosion or flood hazard and mitigate impacts on abutting properties.

D. If the Development Area Plan complies with all Site Plan Review standards of this Code subsequent permitted uses shall not require additional Site Plan Review.

3.4-315 Conceptual Development Plan

Major redevelopment and new construction shall be consistent with a Conceptual Development Plan approved by the Planning Commission, unless specified in Section 3.4-310.

A. Development shall occur as specified in a Conceptual Development Plan for the entire BKMU Plan District. The Conceptual Development Plan or subsequent plans shall be prepared by a team of design professionals with demonstrated experience in designing large mixed-use developments. The Conceptual Development Plan shall consider the BKMU Plan District's natural features and amenities, access and circulation needs, the provision of public facilities and services, the development needs of future users and access to arterial and collector streets. Access to the Millrace and Millpond shall be maximized for all properties and land uses within the BKMU Plan District.

B. The Conceptual Development Plan shall be submitted to the Director, who shall prepare a staff report to the Planning Commission. The Planning Commission shall review the Conceptual Development Plan (a public hearing is not required). The Conceptual Development Plan shall be approved or approved with modifications including affirmative findings of compliance with the Metro Plan, the Downtown Refinement Plan and other applicable plans. The approved Conceptual Development Plan shall be kept on file in the Development Services Department.

C. Should a subsequent developer wish to depart from the Conceptual Development Plan, a modified Plan shall be developed cooperatively by the City and the subsequent developer, after consultation with representatives of adjacent heavy industrial property. Representatives of existing development in the BKMU Plan District may be consulted regarding proposed modifications at the discretion of the Director. The modified Conceptual Development Plan shall then be reviewed and approved as specified in Subsection B., above

3.4-320 Schedule of Use Categories

A. The following uses are permitted subject to Site Plan Review approval, unless exempted elsewhere in this Section. It is expected that interim uses of buildings existing prior to the adoption of this Section will take place until redevelopment of the entire BKMU Plan District occurs under an approved Conceptual Development Plan.

B. The following buildings and uses are permitted in this Plan District as indicated subject to the provisions, additional restrictions and exceptions specified in this Code.

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

"S" = SPECIAL DEVELOPMENT STANDARDS subject to special locational and/or siting standards as specified in 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, unless exempted elsewhere in this Code.

CATEGORIES / USES	
Residential uses	
Cluster Subdivisions (Section 3.2-230)	**P**
Condominiums (Section 4.7-130)	**S**
Multiple family dwellings (Section 4.7-120D.)	**S**
Business and professional offices and personal services	
Accountants, bookkeepers and auditors	**P**
Advertising / marketing agencies	**P**
Architects, landscape architects and designers	**P**
Art studios, fine and performing	**P**
Art restoration	**P**
Attorneys	**P**
Audio / video production studio	**P**
Authors / composers	**P**
Bank, credit unions and savings and loans	**P**
Barber and beauty shops	**P**
Business schools	**P**
Catering services	**P**
Clinics and research / processing laboratories	**P**
Collection agencies	**P**
Commodity contract brokers and dealers	**P**
Computer and information services	**P**
Child care facilities (See Section 4.7-125)	**S**
Dentist	**P**
Detective and protective agencies	**P**
Diaper service	**P**
Doctors	**P**
Grafting, graphics and copy services	**P**
Employment agencies	**P**
Engineers and surveyors	**P**
Financial planning, investment services	**P**
Funeral services	**P**
Graphic art services	**P**
Gymnastics instruction	**P**
House cleaning services	**P**
Insurance carriers, agents, brokers and services	**P**
Interior decorator and designers	**P**
Laundry, dry cleaning, including self service, and ironing services	**P**
Loan companies, other than banks	**P**
Locksmiths	**P**
Lumber brokers	**P**
Mailing services / mail order sales	**P**
Management and planning consultants	**P**
Manufactured unit as a temporary construction or general office or sales office	**P**
Motion picture studio / distribution	**P**
Newspaper office and production	**P**
Non-profit organizations	**P**
Opticians	**P**

Performing arts instruction	**P**
Photocopying	**P**
Photography studios	**P**
Planners, land use	**P**
Printing / publishing	**P**
Private investigator	**P**
Psychologists and counselors	**P**
Real estate sales and management	**P**
Scientific and educational research	**P**
Security systems services Self-defense studio	**P** **P**
Shoe repair	**P**
Stenographers and secretarial services	**P**
Stockbrokers	**P**
Swimming pool cleaning	**P**
Tailors	**P**
Tanning salons	**P**
Telephone answering services	**P**
Title companies	**P**
Travel agencies	**P**
TV and radio broadcasting studios	**P**
Typing services	**P**
Window cleaning	**P**
Certain Wireless Telecommunications Systems Facilities	**See Section 4.3-145**
Eating and drinking establishments	
Cocktail lounges	**P**
Delicatessens	**P**
Sit down restaurants	**P**
Taverns	**P**
Recreational facilities (Section 4.7-205)	
Amusement park	**P**
Arcades	**P**
Art studios, fine and performing	**P**
Athletic field	**P**
Auditoriums	**S**
Batting cages	**S**
Bingo parlors	**P**
Bowling alleys	**P**
Dance halls	**S**
Exercise studios	**P**
Exhibition hall	**P**
Golf driving range	**P**
Gyms and athletic clubs	**P**
Hot tub establishments	**P**
Hydrotubes	**S**
Miniature auto race track	**P**
Miniature golf	**P**
Movie theaters, indoor	**P**
Movie theaters, drive-in	**S**
Non-alcoholic nightclubs	**P**
Off-track betting facility	**P**
Parks, private and public	**P**
Play/tot lot	**P**

Playground	**P**
Pool halls	**P**
Recreation center	**P**
Riding stable	**P**
Shooting range	**S**
Skating rinks	**S**
Stadiums	**S**
Swimming pools	**P**
Tennis. Racquetball and handball courts	**P**
Theater, legitimate	**P**
Velodromes	**S**
Water skiing facilities	**P**
Retail sales	
Antiques	**P**
Apparel	**P**
Art galleries and museums	**P**
Art supplies	**P**
Auction / flea markets	**P**
Automobiles	**N**
Bakeries	**P**
Bicycles	**P**
Boats	**P**
Books	**P**
Camera and photographic supplies	**P**
Campers	**N**
Candy, nuts and confectionery	**P**
China, glassware and metal ware stores	**P**
Cigars and cigarettes	**P**
Computers, calculators and other office machines	**P**
Convenience stores	**P**
Dairy products	**P**
Department stores	**P**
Drapery, curtains and upholstery	**P**
Dry goods, and general merchandise	**P**
Electrical supplies	**P**
Equipment rental and leasing	**P**
Fabrics and accessories	**P**
Factory Outlet stores	**P**
Farm equipment	**P**
Feed, grain and hay stores	**P**
Film drop-off and pick-up	**P**
Fish	**P**
Floor coverings	**P**
Florists	**P**
Fruits and vegetables	**P**
Furniture	**P**
Furriers	**P**
Groceries	**P**
Hardware	**P**
Hobby supplies	**P**
Household appliances	**P**
Jewelry	**P**
Liquidation Outlets	**P**

Luggage and leather	**P**
Magazines and newspapers	**P**
Mail order houses	**P**
Manufactured (mobile) / modular homes	**P**
Meats	**P**
Medical and dental supplies	**P**
Musical instruments and supplies	**P**
Novelties and gifts	**P**
Office equipment	**P**
Paint, glass and wallpaper	**P**
Pharmacies	**P**
Pottery	**P**
Radios, televisions and stereos	**P**
RV's, fifth wheelers and trailers	**P**
Sewing machines	**P**
Shoes	**P**
Small electrical appliances	**P**
Sporting goods	**P**
Stationary stores	**P**
Supermarkets	**P**
Toys	**P**
Transient merchants	**P**
Weapons dealers	**P**
Social and public institutions	
Charitable services	**P**
Community and senior centers	**P**
Educational branch facilities	**P**
Fraternal and civic organizations	**P**
Labor unions	**P**
Public offices	**P**
Transient accommodations	
Bed and breakfast (Section 4.7-120)	**S**
Emergency shelter / facilities	**P**
Hotels	**P**
Motels	**P**
RV parks	**P**
Youth hostels	**P**
Transportation facilities (Section 4.7-240)	
Bus terminals	**D**
Docks and marinas	**D**
Heliports	**S**
Helistops	**S**
Train Stations	**S**
Warehouse commercial retail and wholesale sales	
Cold storage lockers	**D**
Electrical supplies	**P**
Floor covering sales	**P**
Large electrical appliance sales	**P**
Lumber yards and building materials	**D**
Merchandise vending machine operators	**P**
Mini warehouses, other inside storage	**P**
Outdoor storage areas / yards	**P**
Plumbing and heating supplies and contractors	**P**

Unfinished furniture	**P**
Warehouse / commercial uses engaged primarily in the wholesaling of materials to the construction industry (Section 4.7-245)	**S**
Wholesale trade, warehousing, distribution and storage	**P**
Manufacture and / or assembly of:	
Appliance	**P**
Apparel and other finished products made from canvas, cloth, fabrics, feathers, felt, leather, textiles, wool, yarn and similar materials	**P**
Chemical and chemical products	**P**
Communication equipment, including radio and television equipment	**P**
Compounding, or treatment of the following previously prepared materials: bone, cellophane, clay, cork, Fiberglas, glass, hair, horns, metal, paper, plastics, shells, stones, synthetic resins, textiles, tobacco, wool and yarns.	**P**
Concrete blocks. Cinder blocks and septic tanks	**P**
Costume jewelry, novelties, buttons and misc. notions	**P**
Cutlery, hand tools and hardware	**P**
Dairy products, including butter, cream, cheese, milk, yogurt	**P**
Electronic components and accessories	**P**
Electronic transmissions and distribution equipment	**P**
Engineering, laboratory, scientific and research instruments	**P**
Finished wood manufacturing and assembly, including cabinets, door frames and picture frames	**P**
Food processing and packaging to include candy and other confectionary products, vegetables, meat, poultry and seafood	**P**
Furniture, including restoration	**P**
Greeting cards, business forms and other business related printing	**P**
Industrial machinery	**P**
Lumber, wood and paper products	**P**
Manufactured / modular housing and allied components	**P**
Measuring, analyzing and controlling instruments	**P**
Medical, dental and surgical equipment and supplies	**P**
Medicinal chemicals and pharmaceutical products	**P**
Metal and metal alloy products	**P**
Metal fabrication machine shops	**P**
Musical instruments	**P**
Paints, varnishes, lacquers, enamels and allied products	**P**
Prosthetic and orthopedic devices	**P**
Office computing and accounting equipment	**P**
Optical instruments, including lenses	**P**
Perfumes and toiletries	**P**
Photographic equipment and supplies	**P**
Signs and advertising display	**P**
Toys, sporting and athletic goods	**P**
Transportation equipment including airplanes, auto, boats, buses, helicopters, motorcycles, railroad cars, RV's, trailers and trucks	**P**
Watches, clocks and related components	**P**
Other primary industrial uses (Section 4.7-245)	
Business, labor, scientific and professional organizations	**P**
Cleaning and dyeing plants	**P**
Ice and cold storage plants	**P**
Lubricating oils and greases	**P**
Media productions, including TV and radio broadcasting, motion picture production and newspaper / books / periodical publishing	**P**
Plating, and coating works	**P**

Regional distribution headquarters	**P**
Research development and testing laboratories and facilities	**P**
Recycling facilities	**P**
Warehouse / commercial uses engage primarily in the wholesaling of materials to the construction industry	**S**
Transportation related, non-manufacturing	
Automotive and heavy equipment repair and service including the recapping and re-treading of tires	**P**
Maintenance facilities for passenger bus vehicles or motor freight vehicles	**P**
Education	
College level education facilities	**P**
Trade Schools	**P**
Public and private parks (Section 4.7-200)	
Pocket / Neighborhood Parks	**S**
Community Parks	**S**
Public utility facilities	
Communications towers, transmitters and relays	**D**
High impact facilities (Section 4.7-160)	**S**
Low impact facilities	**P**
Fish hatcheries	**P**

3.4-325 Base Zone Development Standards

A. The minimum lot/parcel size in the BKMU Plan District shall be 6,000 square feet for residential and commercial uses and 10,000 square feet for industrial uses. No land division is permitted prior to approval of a Conceptual Development Plan for the BKMU Plan District. The Director may waive the requirement that buildable City lots/parcels have frontage on a public street as specified in Section 4.2-120A.

B. Unless modified by solar access standards, landscaped setbacks from the exterior boundaries of the BKMU Plan District and setbacks abutting existing and future public or private rights-of-way dedicated on the approved Conceptual Development Plan shall be 10 feet for buildings and 5 feet for parking and driveways. Zero lot line structures are permitted.

C. Where an easement is larger than the required setback standard, no building or above grade structure, except a fence, shall be built upon or over that easement.

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

1. When abutting an MDR use to the north, the maximum building height shall be defined by the Maximum Shade Point Height requirement of Section 3.2-225A.1.b., or up to 50 feet south of a northern lot/parcel line a plane extending south with an angle of 23 degrees and originating from the top of a 16 foot hypothetical fence located on the northern lot/parcel line.

2. When abutting an MDR use to the east, west and south, the building height limitation shall be no greater than that permitted in the MDR use for a distance of 50 feet.

E. Incidental equipment may exceed the height standards if no additional floor space exceeding that necessary for the equipment is provided.

Section 3.5-100 Refinement Plan Policies - Opus

(Reserved for Future Use)

CHAPTER 4
DEVELOPMENT STANDARDS

Section	
4.1-100	Infrastructure Standards – Reference Documents
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Section 4.1-100 Infrastructure Standards – Reference Standards

4.1-105 Purpose

These regulations provide standards for the design and construction of the following public and private infrastructure: transportation facilities, including streets, sidewalks and bikeways (Section 4.2-100); and utilities, including sanitary sewer, stormwater management, electricity, water service and wireless telecommunications systems facilities (Section 4.3-100).

4.1-110 Applicable Documents

A. Planning references for public and private improvements. This Section ensures that public and private improvements within the city limits and the City's urbanizable area are installed and serve all lots/parcels, buildings or structures as specified in applicable Metro Plan policies, including Auxiliary Map#1, TransPlan, other functional plans; the Conceptual Local Street Map; applicable Refinement Plans, Plan Districts, Master Plans, and Conceptual Development Plans; this Code; and any other applicable regulations.

B. Construction and design references for public improvements under City jurisdiction. Specifications for the design, construction, reconstruction or repair of streets, alleys, sidewalks, bus turnouts, accessways, curbs, gutters, street lights, traffic signals, street signs, sanitary sewers, stormwater management systems, street trees and planter strips within the public right-of-way, medians, round-abouts and other public improvements within the city limits and the City's urbanizable area are as specified in this Code, the Springfield Municipal Code, 1997, the City's *Engineering Design Standards and Procedures Manual* and, the Public Works Standard Construction Specifications. The Public Works Director retains the right to modify their cited references on a case-by-case basis without the need of a Variance when existing conditions make their strict application impractical.

C. Construction and design references for other public agency improvements. Each public agency, including but not limited to, the provider of water, electricity, parks and public transit service that have specific construction standards shall submit correspondence during the Development Review process that addresses their construction requirements.

D. Construction design references for private improvements.

1. Specifications for private street improvements within the city limits and the City's urbanizable area shall be approved by the Public Works Director as specified in Section 4.2-110 and the City's *Engineering Design Standards and Procedures Manual* and any other applicable regulations.

2. Other private improvements within the city limits and the City's urbanizable area are as specified in this Code and/or approved by the Building Official.

E. Americans with Disabilities Act. All applicable public and private improvements shall meet current applicable standards of the Americans with Disabilities Act.

Section 4.2-100 Infrastructure Standards – Transportation

4.2-105 Public Streets

A. General Provisions.

1. The location, width and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, and to the planned use of land to be served by the streets. The street system shall assure efficient traffic circulation that is convenient and safe. Grades, tangents, curves and intersection angles shall be appropriate for the traffic to be carried, considering the terrain. Street location and design shall consider solar access to building sites as may be required to comply with the need for utility locations, and the preservation of natural and historic inventoried resources. Streets shall ordinarily conform to alignments depicted in TransPlan, the Regional Transportation Plan (RTP), applicable Refinement Plans, Plan Districts, Master Plans, Conceptual Development Plans, or the Conceptual Local Street Map. The arrangement of public streets shall provide for the continuation or appropriate projection of existing streets in the surrounding area, unless topographical or other conditions make continuance or conformance to existing street alignments impractical.

a. The following street connection standards shall be used in evaluating street alignment proposals not shown in or different from an adopted plan or that are different from the Conceptual Local Street Map:

i. Streets shall be designed to efficiently and safely accommodate all modes of travel including emergency fire and medical service vehicles.

ii. The layout of streets shall not create excessive travel lengths, particularly for pedestrians and cyclists.

iii. Streets shall be interconnected to provide for the efficient provision of public facilities and for more even dispersal of traffic.

iv. New streets shall be designed to accommodate pedestrians and bicycles safely.

v. The street circulation pattern shall provide connections to and from activity centers for example, schools, commercial areas, parks, employment centers, and other major attractors.

vi. Street design shall minimize impacts to waterways and wetlands, and shall follow slope contours where possible.

vii. Street design shall enhance the efficiency of the regional collector and arterial street system by providing relatively uniform volumes of traffic to provide for optimum dispersal.

viii. Streets identified, as future transit routes shall be designed to safely, efficiently and physically accommodate transit vehicles.

ix. Streets shall meet all design standards in this Code, the City's *Engineering Design Standards and Procedures Manual*, the Public Works Standard Construction Specifications, and the Springfield Municipal Code, 1997.

x. Streets shall provide logical and efficient extensions of the public street system to adjoining properties.

b. The Director, in consultation with the Public Works Director, may modify the Conceptual Local Street Map when a proposed alignment is consistent with the street connection standards in Subsection 1.a., above or when existing conditions make application of the Conceptual Local Street Map impractical or inconsistent with accepted transportation planning principles.

2. All streets and alleys shall be dedicated and improved as specified in this Code.

3. Development Approval shall not be granted where a proposed application would create unsafe traffic conditions.

4. A developer may be required to prepare a Traffic Impact Study (TIS) to identify potential traffic impacts from proposed development and needed mitigation measures. The study shall be included with a development application, in any of the following instances:

a. Where the Public Works Director determines that a TIS is necessary to support a request for a Variance from the transportation provisions of this Code.

b. When a land use would be estimated to generate 500 or more vehicle trips per day as specified in the current version of the Institute of Transportation Engineers Trip Generation Informational Report. The basic requirements for a TIS are specified in the Department of Public Works Standard Operating Procedures which may be amended by the Public Works Director as necessary to address potential impacts of specific land development proposals.

c. Where the Public Works Director determines that a TIS is necessary to address known traffic safety or street capacity concerns associated with the proposed development, the Public Works Director will determine the nature and extent of the TIS.

d. The Director, in consultation with the Public Works Director, may modify TIS requirements consistent with TransPlan and the intent of this Code when existing conditions make their strict application impractical or inconsistent with accepted site planning or transportation planning principles.

B. Streets shall be dedicated through the approval of a subdivision plat, or by acceptance of a deed when approved by the City for general traffic circulation, as specified in the Metro Plan and the TransPlan.

C. Street right-of-way widths are as specified in Table 4.2-1, unless otherwise indicated in TransPlan, the Conceptual Local Street Plan, or where necessary to achieve right-of-way and street alignment.

Table 4.2-1

Street Right-of-Way and Curb-To-Curb Width Specifications

Type Of Street	Minimum Right-of-Way	Minimum Curb To Curb
Major Arterial	100'	76'
Minor Arterial	70'	48'
Collector	60'	36'**(3)**
Local Street		
<15 percent slope **(1)**	50'	36'
>15 percent slope **(1)**	40'	28'**(2)**
<1200' length and <1000 vehicle trips per day	40'	28'
Cul-de-sac bulb	83'	70'
Alley	20'	20'**(4)**

(1) i.e., the average slope of the development area.
(2) 20' streets are allowed with approved parking bays of 8'x 24' per vehicle.
(3) Additional right-of-way may be required to accommodate a center turn lane where significant volumes of left-turn traffic occur.
(4) Alleys do not have curbs, 20' is the entire paving width.

D. Functional classification of streets. The City's street system consists of streets that are classified as Major Arterial; Minor Arterial; Collector and Local, consistent with the *Federally Designated Roadway Functional Classification* map, contained in the Regional Transportation Plan. Local Streets include all streets not classified as Arterial or Collector streets.

E. Dead-end streets.

1. Dead-end streets shall terminate in cul-de-sac bulb, "hammerhead" or other design that provides an adequate vehicular turn-around area as may be approved by the Public Works Director and the Fire Marshal.

2. A dead-end street, excluding the bulb or other approved vehicular turn-around area, shall have a minimum length of 65 feet and shall have a maximum length of 400 feet as measured from the nearest curb line of the intersecting street. The right-of-way and paving requirements for

cul-de-sacs, including the bulb or other approved vehicular turn-around area, are as specified in the Public Works Standard Construction Specifications and the City's *Engineering Design Standards and Procedures Manual.*

EXCEPTION: Where streets that are planned to be through streets are partially constructed during phased development, temporary dead-end streets with temporary vehicular turn-around areas will be permitted as specified in the City's *Engineering Design Standards and Procedures Manual.* In this case, the 400 foot maximum length standard shall not apply.

3. Where there is an existing dead-end street without a turn-around at the time of development that generates additional vehicular trips, the property owner shall provide for a turn-around area to the satisfaction of the Public Works Director and the Fire Marshall. Permitted vehicular turn-around areas may include, but are not limited to hammerheads, partial cul-de-sac bulbs and private driveways.

F. Where necessary to ensure that adequate access will be feasible for the orderly development and/or division of adjacent land or to provide for the transportation and access needs of the City as determined by the Public Works Director, streets shall be extended to the appropriate boundary of the property proposed to be developed, partitioned or subdivided. A City standard barricade and/or signs and markings as may be necessary to adequately warn traffic approaching the end of the street shall be constructed at the developer's expense.

G. Additional Right-of-Way and Street Improvements.

1. Whenever an existing street of inadequate width is abutting or within a development area requiring Development Approval, additional right-of-way is required. Whenever street dedication results in right-of-way that does not connect with the City street system, a deed restriction shall be recorded with the Lane County Recording Officer stating that the property shall not be built upon until a fully improved street is constructed to serve the property, and connect with the City street system.

2. Whenever a proposed land division or development will increase traffic on the City street system and the development site has unimproved street frontage, that street frontage shall be fully improved to City specifications in accordance with the following criteria:

a. When fully improved street right-of-way abuts the property line of the subject property, street improvements shall be constructed across the entire property frontage.

b. When there is a fully improved partial-width street opposite the frontage of the subject property, street improvements shall be constructed across the entire property frontage to provide a full-width street.

c. Where property has frontage on unpaved street right-of-way, or where unpaved street right-of-way extends to a side property boundary, the minimum level of street improvements necessary to provide for the safe and efficient movement of vehicles and pedestrians from/to the proposed development shall be constructed.

d. Where there is multi-family residential, commercial or industrial development at the intersection of a fully improved street and an unimproved street, if access is taken from the unimproved street, the unimproved street frontage shall be improved.

EXCEPTIONS:

i. In all other cases of unimproved streets, an Improvement Agreement shall be required as a condition of Development Approval, postponing improvements until the time that a City street improvement project is initiated.

ii. In the case of siting accessory structures and other structures not occupied by humans, and changes of use which do not increase parking requirements shall not be considered development which increases traffic on the City street system; full street improvement or an Improvement Agreement shall not be required.

3. In subdivisions, an approved performance bond or suitable substitute in a sufficient amount to ensure the completion of all required improvements, including the installation of sidewalks and accessways, prior to occupancy or Final Plat approval may be required.

4. Partial-width streets shall be permitted only if both of the following approval criteria are met:

a. There is inadequate right-of-way to install a full-width street improvement without changing street alignments; and

b. The partial-width street is adequate to carry anticipated traffic loads until adjacent properties are developed and the street is fully improved.

5. If the developer bears the full cost of dedicating the necessary right-of-way for and/or constructing partial-width street improvements, the developer may retain a reserve strip subject to the following terms and conditions:

a. The retention of this strip does not constitute either an express or implied agreement by the City:

i. To require an abutting property owner to take access to the street across the reserve strip;

ii. To withhold approval of development and building on abutting property unless the abutting property owner takes access to the street across the reserve strip.

iii. That it will not or cannot prohibit access from abutting properties to the street across the reserve strip.

b. Abutting property owners may purchase access rights across the reserve strip by paying to the developer a prorated share of the developer's costs of the fully improved street. The developer shall submit actual development costs to the City within 6 months following street construction. The cost of purchasing access rights across the reserve strip shall include the actual construction cost per lineal foot, plus inflation, at a rate not to exceed 5 percent per year. It shall not be the City's responsibility to record legal documents.

H. Where a development would result in the need to improve a railroad crossing, or an approach to a railroad crossing, the developer shall bear the cost for the improvements. When other property owners are benefited, other equitable means of cost distribution may be approved by the City.

I. Signs and Signals.

1. All traffic control signs, traffic signals pavement markings and street name signs shall be in conformance with the U.S. Department of Transportation's Manual of Uniform Traffic Control Devices for Streets and Highways (including Oregon supplements), the City's *Engineering Design Standards and Procedures Manual*, the Public Works Standard Construction Specifications and this Code.

2. Unless otherwise approved by the Public Works Director:

a. The developer is responsible for providing and installing all traffic control devices and street name signs as necessary to support the proposed development.

b. Where a proposed street intersection will result in an immediate need for a traffic signal, the developer shall bear the cost for the improvements. When other property owners are benefited, other equitable means of cost distribution may be approved by the City.

J. Bus turn out lanes shall be consistent with adopted Lane Transit District construction and design standards and location policies.

K. Street names are assigned as specified in the Springfield Municipal Code, 1997.

4.2-110 Private Streets

A. Private streets are permitted within Mobile Home/Manufactured Dwelling Parks and singularly owned developments of sufficient size to permit interior circulation. Construction specifications for private streets shall be the same as for public streets.

EXCEPTION: During the Site Plan Review, Partition or Subdivision processes involving private streets, the Public Works Director may allow alternative construction materials and methods to be used.

B. The Approval Authority shall require a Homeowner's Agreement or other legal assurances acceptable to the City Attorney for the continued maintenance of private streets.

4.2-115 Block Length

Block length for local streets shall not exceed 600 feet, unless the developer demonstrates that a block length shall be greater than 600 feet because of the existence of one or more of the following conditions:

A. Physical conditions preclude a block length of 600 feet or less. These conditions may include topography or the existence of physical features, including but not limited to: wetlands, ponds, streams, channels, rivers, lakes or steep grades, or a resource under protection by state or federal law;

B. Buildings or other existing development on adjacent lands, including previously subdivided but vacant lots/parcels that physically preclude a block length 600 feet or less, considering the potential for redevelopment; or

C. Where the extension of a public street into the proposed development would create a block length exceeding 600 feet, the total block length shall be as close to 600 feet as possible.

4.2-120 Site Access and Driveways

A. Site Access and Driveways - General.

1. All developed lots/parcels shall have an approved access provided by either direct access to a:

a. Public street or alley along the frontage of the property;

b. Private street that connects to the public street system. The private street shall be constructed as specified in Section 4.2-110 (Private streets shall not be permitted in lieu of public streets shown on the City's adopted Conceptual Street Plan or TransPlan); or

c. Public street by an irrevocable joint use/access easement serving the subject property that has been approved by the City Attorney, where:

i. A private driveway is required in lieu of a panhandle driveway, as specified in Section 3.2-220B.; or

ii. Combined access for two or more lots/parcels is required to reduce the number of driveways along a street, as determined by the Public Works Director.

2. Driveway access to designated State Highways is subject to the provisions of this Section in addition to requirements of the Oregon Department of Transportation (ODOT) Highway Division. Where City and ODOT regulations conflict, the more restrictive regulations shall apply.

B. Driveway access to local streets is generally encouraged in preference to access to streets of higher classification.

EXCEPTION: Driveway access to arterial and collector streets may be permitted if no reasonable alternative street access exists or where heavy use of local streets is inappropriate due to traffic impacts in residential areas.

1. Where a proposed development abuts an existing or proposed arterial or collector street, the development design and off-street improvements shall minimize the traffic conflicts.

2. Additional improvements or design modifications necessary to resolve identified transportation conflicts may be required on a case by case basis.

C. Driveways shall be designed to allow safe and efficient vehicular ingress and egress as specified in Tables 4.2-2 through 4.2-5 and the City's *Engineering Design Standards and Procedures Manual* and the Public Works Standard Construction Specifications.

Table 4.2-2

Driveway Design Specifications							
	1-Way Driveway Width		2-Way Driveway Width		Transition Width		Driveway Throat Depth
Land Use	Min.	Max.	Min.	Max.	Min.	Max.	
Single Family and Duplexes (3)	12 feet	16 feet	12 feet	24 feet (1)	3 feet	3 feet	N.A.
Multi-Family Residential			24 feet	35 feet (1)	5 feet	8 feet	18 feet(2)
Commercial/ Public Land	12 feet	18 feet	24 feet	35 feet (1)	8 feet	N.A.	18 feet(2)
Industrial	12feet	18 feet	24 feet	35 feet (1)	8 feet	N.A.	18 feet(2)

(1) Driveway widths and throat depths may be varied if no other reasonable alternative exists to accommodate on-site development needs and traffic safety is not impaired.

(2) Measured from the face of curb to the first stall.
(3) Single driveways serving single family and duplex dwellings shall be paved for the first 18 feet when abutting a curb and gutter street; these driveways may be graveled for the remainder of their length. Driveways abutting unimproved streets shall be graveled.

Table 4.2-3

Curb Return Driveway Design Specifications					
	Driveway Width(2)		Radius of Curb(3)		Driveway Throat Depth Minimum(4)
Land Use	Min.	Max.	Min.	Max.	
Single Family and Duplexes	N.A.	N.A.	N.A.	N.A.	N.A.
Multi-Family Residential	24 feet	30 feet	10 feet	20 feet	60 feet
Commercial/ Public Land	24 feet	35 feet	15 feet	35 feet	60 feet
Industrial	24 feet	35 feet	15 feet	35 feet	60 feet

(1) Wider driveways may be permitted to accommodate traffic demands and/or to improve traffic safety.
(2) Greater curb radii may be permitted where high volumes of large trucks are anticipated.
(3) Measured from the face of the curb to the first stall or aisle.

Table 4.2-4

Minimum Separations Between a Driveway and the Nearest Intersection Curb Return on the Same Side of the Street.(1)

	Street Type		
Land Use	Arterial	Collector	Local
Single-family Residential and Duplexes	200 feet	50 feet	30 feet
Multi-family Residential	200 feet	100 feet	75 feet
Commercial/ Public Land	200 feet	100 feet	75 feet
Industrial	200 feet	200 feet	150 feet

(1) Each category of street is considered separately. Distances may be reduced in the following circumstances:
- **(a)** Access is from a one-way street.
- **(b)** The driveway is marked for "right-in-right-out only".
- **(c)** The driveway is marked "exit only" and is designed to prevent left turns.
- **(d)** In cases where an existing lot/parcel and/or use make compliance with these specifications unreasonable, a new driveway or an existing driveway required to be relocated by this Code shall be placed at the furthest point from the intersection curb return, considering both safety and internal circulation requirements of the development.

4.2-125 Intersections

Intersections shall be designed and constructed as specified in the City's *Engineering Design Standards and Procedures Manual* and the following requirements.

A. In order to minimize traffic conflicts and provide for efficient traffic signalization, intersections involving curb return driveways and streets, whether public or private,

shall be directly opposed, unless a Traffic Impact Study indicates that an offset intersection benefits public safety to a greater degree.

B. Streets shall be laid out so as to intersect as nearly as possible at right angles. The angle of intersection between two intersecting streets shall be at least 80 degrees. At intersections, each local street shall be straight or have a radius greater than 400 feet for a distance of 100 feet from each intersection. At intersections, each collector or arterial street shall be straight or have a radius greater than 600 feet for a distance of 100 feet from each intersection.

4.2-130 Vision Clearance

A. All corner lots/parcels shall maintain a clear area at each access to a public street and on each corner of property at the intersection of two streets or a street and an alley in order to provide adequate sight distance for approaching traffic.

B. No screen or other physical obstruction is permitted between 2 1/2 and 8 feet above the established height of the curb in the triangular area(See Figure 4.2-A).

EXCEPTION: Items associated with utilities or publicly owned structures for example, poles and signs, and existing street trees may be permitted.

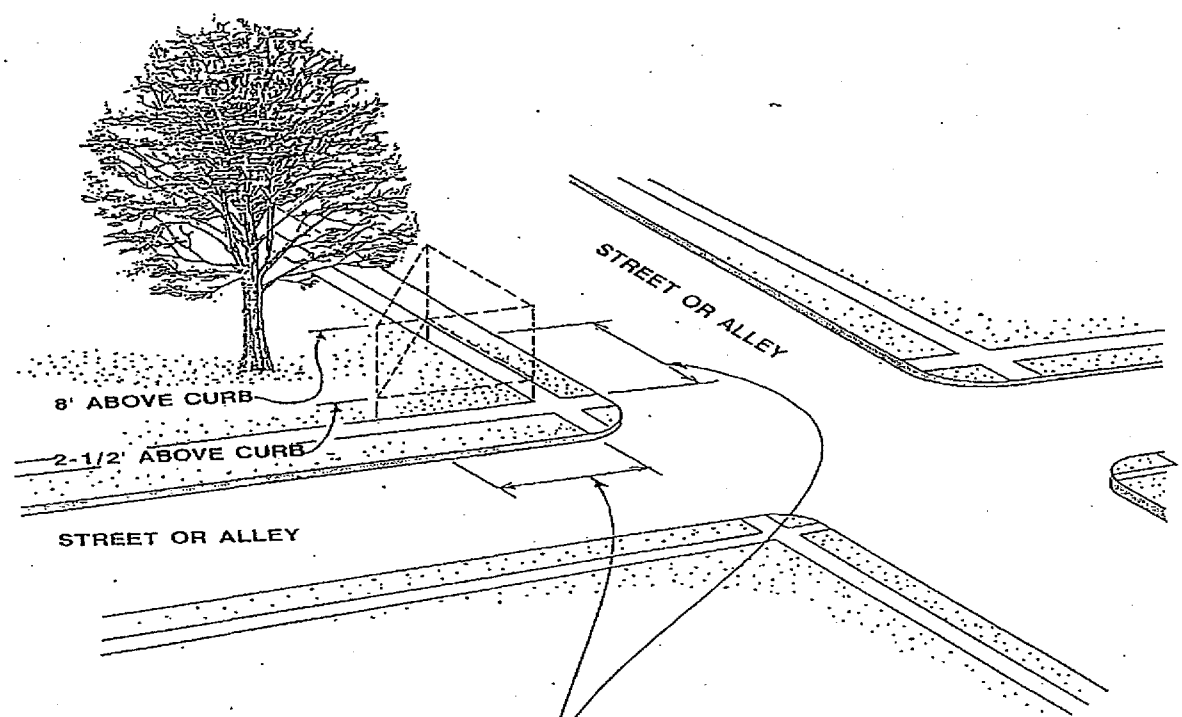
C. The clear vision area shall be in the shape of a triangle. Two sides of the triangle shall be property lines for a distance specified in this Subsection. Where the property lines have rounded corners, they are measured by extending them in a straight line to a point of intersection. The third side of the triangle is a line across the corner of the lot/parcel joining the non-intersecting ends of the other two sides. The following measurements shall establish the clear vision areas:

Table 4.2-5

Type Of Intersection	Measurement Along Each Property Line
Any Street	25 feet**(1)**
Any Alley	15 feet**(1)**
Any Driveway	10 feet**(1)**

(1) These standards may be increased if warranted for safety reasons by the Public Works Director.

Figure 4.2-A
VISION CLEARANCE



4.2-135 Sidewalks

A. Sidewalks and planter strips abutting public streets shall be located wholly within the public street right-of-way, unless otherwise approved by the Public Works Director.

B. Sidewalks shall be designed, constructed, replaced or repaired as specified in the City's *Engineering Design Standards and Procedures Manual,* the Public Works Standard Construction Specifications and the Springfield Municipal Code, 1997. New sidewalk design shall be consistent with existing sidewalk design in the same block in relation to width and type

C. Planter strips may be required as part of sidewalk construction. Planter strips shall be at least 4.5 feet wide and long enough to allow the tree to survive. Maximum planter strip width is dependent upon the type of tree selected as specified in the City's *Engineering Design Standards and Procedures Manual.*

D. Maintenance of sidewalks is the continuing obligation of the abutting property owner.

4.2-140 Street Trees

Street trees are those trees located within the public right-of-way. The primary purpose of street trees is to create a streetscape that benefits from the aesthetic and environmental qualities of an extensive tree canopy along the public street system. Street trees are attractive amenities that improve the appearance of the community, providing shade and visual interest. Street trees also improve air quality, reduce stormwater runoff and moderate the micro-climate impacts of heat absorbed by paved surfaces. Street trees may be located within planter strips, in individual tree wells within a sidewalk, round-abouts, or medians.

EXCEPTION: In order to meet street tree requirements where there is no planter strip and street trees cannot be planted within the public right-of-way, trees shall be planted in the required front yard or street side yard setback of private property as specified in the applicable zoning district.

A. New street trees. New street trees shall be at least 2 inches in caliper. New street trees shall be selected from the City Street Tree List and installed as specified in the City's *Engineering Design Standards and Procedures Manual.* The Public Works Director shall determine which species are permitted or prohibited street trees.

B. Existing street trees.

1. Street tree retention standards. Existing trees may meet the requirement for street trees (i.e., trees on the City Street Tree List specified in the City's *Engineering Design Standards and Procedures Manual* with a minimum caliber of 2 inches) if excavation or filling for proposed development is minimized within the dripline of the tree. Sidewalks of variable width, elevation and direction may be used to save existing trees, subject to approval by the Director and Public Works Director. Existing street trees shall be retained as specified in the *Engineering Design Standards and Procedures Manual*, unless approved for removal as a condition of Development Approval or in conjunction with a street construction project.

2. Street tree removal standards.

a. Any existing street trees within the public right-of-way proposed to be removed by the City is exempt from the tree felling regulations specified in Section 5.19-100.

b. Any existing street trees on private property proposed to be removed shall require notification of the Public Works Director prior to removal. Removal of 5 or more street trees on private property shall be subject to the tree felling standards specified in 5.19-100.

3. Street tree replacement standards. Where, possible, any street tree proposed to be removed shall be replaced with a tree at least 2 inches in caliper.

a. It is the responsibility of the City to plant any replacement tree within the public right-of-way.

b. It is the responsibility of the property owner to plant any replacement street tree on private property, either as a condition of a Tree Felling Permit or when the property owner removes a street tree on private property without the City's authorization. Any replacement street tree shall meet the standards specified in Subsection A, above.

c. Whenever the property owner removes a street tree within the public right-of-way without the City's authorization, that person is responsible for reimbursing the City for the full value of the removed tree, to include replanting and watering during the two year tree establishment period.

C. Street tree maintenance responsibility.

1. Maintenance of street trees in the public right-of-way shall be performed by the City.

2. Maintenance of street trees on private property shall be performed by the property owner.

4.2-145 Street Lighting

Public street lighting design and placement is specified in the City's *Engineering Design Standards and Procedures Manual* and the Public Works Standard Construction Specifications and is approved by the Public Works Director.

A. Street lighting shall be included with all new developments or redevelopment. Existing street lights shall be upgraded to current lighting standards with all new developments or redevelopment as determined by the Public Works Director. The developer is responsible for street lighting installation costs.

B. A developer may choose to install decorative streetlights, as may be permitted in the City's *Engineering Design Standards and Procedures Manual* and the Public Works Standard Construction Specifications.

4.2-150 Bikeways

Bikeways. Development abutting existing or proposed bikeways identified in TransPlan or Springfield Bicycle Plan shall include provisions for the extension of these facilities through the development area by the dedication of easements or rights-of-way. The developer shall bear the cost of bikeway improvements, unless additional property owners are benefited. In this case, other equitable means of cost distribution may be approved by the City. Bikeways shall be designed and constructed as specified in the City's *Engineering Design Standards and Procedures Manual.*

4.2-155 Pedestrian Trails

A. Developments abutting existing or proposed pedestrian trails identified on the adopted Willamalane Park and Recreation District Comprehensive Plan shall provide for the future extension of the pedestrian trails through the dedication of easements or right-of-way. The developer is responsible for trail surfacing, as approved by the Willamalane Parks and Recreation District and/or the City. Trails shall be constructed to allow for adequate drainage and erosion control.

B. In dedicating an easement or right-of-way for public trails, the owner shall demonstrate compliance with the following criteria:

1. Trail easements or right-of-way shall:

a. Be 25 feet wide as and paved as specified in the ODOT Bicycle and Pedestrian Plan and/or with the City's *Engineering Design Standards and Procedures Manual.* The width standard may be reduced if the Director finds this standard to be impractical due to physical constraints.

b. Be located within a site:

i. To allow the trail to be buffered from existing and proposed dwellings on the site and on adjacent properties;

ii. To maintain the maximum feasible privacy for residents; and

iii. Ensure that future trail construction will avoid parking and driveway areas and other activity areas which might conflict with pedestrian movements.

c. Allow for future construction of trails.

2. Site area included within a trail easement or right-of-way shall be counted as a portion of the landscaped and open space area required for the proposed development.

4.2-160 Accessways

A. Accessways allow pedestrians and bicyclists convenient linkages to adjacent streets, residential areas, neighborhood activity centers, industrial or commercial centers, transit facilities, parks, schools, open space, or trails and paths where no public street access exists. Accessways may also be used as a secondary emergency access. Accessways shall be dedicated as public right-of-way during the development review process.

EXCEPTIONS:

1. There is an existing building or conditions on an abutting property that makes the accessway impractical; or

2. There are slopes in excess of 30 percent.

B. Accessways shall comply with the following design standards:

1. Where an accessway is proposed for only bicycle and/or pedestrian travel, the right-of-way shall be paved a minimum of 12 feet wide with either asphalt concrete or Portland Cement concrete. Any necessary light standards shall be installed outside of the 12-foot travelway, but within the public right-of-way.

2. Where an accessway is proposed as a secondary access for emergency vehicles or in combination with bicycle and/or pedestrian travel, the right-of-way shall be minimum of 20 feet wide; consisting of a 10 foot wide area paved with either asphalt concrete or Portland Cement concrete and two additional 5 foot wide areas that may be turf block, grass-crete or other similar permeable material approved by the Public Works Director on a base of gravel capable of supporting fire equipment weighing 80,000 pounds. Any necessary light standards shall be installed outside the 20 foot travelway, but within the public right-of-way.

3. In addition to the locational standards accessway lighting specified in Subsections 1. and 2., above any street light installed in an accessway shall be a City approved decorative streetlight.

C. The Director may require improvements to existing unimproved accessways on properties abutting and adjacent to the property proposed to be developed. Where possible, the improvements to unimproved accessways shall continue to the closest public-street or developed accessway. The developer shall bear the cost of accessway improvements, unless other property owners are benefited. In this case, other equitable means of cost distribution may be approved by the City. Where possible, accessways may also be employed to accommodate public utilities.

Section 4.3-100 Infrastructure Standards – Utilities

4.3-105 Sanitary Sewers

A. Sanitary sewers shall be installed to serve each new development within the city limits and to connect developments to existing mains. Installation of sanitary sewers shall provide sufficient access for maintenance activities and shall comply with the provisions of this Code, with the Public Works Standard Construction Specifications, the City's *Engineering Design Standards and Procedures Manual* the Springfield Municipal Code, 1997 and Department of Environmental Quality (DEQ) regulations.

B. The City Engineer shall approve all sanitary sewer plans and proposed systems prior to development approval.

C. Proposed sewer systems shall include design consideration of additional development within the area as projected by the Metro Plan.

D. Proposed developments shall provide dedication and improvements indicated in an adopted Capital Improvements Program or Public Facilities Plan. The developer shall pay a proportional share of the cost according to adopted City Council policy.

E. For proposed developments in unincorporated urbanizable land, the Lane County Sanitarian shall approve all septic system designs.

4.3-110 Stormwater Management

A. Stormwater management regulations: Provide for the effective management of stormwater and drainage from the City into the groundwater and watercourses within the City and its urbanizing area; Minimize demand on the City's stormwater management system, and alleviate future costs of treating the discharge; Promote water quality; Preserve groundwater and the vegetation and rivers it supports; Reduce peak storm flows; Minimize public and private losses due to flood conditions; and Minimize stormwater discharge impacts on water quality and quantity and stream flow patterns, including peak and base flows in intermittent and perennial streams, within the McKenzie River and Willamette River watersheds.

B. The Approval Authority shall grant development approval only where adequate public and/or private stormwater management systems provisions have been made as determined by the Public Works Director, consistent with the *Engineering Design Standards and Procedures Manual.* The stormwater management system shall be separated from any sanitary sewer system. Surface water drainage patterns shall be addressed on every Preliminary Site Plan, or Tentative Partition or Subdivision Plan.

C. A stormwater management system shall accommodate potential run-off from its entire upstream drainage area, whether inside or outside of the development. The Public Works Director shall determine the necessary size of the facility, based on

adopted Public Facility Plans and Stormwater Facility Master Plans. The developer shall pay a proportional share of the cost according to adopted City Council policy.

D. Run-off from a development shall be directed to an approved stormwater management system with sufficient capacity to accept the discharge. Where the Public Works Director determines that the additional run-off resulting from the development will overload an existing stormwater management system, the Approval Authority shall withhold Development Approval until provisions, consistent with the *Engineering Design Standards and Procedures Manual*, have been made to correct or mitigate this condition.

E. A development is required to employ drainage 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 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;

7. On-site filtration or skimming of run-off, which will enter natural drainageways to maintain water quality; and

8. On-site constructed wetlands.

F. Identification of Water Quality Limited Watercourses. The Director shall maintain a Water Quality Limited Watercourses (WQLW) Map on file in the Development Services Department, which designates certain watercourses and their direct tributaries within the City and its urbanizing area. The WQLW Map shall contain watercourses recommended by the Public Works Director. Any revision to the WQLW Map shall be approved by the City Council as an amendment to this Code. Those watercourses and their direct tributaries included on the WQLW Map have been found to warrant protective measures in support of the City's response to state and federal regulations regarding surface and subsurface discharging stormwater management systems by satisfying the following criteria:

1. Water Quality Limited Watercourses (WQLW): Waters of the State that meet one or more of the following criteria:

   a. Watercourse reaches, lying within the City and its urbanizing area, that are included by the State of Oregon Department of Environmental Quality (ODEQ) on its most recently adopted "303(d)" List of Impaired and Threatened Waterbodies.

   b. Watercourse reaches, lying within the City and its urbanizing area, with significant water quality impairment identified by water quality monitoring and sampling done in accordance with approved quality assurance/quality control (QA/QC) protocols.

2. A direct tributary to a WQLW that satisfies the following criteria:

   a. Any watercourse that flows directly into a WQLW.

      EXCEPTION: Those watercourses that flow into the WQLW as a piped connection, where the pipe system extends more than 200 feet upstream of the connection point.

   b. Any watercourse that is a diversion from a WQLW and that discharges into either a WQLW or other direct tributary to a WQLW and where the water quality of the diverted flow at the discharge point has been degraded when compared with the water quality at the diversion point.

G. Protection of Riparian Area Functions. A developer shall be required to employ site design, landscaping, and drainage management practices to protect, preserve, and restore the riparian area functions of the reaches of those watercourses shown on the WQLW Map that are contained within or abut the lot/parcel upon which the proposed development is located. For the purposes of this Code, riparian area functions shall include, but are not limited to:

1. Maintaining temperature;

2. Maintaining channel stability;

3. Providing flood storage;

4. Providing groundwater recharge;

5. Removing sediments;

6. Reducing contaminants, for example: excess nutrients; oils and grease; metals; and fecal coliform;

7. Moderating stormwater flows; and

8. Providing fish and wildlife habitat.

4.3-115 Water Quality Protection

These regulations apply water quality protection to only those sites that require Site Plan Review approval as specified in Section 5.17-100, and Land Divisions (Partition Tentative Plan and Subdivision Tentative Plan) approval as specified in Section 5.12-100. The following standards do not apply to single-family homes and duplexes in the Low Density Residential District as of July 15, 2002, unless as specified in Subsection A.1., below. Existing buildings that are within the riparian areas specified in Subsection A. 1. and 2., below shall not be considered non-conforming. Subsections A.2.a. and b., below provide additional protection from a non-conforming status.

A. When addressing criterion E. (as specified in Sections 5.12-125 and 5.17-125) to protect riparian areas along watercourses shown on the Water Quality Limited Watercourses (WQLW) Map, the following riparian area boundaries shall be utilized:

1. Along all watercourses shown on the WQLW Map with average annual stream flow greater than 1,000 cubic feet per second (CFS), the riparian area boundary shall be a minimum of 75 feet upland from the top of the bank.

EXCEPTION: Within the Willamette Greenway, any change or intensification of use to a single-family home or duplex requires Site Plan Review as specified in Section 3.3-315. In this case, the Director may reduce the size of the required riparian area if there is a finding that the proposed development is in compliance with Section 3.3-300, Willamette Greenway Overlay District, and other applicable provisions of this Code.

2. Along all watercourses shown on the WQLW Map with average annual stream flow less than 1,000 CFS the riparian area boundary shall be a minimum of 50 feet upland from the top of each bank.

EXCEPTIONS:

a. For all watercourses subject to Subsection A.2., above other than the Mill Race or Cedar Creek, the 50 foot riparian area standard may be reduced to 35 feet, provided an equivalent amount and function of pervious land is established elsewhere on the property that utilizes water quality measures including, but not limited to: wetlands, bioswales or additional trees, especially in parking areas, and exclusive of otherwise required water quality measures and landscape areas. The burden of proof shall be on the applicant to demonstrate, to the satisfaction of the Public Works Director, equivalency in relation to both the amount of pervious land (as specified above) and riparian area function (as specified in Section 4.3-110G.

b. An existing building within a riparian area shall not be considered a non-conforming use if destroyed by earthquake, flood or other natural disaster, or fire. In this case, the replacement building may be constructed within the same footprint as the existing

building. If the building is within the Willamette Greenway, the standards in Section 3.3-300, Willamette Greenway Overlay District apply.

3. Where a watercourse divides a lot/parcel and the existing riparian area along that watercourse is degraded in riparian function, the applicant may relocate the watercourse to another portion of the property as approved by the Public Works Director and applicable state or federal agency.

4. If an expansion of the riparian area described in Subsections A.1. and 2., above occurs as a result of a federal or state agency permit process, the applicant shall:

a. Resubmit the preliminary Site Plan for additional review, as specified in Section 5.17-105;

b. Submit a Site Plan Modification application, as specified in Section 5.17-145; or

c. Resubmit the Tentative Plan for additional review as specified in Section 5.12-105.

B. Permitted Uses in Riparian Areas. The following uses are permitted in riparian areas as long as they do not diminish riparian functions:

1. The planting of trees and native vegetation to promote bank stability, enhance riparian areas, minimize erosion, preserve water quality and protect federally listed species. Trees may be clustered to allow maintenance vehicles to approach City maintained stormwater facilities including, but not limited to: detention basins, outfalls and culverts.

2. The felling of hazardous trees for safety reasons as specified in Section 5.19-100, Tree Felling.

3. Riparian area restoration, enhancement including the removal of invasive plant species, where necessary.

4. Flood control structures, where necessary.

5. Stormwater management systems and outfalls, as allowed by the Public Works Director or other regulating authorities.

6. Pedestrian trails as specified in Section 4.2-155. Pedestrian trails shall be located along the outer edge of the required riparian area away from the watercourse. Utilities may be extended within a pedestrian trail.

7. Bikeways shown on the TransPlan Priority Bikeway System Projects Map or the Future Bikeway Projects Map and as specified in Section 4.2-150, provided that the required bikeway drainage falls away from the watercourse. Bikeways shall be located along the outer edge of the

required riparian area away from the watercourse. Utilities may be extended within a bikeway.

8. Water dependent or water related uses between the Willamette River and the Greenway Setback Line as may be permitted in Section 3.3-300 Willamette Greenway Overlay District.

9. Private driveways, public street crossings, bridges and necessary culverts when there is no other vehicle access to the property. Crossings shall be preferably at right angles to the watercourse. Public and private utilities shall be permitted within the driveway, public street or bridge right-of-way.

10. Repair, replacement or improvement of utility facilities as long as the riparian area is restored to its original condition.

11. Routine repair and maintenance of existing structures, streets, driveways, utilities, accessory uses and other similar facilities.

12. Other activities similar to those listed above that do not diminish riparian function. The Director shall make the interpretations as specified in Section 5.11-100.

C. For protection of water quality and protection of riparian area functions as specified in Section 4.3-110, the following standards apply:

1. Avoid development or redevelopment in the following circumstances:

a. Unsuitable areas, including, but not limited to unstable slopes, wetlands and riparian areas;

b. Stream crossings – where crossings have to be provided, the impacts on water quality shall be minimized; and

c. Hardening of stream banks and shorelines.

2. Prevent:

a. Stormwater discharge impacts to water quality and quantity; and

b. Erosion and sediment run-off during and after construction.

3. Protect:

a. Riparian areas, buffers and functions around all watercourses; and

b. Wetlands, wetland buffers and wetland functions.

4. Preserve the hydrologic capacity of any watercourses.

5. Utilize native vegetation in riparian areas to reduce the need to apply water, herbicides, pesticides and fertilizer. The required riparian area landscaping shall be installed as part of the building permit process and may be bonded as specified in Section 5.17-150.

6. Restoration and enhancement of riparian areas that are degraded in riparian function.

7. In applying Subsections C.1. through 6., above riparian area protection, preservation, restoration and enhancement measures shall be applied as follows:

   a. For new development and redevelopment, existing riparian area functions shall be protected and preserved. Degraded functions shall be restored or enhanced through the full riparian area width, specified in Subsections A.1. and 2., above extending through the full frontage of the lot/parcel along the watercourse on the Water Quality Limited Watercourse (WQLW) Map.

   b. For additions and expansions on any portion of a lot/parcel, existing riparian area functions shall be protected and preserved through the full riparian area width specified in Subsections A.1. and 2., above and extending through the full frontage of the lot/parcel along the watercourse on the WQLW Map.

   c. For additions and expansions within 100 feet of a watercourse on the WQLW Map on a lot/parcel that has degraded riparian functions, the area for restoration or enhancement shall be based upon the ratio of the impervious area of the addition or expansion to the existing building or impervious area on the lot/parcel. The restoration or enhancement shall start at the top of bank of the watercourse and work landward.

4.3-120 Utility Provider Coordination

A. All utility providers shall be responsible for coordinating utility installations with the City and the developer through the Development Review Committee or by separate written correspondence.

B. The developer shall be responsible for the design, installation and cost of utility lines and facilities to the satisfaction of the utility provider.

4.3-125 Underground Placement of Utilities

Whenever possible, all utility lines shall be placed underground. However, overhead and above ground facilities are permitted for the following:

A. Emergency and temporary installations undertaken by utility providers for a maximum of 30 days.

B. Electrical transmission lines and backbone distribution feeders that are consistent with the Metro Plan's Public Facilities and Services Plan. These lines act as a main source of supply to primary laterals and direct connected distribution transformers and primary loads.

C. Appurtenances and associated equipment, including, but not limited to: surface-mounted transformers, pedestal-mounted terminal boxes, meter cabinets, telephone cable closures, connection boxes.

D. Structures without overhead wires, used exclusively for fire alarm boxes, streetlights, or municipal equipment installed with the approval of the City Engineer.

E. Power substations, pumping plants, and similar facilities necessary for transmission or distribution of utility services shall be permitted subject to compliance with zoning district regulations and the Metro Plan's Public Facilities and Services Plan. Required landscaping and screening shall be approved by the Director under Type II procedures for all these facilities prior to any construction being started.

F. Public television transmitters and receivers.

G. Industrial developments requiring exceptionally large power supplies may request direct overhead power during the Site Plan Review process, without a Variance.

H. Existing non-backbone distribution feeders located on existing streets on developed or undeveloped land.

4.3-130 Water Service and Fire Protection

A. Each development area shall be provided with a water system having sufficiently sized mains and lesser lines to furnish an adequate water supply to the development with sufficient access for maintenance.

B. Fire hydrants and mains shall be installed by the developer as required by the Fire Marshal and the utility provider.

4.3-135 Major Electrical Power Transmission Lines

A. When necessary to increase the capacity of major electrical power transmission lines, utility providers shall provide the increase by use of existing rights-of-way or easements.

EXCEPTIONS:

1. In the event that a utility provider determines that it cannot provide the increase by use of existing rights-of-way or easements, siting of major electrical power transmission lines shall be permitted as specified in the Metro Plan's Public Facilities and Services Plan.

2. Notwithstanding Subsections A. and A.1. above, a utility provider may locate major electrical transmission lines along routes identified on Auxiliary Map Number 1 dated 1982 of the Metropolitan Area General Plan.

B. Applications for siting of new major electrical power transmission lines are exempt from the provisions of Section 5.4-105B.2.

4.3-140 Public Easements

A. Utility Easements. The applicant shall make arrangements with the City and each utility provider for the dedication of utility easements necessary to fully service the development or land beyond the development area, as necessary. The minimum width for public utility easements adjacent to street rights-of-way shall be 7 feet. The minimum width for all other public utility easements shall be also be 7 feet. However, the utility provider or the Public Works Director may require a larger easement for major water mains, major electric power transmission lines, sanitary sewer lines, stormwater management systems or in any other situation to allow maintenance vehicles to set up and perform the required maintenance or to accommodate multiple utility lines. Where feasible, utility easements shall be centered on a lot/parcel line.

B. Watercourse or Riparian Area Maintenance Easements. Where the Public Works Director has determined that a watercourse or riparian area will be part of the City's Stormwater Management System, a maintenance easement shall be required in order to maintain the functionality of these areas. For watercourses, the easement shall be measured from either the top of the bank, ordinary high water mark or the delineated setback line. The easement shall be a minimum of 10 feet wide where no equipment is required for access or maintenance. The easement shall be extended to a maximum of 25 feet wide to allow City maintenance vehicles to set up and perform the required maintenance.

4.3-145 Wireless Telecommunications Systems Facilities

The siting and review process for WTS facilities is based on the type of facility (monopole, stealth design or collocation) and its proposed location in a Preferred Site (SHI, HI, LMI, QMO or PLO Districts), Acceptable Site (CC or CI Districts or BKMU Plan District) or Conditionally Suitable Site (NC, MRC, GO, LDR, MDR and HDR Districts or MS, HD, HS, WG, FP, UF-10 or H Overlay Districts).

A. The development review process for wireless telecommunications systems (WTS) facilities is as follows:

1. Building and Electrical Permits Only (Type I Review).

   a. An attached WTS facility (existing structure, including collocation on cell tower) on a Preferred Site, including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment.

   b. A detached WTS facility (monopole designed for collocation) on a Preferred Site, set back from all property lines a distance equal to

or greater than the height of the tower, including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment.

c. A detached, stealth design WTS facility on a Preferred Site not abutting residential districts, observing all setback and height limits of the underlying zone, and all setback limits of the underlying zone unless it is demonstrated that locating the proposed facility within the required setback area will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts, including equipment shelters, buildings and cabinets housing WTS land line itching/connection equipment.

d. An attached WTS facility on an Acceptable Site, including equipment shelters, buildings and cabinets housing WTS land line itching/connection equipment.

e. A WTS facility, including antennas and switching/connection equipment to land lines, affixed to an existing utility pole, but no higher than 10 feet above the height of the pole.

2. Site Plan Review (Type II Review). In addition to Subsection 1. above, the following standards apply:

a. A detached, stealth design WTS facility on a Preferred Site, that abuts a residential district, but is not set back a distance equal to or greater than the height of the structure, including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, unless it is demonstrated that locating the proposed facility within the required setback area will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts.

b. A detached, stealth design WTS facility on a Acceptable Site, observing all height limits of the underlying zone, and all setback limits of the underlying zone, unless it is demonstrated that locating the proposed facility within the required setback area will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts, including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment.

c. An attached WTS facility on a Conditionally Suitable Site, no higher than 10-feet above the existing structure, including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment.

d. A detached, stealth design WTS facility on a Conditionally Suitable Site, observing all height limits of the underlying zone and all setback limits of the underlying zone, unless it is demonstrated

that locating the proposed facility within the required setback area will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts, including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment.

e. All detached WTS facilities, on any site, within 1,000 feet of an existing detached WTS facility.

f. All detached WTS facilities 50 feet or taller, on any site, and not designed or intended for collocation.

3. Discretionary Approval (Type III Review). In addition to the standards specified in Subsections 1. and 2. above, the following standards also apply:

a. All WTS facilities in the Willamette River Greenway Overlay District.

b. All WTS facilities that exceed the height limit of the underlying zoning district on any site, including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, unless height limit provisions are exempted elsewhere in this Code.

c. All detached non-stealth design WTS facilities on any site abutting a residential district when the height of the structure exceeds the height limit of the residential district and the setback of the WTS facility is less than the height of the structure, including equipment shelters, buildings and cabinets housing WTS land line witching/connection equipment.

d. All detached WTS facilities on any site located within 1,000 feet of an existing WTS facility that was designed to accommodate multiple users and that has space available.

e. All detached WTS facilities located within Public Street or railroad rights-of-way where the actual location of the proposed WTS facility immediately abuts residential districts.

f. Lattice towers in any zoning district.

g. WTS facilities in the Historic Overlay District subject to the applicable provisions of Section 3.3-900 and other Sections of this Code.

4. Prohibited WTS facilities.

a. Any WTS facility, other than whip antennas and switching/connection equipment mounted on existing poles, in the Historic Overlay District.

b. Any WTS facility in the public right-of-way that severely limits access to adjoining property, which limits public access or use of the sidewalk, or which constitutes a vision clearance violation.

c. Any detached WTS facility taller than 150 feet above finished grade at the base of the tower.

B. Standards for siting WTS facilities are as follows:

1. All WTS facilities shall observe minimum lot/parcel size, lot/parcel coverage, building height and building setback standards of the underlying zoning district unless specifically exempted or otherwise regulated by this Section. Underground facilities may encroach upon required yards or may be placed in appropriate easements.

2. All WTS facilities shall be landscaped at the base of towers/poles, and completely around equipment shelters. Lighting of towers shall be as required by the FAA. All other lighting shall be deflected away from adjoining property.

3. Any WTS facility sited on, or designed with any of the following attributes shall first receive FCC approval, as specified in FCC Rules 1.1301 – 1.1319, as a condition of City approval, prior to construction: Wilderness Area; Wildlife Preserve; Endangered Species; Historic Site; Indian Religious Site; Flood Plain; Wetlands; High Intensity White Lights in Residential Neighborhoods; Excessive Radio Frequency Radiation Exposure.

C. Application requirements for WTS facilities are as follows:

1. WTS providers whose proposal conforms with the provisions of Subsection A.1., above requiring building and electrical permits only shall submit the following information with the application for permits:

a. A copy of that portion of the lease agreement (or lease memo) with the property owner, that includes collocation provisions (where applicable), facility removal within 90 days of abandonment, and a bond to guarantee removal shall be submitted for review prior to development permit approval.

b. A signed statement from the applicant agreeing to allow collocation on the applicant's structure (where applicable).

c. A map of the City showing the approximate geographic limits of the "cell" to be created by the facility. This map shall include the same information for all other facilities owned or operated by the applicant within the City, or extending within the City from a distant location, and any existing detached WTS facilities of another provider within 1,000 feet of the proposed site.

d. An engineer's analysis/report of the recommended site location area for the proposed facility. If an existing structure approved for collocation is within the area recommended by the engineer's report, reasons for not collocating shall be provided demonstrating at least one of the following deficiencies:

i. The structure is not of sufficient height to meet engineering requirements;

ii. The structure is not of sufficient structural strength to accommodate the WTS facility;

iii. Electromagnetic interference for one or both WTS facilities will result from collocation; or,

iv. The radio frequency coverage objective cannot be adequately met.

e. A plot plan showing: the lease area; antenna structure; height above grade and setback from property lines; equipment shelters and setback from property lines; access; connection point with land line system; and all landscape areas intended to screen the WTS facility.

f. The method of stealth design (where applicable).

g. An engineer's statement that the RF emissions at grade, or at nearest habitable space when attached to an existing structure complies with FCC rules for these emissions; the cumulative RF emissions if collocated.

h. A description of the type of service offered (including, but not limited to: voice, data, video) and the consumer receiving equipment.

i. Identification of the provider and backhaul provider, if different.

j. Provide the RF range in Megahertz and the wattage output of the equipment.

k. Provide the facilities maintenance schedule.

l. Provide the zoning and Metro Plan designation of proposed site.

m. Provide any required FAA determination.

2. WTS providers whose proposals conforms with the provisions of Subsection A.2., above requiring Site Plan Review approval shall submit, in addition to the requirements of Section 5.17-120, the following information.

a. Items a. through d. and f. through m. in Subsection C.1., above.

b. Photo simulations of the proposed WTS facility from the four cardinal compass points and/or abutting right-of-way, whichever provide the most accurate representation of the proposed facility from a variety of vantage points.

c. The distance from the nearest WTS facility and nearest collocation site.

3. WTS providers whose proposals conform with the provisions of Subsection A.3., above requiring Discretionary Use approval shall submit the following information:

a. Items 1-3 in Subsection C.2., above.

b. Responses to the following Discretionary Use criteria:

i. An engineer's statement demonstrating the reasons why the WTS facility shall be located at the proposed site (including, but not limited to: service demands, topography dropped coverage);

ii. An engineer's statement demonstrating the reasons why the WTS facility shall be constructed at the proposed height; and

iii. Verification of good faith efforts made to locate or design the proposed WTS facility to qualify for a less rigorous approval process (building permit or site plan approval).

D. The Planning Commission or Hearings Official shall use the proceeding criteria in place of the Discretionary Use criteria in Section 5.9-120 to evaluate the proposal. The Planning Commission or Hearings Official shall not grant approval of the request unless each of these criteria has been met.

E. Failure to comply with the standards, provisions and conditions of this Section, and any other applicable Section of this Code, may constitute grounds for revocation of a City approval to locate and operate a WTS facility.

F. Private amateur radio (HAM) antennas, their support structures, and direct to home satellite receiving antennas are exempt from the WTS facilities siting and review provisions of the Code, but shall otherwise comply with the applicable provisions of the underlying zoning district in which they are located to the extent that these provisions comply with Federal Communications Commission policy.

G. The provisions of this Section shall be reviewed no sooner than three years nor later than five years from their date of adoption. This review ensures contemporaneity with technological changes made in this industry.

Section 4.4-100 Landscaping, Screening and Fence Standards

4.4-105 Landscaping

A. These regulations ensure that new development complies with the landscaping provisions of this Code and any applicable Refinement Plans, Plan Districts, Master Plans, and Conceptual Development Plans; is adequately screened from less intensive development; considers the effects of vegetation on public facilities; retains significant clusters of natural trees and shrubs wherever possible; minimizes run-off; facilitates energy conservation and crime prevention; and improves the appearance of the City to create a desirable place to live and work.

B. Three types of landscaping may be required:

1. Landscaping standards for private property as specified in this Section and other Sections of this Code.

2. Street trees in the public right-of-way as specified in Section 4.2-140.

3. Curbside planter strips in the public right-of-way as specified in Section 4.2-135.

C. Materials and installation costs of planting and irrigation other than what is required by the Minimum Development Standards (Section 5.15-100) shall not be required to exceed 10 percent of the value of the new development, including parking facilities. The Director shall determine the location, quantity and quality of required landscaping as specified in this Code.

D. Unless otherwise specified in this Code, the following areas of a lot/parcel shall be landscaped:

1. All required setback areas and any additional planting areas as specified in the appropriate zoning district.

2. Parking lot planting areas required in this Section.

E. At least 65 percent of each required planting area shall be covered with living plant materials within 5 years of the date of installation. The living plant materials shall be distributed throughout the required planting area. The planting acceptable per 1,000 square feet of required planting area is as follows:

1. As a minimum, two trees not less than 6 feet in height that are at least 2 inches in caliper (at the time of planting, not including root ball); and

2. 10 shrubs, 5 gallons or larger.

3. Lawn and/or groundcover may be substituted for trees or shrubbery, unless required for screening when there are adequate provisions for ongoing maintenance.

EXCEPTION: These standards do not apply to single family and duplex dwellings on individual lots/parcels in the LDR District.

F. Parking lot planting areas shall include one canopy tree at least 2 inches in caliper that meets City street tree standards as may be permitted by the City's *Engineering Design Standards and Procedures Manual* and at least four shrubs, 5 gallon or larger, for each 100 square feet of planting area. Shrubbery that abuts public right-of-way or that is placed in the interior of any parking lot shall generally not exceed 2 ½ feet in height at maturity. Parking lot planting areas shall include:

1. Parking and driveway setback areas specified in the applicable zoning district; and

2. Five percent of the interior of a parking lot, exclusive of any required parking setbacks, if 24 or more parking spaces are located between the street side of a building and an arterial or collector street, and are visible from any street.

3. See also Section 3.2-240D.8.c. for multi-family design standards.

G. All new required planting areas shall be provided with a permanent underground irrigation system unless where planted with native species or plant communities, or as may be exempted by the Director.

H. Landscaped setbacks abutting required screening on the same property may be exempted by the Director from planting requirements if the area is not visible from any public right-of-way or adjacent property.

I. Planting Installation Standards.

1. The applicant shall provide methods for the protection of existing plant material, which will remain through the construction process. The plants to be saved and the method of protection shall be noted on the Planting Plan.

2. Existing trees to be retained on private property shall not have construction occur within the drip line, unless a landscape architect certifies that affected trees will have at least a 90 percent chance of survival over a 5 year period. Trees to be saved shall be kept free from trunk abrasion.

3. The Planting Plan may be required to include specifications for topsoil, including depth and organic matter requirements, to ensure the health and vitality of required planting. Where planting areas have been excavated, the Planting Plan shall provide for the replacement of topsoil. All waste material shall be removed from required planting areas prior to the application of topsoil.

a. Inspection may be made by the Director prior to planting to verify proper rough grade and installation of irrigation systems.

b. Plant materials and soil preparation may be inspected prior to or in conjunction with the occupancy inspection to ensure that placement, quantity, size and variety conform to the approved Planting Plan and the requirements of this Section. Nursery tags identifying variety and species shall remain on plant specimens until the Final Building Inspection by the Building Official or the issuance of a Certificate of Occupancy.

4.4-110 Screening

A. Unless otherwise specified in this Code, screening shall be required:

1. Where commercial and industrial districts abut residential districts and no approved screening exists;

2. For outdoor mechanical devices and minor and major public facilities;

3. For outdoor storage yards and areas in non-residential districts abutting residential districts along their common property line;

4. For trash receptacles;

5. For automobile wrecking and salvage yards; and

6. For multi-family developments.

B. Screening shall be vegetative, earthen and/or structural and be designed to minimize visual and audible incompatible uses from adjacent properties. Unless specified elsewhere in this Subsection, screening shall be continuous to at least 6 feet above ground level. The following standards shall apply:

1. Vegetative Screening. Evergreen shrubs shall be planted to form a continuous hedge. When immediate screening is necessary, a sight-obscuring fence shall be installed in place of, or in conjunction with the shrubs. The 6-foot height standard specified in Subsection B., above shall occur within four years of planting.

EXCEPTION: For multi-family development, the vegetative screening standard specified in Section 3.2-240D.8.d. apply.

2. Earthen Screening. Earthen berms may be used to screen either visual or noise impacts. A berm shall be combined with evergreen plantings or a fence to form an attractive sight and noise buffer. The maximum height of a berm shall be 6 feet along local streets and 8 feet along collector and arterial streets or railroad rights-of-way, unless an acoustical engineer determines a lower or higher height can be utilized. Height shall be measured from the base of the berm to the top of the berm and does not include additional fences or landscaping. The exterior face of the berm shall be constructed as an earthen slope. The interior face of the berm may be constructed as an earthen slope or retained by means of a wall, terrace or other means acceptable to the Building Official. The maximum

slope shall be 1:3. The crest area shall be a minimum of 4 feet wide. The slopes shall be protected by trees, shrubs and groundcover to prevent erosion. Berms shall be irrigated as specified in Section 4.4-100. No part of a berm shall encroach into an easement. The toe of a berm over three feet in height shall be set back at least 5 feet from any property line, unless when abutting public right-of-way. Berms shall not interfere with the drainage patterns of the property.

3. Structural Screening. A fence or masonry wall shall be constructed to provide a uniform sight-obscuring screen.

EXCEPTIONS:

a. No screen shall exceed four feet in residential district front yard setbacks, and all screening shall comply with vision clearance requirements of Section 4.2-130.

b. Wherever a required screen in the form of a fence is adjacent to a residential or commercial district or an arterial or collector street, it shall be non-metallic and of a subtle color to blend with surrounding vegetation. A slatted chain-link fence may be approved by the Director.

c. Any refuse container or disposal area which would otherwise be visible from a public street, customer or resident parking area, any public facility, adjacent property, or any residential area, shall be screened from view as specified in Subsections 1. and 3., above. All refuse materials shall be contained within the screened area. See also Section 3.2-240D.3.b. for multi-family design standards. This standard does not apply to single and two family dwellings,

d. When abutting a street, outdoor storage areas and yards shall be provided with a 5-foot planting strip as specified in Section 4.4-100.

4.4-115 Fences

Fences shall not exceed the height standards in Table 4.4-1 and shall be located as follows:

A. General.

1. In any zoning, overlay or plan district not specifically listed in Table 4.4-1, fence standards shall be determined based upon the use, for example a commercial use in the Mixed Use Commercial District shall comply with fence standards for the commercial districts in Table 4.4-1.

EXCEPTION: In mixed use areas, fence standards shall be determined by the base zone.

2. Fence height is measured from the average height of the grade adjacent to where the fence is to be located. If a fence is to be constructed on top of a berm, the height is measured from the top of the berm.

3. Fences shall be permitted as specified in the screening standards in Section 4.4-110. Where permitted in the commercial, industrial and the PLO Districts, outdoor storage of materials shall be screened by a sight obscuring fence when abutting residential properties along common property lines. Partial screening along rights-of-way and non-residential districts may be permitted when necessary for security reasons.

B. Review procedure applicable to all zoning, overlay and plan districts.

1. A construction permit is required for fences over 6 feet in height.

2. Fences within the Willamette Greenway Setback area shall be reviewed under Discretionary Use procedure for fences as specified in Section 5.9-120 and as required in Section 3.3-225.

Table 4.4-1

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

C. Where Discretionary Use approval is required for fences, the following criteria of approval apply, in lieu of criteria specified in Section 5.9-120:

1. The applicant has reasonably demonstrated a security problem exists at the site. The demonstration shall include police reports, insurance claims paid, or affidavits from neighbors or tenants of the property corroborating the security problem;

2. Demonstration that the placement of the fence will not present a hazard or risk to the general public or neighboring properties;

3. Demonstration that the applicant has exhausted all other practical remedies to the demonstrated security problem; for example, sight obscuring screening, "unfriendly landscaping," lighting or alarms which might deter trespass on the subject property; or

4. Demonstration that the property is subject to noise found to exceed acceptable noise levels prescribed in the Oregon Administrative Rule or the Federal Highway Administration Noise Abatement Criteria, as certified by an acoustical engineer.

5. The Planning Commission, based on the evidence presented, shall approve, modify or deny the request. The Planning Commission may further condition the request including, but not limited to imposition of the following conditions; establishing the extent of the site eligible for the fencing, establishing minimum and maximum height requirements, setbacks from all property lines, and requiring specific fencing materials.

Section 4.5-100 On-Site Lighting Standards

4.5-105 Purpose and Applicability

A. On-site lighting standards are established to create a safe and secure environment during hours of darkness and reduce or prevent light pollution by minimizing glare.

B. On-site lighting standards apply to any development requiring Site Plan Review approval.

C. **EXCEPTIONS:** On-site lighting standards shall not apply to:

1. Individual single family or duplex dwelling units;

2. City street light standards and design criteria, which are regulated by Section 4.2-145 and by the City's *Engineering Design Standards and Procedures Manual*;

3. Lighting necessary for emergency equipment and work conducted in the interests of law enforcement or for the safety, health, or welfare of the City; and

4. Sign lighting and signs in general, which are regulated in the Springfield Municipal Code, 1997, Chapter 8.

4.5-110 Illumination and Height

A. On-site lighting shall be the minimum illumination necessary for a given application including parking areas and vehicle sales areas. All exterior light fixtures shall be shielded or recessed so that direct glare and reflection are contained within the boundaries of the property, and directed downward and away from abutting properties; public rights-of-way; and riparian, wetlands and other protected areas identified in this Code on the same property.

B. Height.

1. The height of a free standing exterior light fixture shall not exceed 25 feet or the height of the principal permitted structure, whichever is less. In this case, height is measured as the vertical distance between the paved surface and the bottom of the light fixture.

2. **EXCEPTIONS:**

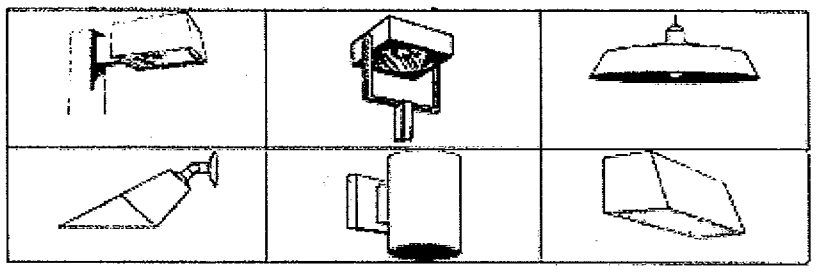
a. The Director may allow an increase to the standard in Subsection B.1., above when a determination is made that personal security is an issue, special security needs exist, or where vandalism or crime are possible. The Director may consider specific site characteristics, level of vehicle and pedestrian conflict, special security needs, and history or likelihood of crimes in making the

determination. Any approved increase shall be the minimum necessary to achieve the desired result.

b. The height of a free standing exterior light fixture within 50 feet of any residential district and riparian, wetlands and other similarly protected areas shall not exceed 12 feet.

c. The height restriction in Subsection B.1., above shall not apply to lighting used to illuminate outdoor performance areas, sport and recreation facilities, and playfields, unless these light fixtures are located within 50 feet of a residential district.

Figure 4.5-A



EXAMPLES OF ALLOWED COMMERCIALLY AVAILABLE LUMINARIES

Section 4.6-100 Vehicle Parking, Loading, and Bicycle Parking Standards

4.6-105 Vehicle Parking – Purpose and Applicability

A. These regulations provide standards for the development of vehicle parking.

B. Unless exempted elsewhere in this Code, all development within the City and its urbanizable area shall comply with the vehicle parking provisions of this Section.

4.6-110 Vehicle Parking – General

A. Off-street parking spaces shall be provided for:

1. All new construction and expansion of multiple family residential, commercial, industrial and public and semi-public uses. If an existing development is expanded, new parking spaces shall be provided in proportion to the increase only.

2. Changes in use or the use category of an existing building or structure.

3. The Director may authorize a reduction in the number of required parking spaces without a Variance:

a. Based on an approved Parking Study, prepared by a Transportation Engineer; and/or

b. When the location of a building on a site makes it impractical to provide the number of required spaces without demolishing all or part of the building, and no alternative parking arrangements are reasonably available; and

c. Based on an affirmative finding by the Director that the exception will have no negative impacts on neighboring properties; and

d. All installed parking shall conform to the design standards of this Section and Sections 4.6-115 and 4.6-120.

B. If parking has been provided to serve an existing use, the number of parking spaces shall not be reduced if the result would be fewer spaces than required by this Section.

C. Required parking spaces shall be available for the parking of passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials. Parking for company motor vehicles that remain on the premises over night shall be provided in addition to the number of parking spaces required by this Section.

D. Unless joint use of parking facilities is requested as may be permitted in Subsection E., below the total requirement for off-street parking spaces is the sum

of the requirements for all uses. If the total number of required parking spaces results in a fraction, the fraction shall be rounded up to the next whole number. Off-street parking facilities for one use shall not be considered as providing parking facilities for any other use, unless as may be permitted in Subsection F., below.

E. The Director, upon application by all involved property owners, may authorize joint use of parking facilities, provided that:

1. The applicant shall demonstrate that there is no substantial conflict in the principal operating hours of the buildings or uses for which the joint use of parking facilities is proposed; and

2. The parties concerned in the joint use of off-street parking facilities shall provide evidence of agreement for the joint use by a legal instrument approved by the City Attorney. An agreement for joint use of parking facilities shall provide for continuing maintenance of jointly used parking facilities.

3. The agreement shall be recorded at Lane County Deeds and Records at the applicant's expense.

F. Parking spaces in a public right-of-way directly abutting the development area may be counted as fulfilling a part of the parking requirements for a development as follows: For each 18 feet of available on-street parking, there will be 1/2 space credit toward the required amount of off-street parking spaces. The developer is responsible for marking any on-street spaces.

4.6-115 Vehicle Parking – Parking Lot Design

All off-street parking areas shall comply with the following dimensional standards:

Table 4.6-1

Dimensional Feature (all dimensions in feet)	Diagram	Parking Angle			
		0	45	60	90
Stall width, standard	A	9.0	9.0	9.0	9.0
Stall width, compact	A	8.0	8.0	8.0	8.0
Stall length, standard	B	24.0	18.0	18.0	18.0
Stall length, compact	B	22.0	16.0	16.0	16.0
Aisle width between stall lines	C	12.0	12.0	16.0	24.0
Bumper overhang (typical)	D	0.0	1.5	1.8	2.0
Cross-aisle, 1-way	E	16.0	16.0	16.0	16.0
Cross-aisle, 2-way	F	24.0	24.0	24.0	24.0

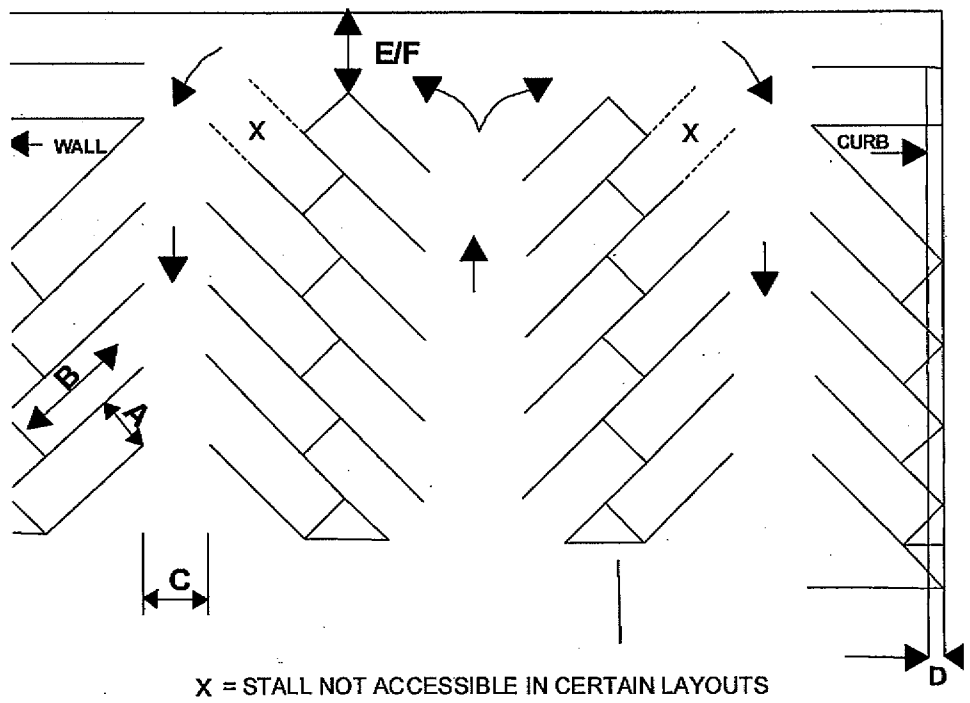
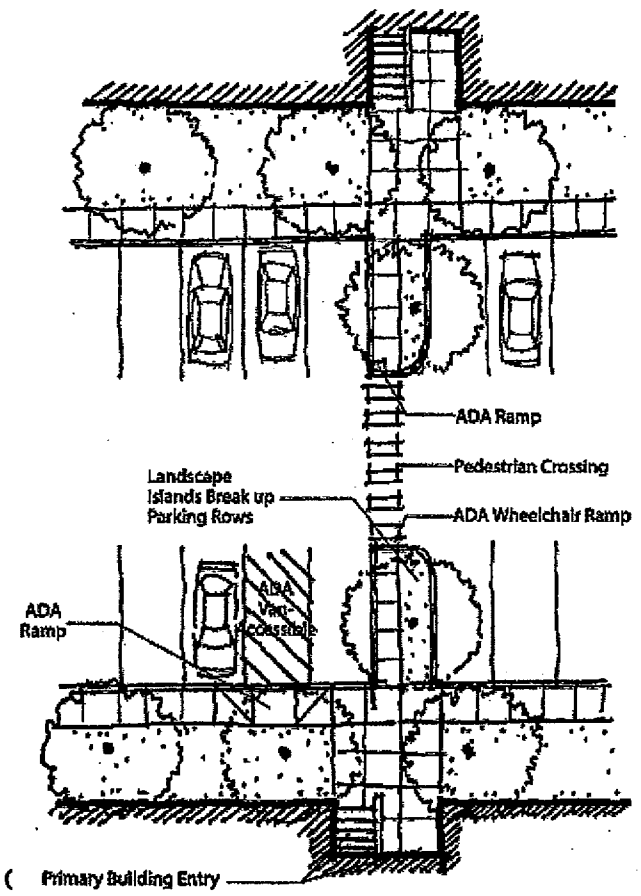


Figure 4.6-A

Parking Lot Design



4.6-120 Vehicle Parking – Parking Lot Improvements

All parking areas shall conform to the setback, vision clearance, planting and screening provisions of this Code and shall be completed prior to occupancy. Required parking spaces shall be improved as follows:

A. All parking areas shall have a durable, dust free surfacing of Asphaltic concrete, Portland cement concrete or other materials as specified in the Building Safety Codes and approved by the Building Official. Parking lot surfacing shall not encroach upon the public right-of-way.

B. Adequate drainage improvements shall be provided to dispose of all on-site run-off. Provisions shall be made for the on-site collection of drainage waters to eliminate sheet flow onto sidewalks, public rights-of-way, and abutting private property. All drainage systems shall be approved by the Building Official and shall be constructed in conformance with the Building Safety Codes.

C. All parking stalls fronting a sidewalk, alley, street, landscaped area or structure shall be provided with a secured wheel bumper or linear curb not less than 6 inches in height to be set back from the front of the stall a minimum of 2 feet to allow for vehicle encroachment. Wheel bumpers shall be a minimum of 6 feet in length. Curbs shall be constructed in conformance with the Standard Construction Specifications.

EXCEPTION: As an option, the sidewalk or landscaped area may be widened 2 feet beyond the minimum dimension required to allow for vehicle encroachment. A curb not less than 6 inches in height shall protect the widened sidewalks and planter areas.

D. Backing into the public right-of-way, other than alleys is prohibited.

EXCEPTION: Parking areas of less than four spaces on a residentially zoned lot/parcel may back into the public right-of-way.

E. All spaces shall be permanently and clearly marked unless the Director determines that the spaces should not be marked for safety considerations. Old striping shall not be visible after being replaced by new striping.

F. Parking areas shall be designed to connect with parking areas on abutting sites within the same zoning district to eliminate the use of the street for cross movements.

G. Not more than 30 percent of the total parking spaces in a parking lot may be designated for compact cars. These spaces shall be signed and/or the space painted with the words "Compact Car Only."

H. Parking spaces for disabled persons.

1. Parking spaces for disabled persons and accessible passenger loading zones that serve a particular building shall be located as close as possible to a building entrance.

2. The number and dimensions of parking spaces for disabled persons shall be as specified in Section 1104 of the Structural Specialty Code.

I. Motor vehicle parking space reduction credit. Bicycle parking may substitute for up to 25 percent of required vehicular parking. For every 5 non-required bicycle parking spaces that meet the short or long term bicycle parking standards specified in Table 4.6-3, the motor vehicle requirement is reduced by one space. Existing parking may be converted to take advantage of this provision.

4.6-125 Vehicle Parking – Parking Space Requirements

Table 4.6-2

The following parking standards have been established according to use and apply to that use in any zoning district.

Use	*Minimum Parking Requirements*
Dwellings - single-family, duplexes and manufactured	2 for each dwelling
Dwellings - cluster subdivisions	See applicable dwelling unit
Child Care Centers	1 drop-off space for each 700 square feet of gross floor area, plus 1 long-term space for each 350 square feet of gross floor area
Education Facilities	Public/Private 2 for each classroom, plus 1 elementary/middle school for each 100 square feet of 6 or more student's public assembly area.
Group Care Facilities	.25 for each bedroom or dwelling unit plus 1 per full time employee on the busiest shift.
Dwellings - multiple family other than quads or quints	1.5 for each dwelling unit
Public Utility Facilities	None, unless utility vehicles will be parked over night.
Dwellings - quads or quints	.75 for each bedroom
Transient Accommodations	
Bed and breakfast facilities, boarding and rooming houses and hotels	1 plus 1 for each guest bedroom
Emergency shelter homes	None
Youth hostels	.3 for each guest bedroom
Eating and drinking establishments	1 for each 100 square feet of gross floor area.
Recreational facilities and religious, social and public institutions	1 for each 100 square feet of floor area in the primary assembly area and 1 for each 200 square feet of gross floor area for the remainder of the building.
Retail sales, personal service, including small scale repair and maintenance and offices	1 for each 300 square feet of gross floor area.
Shopping centers and malls	1 for each 250 square feet of gross floor area, exclusive of covered pedestrian walkways. Once a shopping center or mall has been approved, no additional parking shall be required, unless there is new construction
Transportation facilities	1 for each 300 square feet of gross floor area not including vehicle storage areas.
Warehouse commercial sales	1 for each 600 square feet of gross floor area.
Manufacture and assembly, and other primary industrial uses	1 for each 500 square feet industrial of gross floor area (manufacture and assembly) for each 1000 square feet of gross floor area (warehousing)

Use	*Minimum Parking Requirements*
Secondary industrial uses	See applicable use in this table

Special Provisions:

A. Downtown Exception Area. In the Downtown Exception Area, all lots/parcels and uses shall be exempt from the parking space requirements of this Section. However, if the Director determines there is a need for parking, the Director may require a Institute of Transportation Engineering (ITE) Parking Generation Report to determine the parking requirements. In any case, any voluntarily installed parking shall conform to the design standards of this Section.

B. Commercial Districts.

1. Parking lots in the NC District shall be designed so that every seventh space is developed as a landscaped separator between spaces. NC developments that require more than 25 parking spaces shall locate half of all the required spaces over 25 behind proposed buildings.

2. Parking lots shall be used exclusively for the parking of vehicles.

EXCEPTION: Parking spaces in excess of the number required by this Code may be used for temporary sales or display of merchandise where the activity does not create a hazard for automobile or pedestrian traffic.

3. A minimum of four off-street parking places shall be required for all commercial uses that require parking.

C. LMI, HI, and SHI Districts. Parking spaces may be reduced on a one-for-one basis when the number of spaces required is more than the number of employees working on the busiest shift, provided that a landscaped area equal to the total number of spaces reduced shall be held in reserve for future use.

D. CI District

1. To the greatest practicable, parking shall be located behind buildings, internal to development or to the side of a building.

EXCEPTIONS:

a. The number of required parking spaces for uses not shown in Table 4.6-2 shall be determined based upon standards for similar uses.

b. Parking spaces may be reduced on a one-for-one basis when the number of spaces required is more than the shift with the largest number of employees, provided that a landscaped area equal to the total number of spaces reduced is held in reserve for future use.

2. An additional 5 percent of impermeable surface may be allowed in cases where all parking on a lot/parcel is screened by earthen berms with an average height of 3 feet (measured from the finished grade of the edge of

the parking lot), sunken below grade an average depth of three feet (measured from the finished grade of the edge of the parking lot to the finished grade of the adjacent berm or landscaped area), or both.

3. Truck parking for vehicles necessary for the operation of the facility may be located either:

a. Within an enclosed building; or

b. Outside of a building if the following standards are met and shall:

i. Be prohibited in all front and street-side yards;

ii. Meet the building setback standards specified in Section 3.2-420; and

iii. Be screened as specified in Section 3.2-445.

E. Medical Services District. Motor vehicle parking standards shall be determined based upon standards for similar uses in Table 4.6-2 and upon the required Traffic Study.

F. Public Land and Open Space District. Motor vehicle parking standards shall be determined based upon standards for similar uses in Table 4.6-2. Uses not listed shall require a Parking Study.

G. Mixed Use Districts.

1. Nonresidential requirements.

a. Surface parking shall meet the minimum parking requirement for the various commercial and industrial uses in Table 4.6-2. The Director may reduce the minimum number of parking spaces required, based on a parking generation study, without the need for a Variance. The study shall demonstrate how a proposal to reduce parking is justified by estimated peak use, easy pedestrian access, availability of transit service, and adjacent on-street parking. This reduction shall be limited to 20 percent of the established standard.

b. The maximum number of parking spaces allowed shall not exceed 120 percent of the minimum parking requirement for commercial and industrial uses in Table 4.6-2. The Director may increase the allowed number of parking spaces based on a parking generation study, using statistical analysis from the Institute of Transportation Engineering (ITE) Parking Generation Report without the need for a Variance. The study shall demonstrate how a proposal to increase parking is justified by estimated peak use, and how parking demand management techniques to reduce the needed number of spaces would be ineffective for the development.

2. Residential requirements. Minimum off-street parking standards for residential uses shall comply with the standards specified in Table 4.6-2.

3. **EXCEPTION:** The Director may reduce the minimum residential parking standard when it is demonstrated that proposed housing is along a frequent service transit line, or is otherwise provided for by this Code.

4.6-130 Loading Areas – Purpose and Applicability

A. These regulations provide standards for the development of loading areas.

B. Unless exempted elsewhere in this Code, all commercial and industrial development requiring loading areas shall comply with the loading area provisions of this Section.

4.6-135 Loading Areas – Facility Design and Improvements

A. All necessary loading areas for commercial and industrial development shall be located off-street and provided in addition to the required parking spaces.

B. Vehicles in the loading area shall not protrude into a public right-of-way or sidewalk.

EXCEPTION: When no other reasonable alternative exists, loading areas shall be located so that vehicles are not required to back or maneuver in the public right-of-way or internal travel aisles.

C. The minimum sizes required for commercial and industrial loading areas are as follows:

1. 250 square feet for buildings of 5,000 to 20,000 square feet of gross floor area.

2. 500 square feet for buildings of 20.000 to 50,000 square feet of gross floor area.

3. 750 square feet for buildings in excess of 50,000 square feet of gross floor area.

D. The required loading area shall not be less than 10 feet wide by 25 feet long and have an unobstructed height of 14 feet.

E. A school having a capacity greater than 25 students shall have a driveway designed for the continuous forward flow of passenger vehicles for loading and unloading children.

4.6-140 Bicycle Parking – Purpose and Applicability

A. Safe and convenient bicycle parking is required in most zoning districts and land use categories to encourage the use of bicycles as a mode of transportation.

The required number of spaces is lower for uses that do not tend to attract bicycle riders and higher for those that do. Additionally, some bicycle parking is required on the basis of specifically encouraging employee, student or customer related bicycle use. The following standards ensure that bicycle parking is convenient to the cyclist in its location and provides sufficient security from theft and damage. Long-term bicycle parking space requirements accommodate employees, commuters, students, residents and other persons who expect to leave their bicycles for more than two hours. Short-term bicycle parking spaces accommodate visitors, customers, messengers, and other persons expected to depart within approximately two hours.

B. Unless exempted elsewhere in this Code, all development shall comply with the bicycle parking provisions of this Section.

4.6-145 Bicycle Parking – Facility Design

A. The required minimum number of bicycle parking spaces for each principal use is 3 spaces. Specific requirements per use are given in Section 4.6-155. Additional bicycle parking spaces may be required at common use areas. Fractional numbers of spaces shall be rounded up to the next whole space.

B. Each bicycle parking space shall be at least 2 by 6 feet with an overhead clearance of 7 feet, and with a 5-foot access aisle beside or between each row of bicycle parking, and between parked bicycles and a wall or structure (the dimensions for commonly used bicycle racks are shown in Figure 4.6-B. Bicycles may be tipped vertically for storage but not hung above the floor. Bicycle parking shall be provided at ground level unless an elevator is easily accessible to an approved bicycle storage area. Each required bicycle parking space shall be accessible without removing another bicycle.

C. All required long-term bicycle parking spaces shall be sheltered from precipitation. Short-term bicycle parking is not required to be sheltered.

D. Direct access from bicycle parking spaces to the public right-of-way shall be provided with access ramps, if necessary, and pedestrian access from the bicycle parking area to the building entrance.

4.6-150 Bicycle Parking – Facility Improvements

A. Bicycle Parking Location and Security.

1. Bicycle parking shall consist of a securely fixed structure that supports the bicycle frame in a stable position without damage to wheels, frames or components and that allow the frame and both wheels to be locked to the rack by the bicyclist's own locking device; and be provided within a convenient distance of, and clearly visible from, the main entrance to the building as determined by the City. Bicycle parking racks, shelters or lockers shall be securely anchored to the ground or to a structure.

2. Bicycle parking shall be separated from motor vehicle parking by a barrier, curb, or sufficient distance to prevent damage to parked bicycles.

3. Where bicycle parking facilities are not directly visible and obvious from the public right-of-way, signs shall be provided to direct bicyclists to the parking. Directions to sheltered facilities inside a structure may be signed or supplied by the employer, as appropriate. Short-term parking shall be made available to the general public.

4. Bicycle parking may be located inside a building on a floor, which has an outdoor entrance open for use, and which does not require stairs to access the space;

   EXCEPTION: The Director may allow parking on upper stories within multi-story residential buildings.

5. Bicycle parking and bicycle racks shall be located to avoid conflict with pedestrian movement and access. Bicycle parking may be located in the public sidewalk or right-of-way where there is a minimum 5 feet between the parked bicycle and the storefront and does not conflict with pedestrian accessibility.

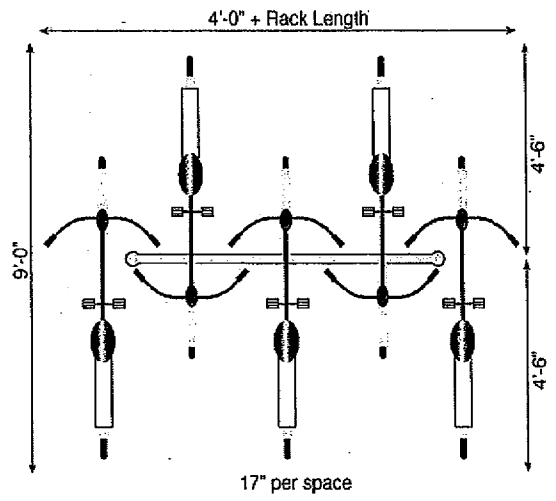
6. For multi-family dwelling with required bike parking, requirements may be met through the provision of individual garages or storage units. For housing relying on a common garage and without storage units, bicycle racks shall be provided in the garage.

B. Businesses with changing rooms and shower facilities or other additional amenities that encourage bicycling or other alternative modes of transportation by employees or patrons may be eligible for a reduction of Transportation System Development Charges if the City Engineer determined a decrease in vehicle trips will result.

Figure 4.6-B

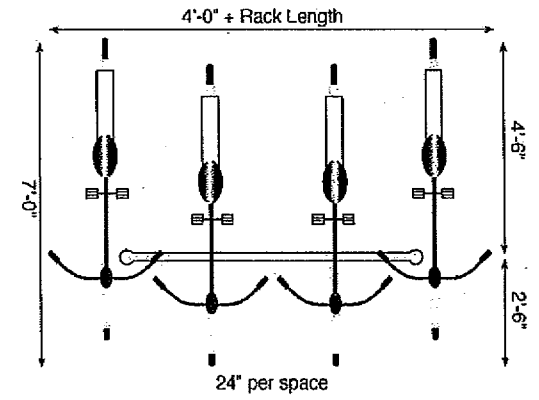
Ribbon, Spiral, or Freestanding Racks
(with access from opposing sides)



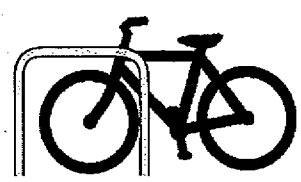


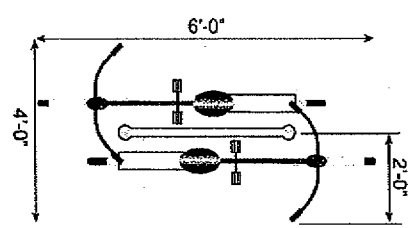
Ribbon, Spiral, or Freestanding Racks
(with access from only one side)





Hitching Post or Staple Racks





9/00

DIMENSIONS FOR COMMONLY USED RACKS

4.6-150 Bicycle Parking - Number of Spaces Required

Table 4.6-3

The following parking standards have been established according to land use.

Land Use	*Minimum Parking Requirements (Minimum 3 spaces required)*	*Type and % of Bike Parking*
Residential Uses		
Tri-plexes, 4-plexes, and multi family (3 or more dwellings on same lot/parcel)	1 per dwelling unit	100% Long term
Manufactured dwelling park	1 per 400 square feet for common use buildings	N.A.
Day care centers where 13 people or more are served	1 per 10 employees	100% Long term
Group care facilities with 6 or more people living at the facility	1 per 10 employees	N.A.
Transient accommodations		
--Bed and breakfast facilities	1 per 10 guest bedrooms.	100% long term
--Bedroom, boarding and rooming houses	1 per guest room.	100% long term
--Emergency shelter homes / homeless shelters	1 per 10 beds.	75% long term 25% short term
--Campus living organizations, Including fraternities and sororities	1 for each 2 occupants for which sleeping facilities are provided.	100% long term
--University and college dormitories	1 for each 2 occupants for which sleeping facilities are provided.	100% long term
Commercial Uses		
Agricultural and animal sales and service	1 per each 4000 square feet of floor area.	25% long term 75% short term
Amusement centers (including, but not limited to: arcades, pool tables, bowling alleys)	1 per each 1000 square feet of floor area.	25% long term 75% short term
Arenas (indoor and outdoor)	1 per 20 seats.	25% long term 75% short term
Artists galleries/ studios	1 per each 500 square feet of floor area.	25% long term 75% short term
Athletic facilities and sports clubs		
-- Viewing areas	1 per each 280 square feet of floor area.	25% long term 75% short term
-- Locker rooms, saunas whirlpools, weight rooms, or gymnasiums	1 per each 750 square feet of floor area.	25% long term 75% short term
-- Lounge or snack bar areas	1 per each 600 square feet of floor area	25% long term 75% short term
-- Pro shops or sales areas	1 per each 3000 square feet of floor area.	25% long term 75% short term
-- Playing courts	10% of auto spaces (minimum of 4).	25% long term 75% short term
-- Swimming pools	1 per each 2000 square feet of floor area.	25% long term 75% short term
Automotive, marine, appliance, service and repair	1 per each 6000 square feet of floor area.	25% long term 75% short term
Automotive parts stores	1 per each 3000 square feet of floor area.	100% short term
Ballet, dance, and gymnastic schools/academies/studios	1 per each 400 square feet of floor area.	25% long term 75% short term

Land Use	*Minimum Parking Requirements (Minimum 3 spaces required)*	*Type and % of Bike Parking*
Banks, savings and loan offices, credit unions	1 per each 3000 square feet of floor area.	25% long term 75% short term
Business and professional offices and services, personal services (except as noted below)	1 per each 3000 square feet of floor area.	25% long term 75% short term
Barber, beauty, nail, tanning shops, and self-service laundromats	1 per each 2000 square feet of floor area	25% long term 75% short term
Convenience stores, liquor stores, general merchandise stores, including supermarkets, department stores, and specialty stores (computer, gift, or video, for example)	1 per each 3000 square feet of floor area.	25% long term 75% short term
Eating and drinking establishments	1 per each 600 square feet of floor area.	25% long term 75% short term
Equipment, heavy and light, rental/sales/service Includes truck and tractor sales	1 per each 4000 square feet of floor area.	25% long term 75% short term
Furniture and home furnishing stores, hardware/ home improvement stores, including building material and supplies	1 per each 6000 square feet of floor area.	25% long term 75% short term
Garden supply/nurseries, including feed And seed stores	1 per each 6000 square feet of floor area.	25% long term 75% short term
Hotels, motels, youth hostels, and similar businesses providing overnight accommodations	1 per 10 guest bedrooms.	25% short term 75% long term
Manufactured dwelling Sales/service/repair	1 per each 3000 square feet of floor area.	25% long term 75% short term
Motor vehicle and tire sales, service stations, including quick servicing	1 per each 6000 square feet of floor area.	100% short term
Mortuaries and cemeteries	1 per each 3000 square feet of floor area.	100 % short term
Office or medical equipment and supplies	1 per each 3000 square feet of floor area.	25% long term 75% short term
Photographer's studios, picture framing and glazing	1 per each 3000 square feet of floor area.	100 % short term
Public utility facilities not containing employees in commercial districts		
Recreational vehicles and heavy truck sales, service, and repair	1 per each 4000 square feet of floor area.	100% short term
Shopping centers and malls	1 per each 3000 square feet of floor area.	25% long term 75% short term
Theaters, live entertainment and motion picture	1 per 40 seats.	25% long term 75% short term
Transportation facilities	1 per each 3000 square feet of floor area.	75% long term 25% short term
Warehouse commercial sales, regional distribution center	1 per each 6000 square feet of floor area	25% long term 75% short term
Industrial Uses		
Agricultural, resource production and extraction	1 per each 600 square feet of floor area.	100% short term
Manufacture and assembly	1 per 3000 square feet of floor area	25% short term 75% long term
Retail trade when secondary, directly	1 per each 3000 square feet of floor area.	25% long term

Land Use	*Minimum Parking Requirements (Minimum 3 spaces required)*	*Type and % of Bike Parking*
related, and limited to products manufactured, repaired, or assembled on the development site		75% short term
Education		
Universities or colleges, schools, business or specialized educational training	1 per 5 full-time students	25% long term 75% short term
Schools, driving (including use of motor vehicles)	1 per each 3000 square feet of floor area.	25% long term 75% short term
Schools, public or private (elementary through high school)	1 per 8 students.	25% long term 75% short term
Universities or colleges	1 per 5 full-time students.	25% long term 75% short term
Government		
Libraries	1 per each 1500 square feet of floor area.	25% long term 75% short term
Museum	1 per each 500 square feet of floor area.	25% long term 75% short term
Government services, not specifically listed in this or any other uses and permits table	1 per each 3000 square feet of floor area.	25% long term 75% short term
Correctional facilities, excluding Residential treatment centers	1 per 20 beds.	25% short term 75% long term
Medical and Health Services		
Blood banks	1 per each 3000 square feet of floor area.	100% short term
Hospitals, clinics, or other medical health treatment facilities (including mental health) in excess of 10,000 square feet of floor area	1 per each 3000 square feet of floor area.	25% short term 75% long term
Laboratories--medical, dental, x-ray.	1 per each 3000 square feet of floor area	25% long term 75% short term
Nursing homes, plasma center, residential treatment centers.	1 per 15 beds	75% long term 25% short term
Veterinary and wildlife care centers	1 per each 3000 square feet of floor area	100% short term
Other uses		
Civic, social, fraternal organizations, including clubs and lodges of national organization	1 per each 3000 square feet of floor area.	100% short term
Community and neighborhood centers	1 per each 1000 square feet of floor area.	25% long term 75% short term
Park, community or regional	Minimum of 4 plus additional spaces if the park is developed with the following improvements: Playing Court: 2 spaces Picnic Shelter: 2 spaces Playground: 2 spaces Athletic/ Playing Field: 4 spaces Skateboard Park: 2 spaces Restroom: 2 spaces	100% short term
Parking garages	10% of auto spaces.	100% long term
Race tracks, including drag strips and go-cart tracks	1 per 40 seats.	25% long term 75% short term
Religious, social and public institutions	1 per 40 fixed seats or 60 feet of bench length or every 200 square feet where no permanent seats or benches are	100% short term

Land Use	*Minimum Parking Requirements (Minimum 3 spaces required)*	*Type and % of Bike Parking*
	maintained in main auditorium (sanctuary or place of worship).	
Transit park and ride, transit station	Minimum 10 spaces, 10% of auto spaces, whichever is greater.	25% long term 75% short term

Section 4.7-100 Specific Development Standards

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 two 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. Fences are addressed in Section 4.4-115.

B. General Standards.

1. Accessory structures may be located anywhere on a site if they are not in a required building setback.

EXCEPTION: Accessory structures may be permitted in a required building setback as specified in Subsections C., D. and E., below.

2. Accessory structures shall be constructed in conjunction with or after construction of the primary structure; they shall not be built in advance of the primary structure.

C. Group A Standards.

1. Lot/parcel Coverage. The combined square footage of all Group A accessory structures and the primary structure may not exceed the lot/parcel coverage standards specified in Section 3.2-215.

2. Relationship to primary structure. A Group A structure may not have more square footage than the primary structure.

3. Height. Group A accessory structures may be as high as the primary structure, provided that the solar access provisions of this Code are met.

4. Location. Group A accessory structures shall meet the setbacks specified in Section 3.2-215.

5. Agricultural structures as defined in this Code shall be exempt from Subsections B.2. and C. 1. through 3., above if located on lots/parcels two acres or larger or on land with a valid farm deferral tax classification from the Oregon State Department of Revenue.

D. Group B Standards.

1. Accessory structures, not including attached rails, benches and planter boxes, which are less than 2 ½ feet in height (average finished grade) are allowed in required building setbacks.

2. Accessory structures, not including attached rails, benches and planter boxes, which are between 2 ½ feet and 6 feet in height (average finished grade) are not allowed in required front yard building setbacks. They are allowed in required side and rear building setbacks, but not within three feet of a property line.

3. Accessory structures, which are over 6 feet in height, (average finished grade) are not allowed in any required building setbacks.

4. Swimming pools, tennis courts, and other accessory structures, which require fences shall not be located within the front yard setback.

E. Group C Standards. Group C accessory structures are only allowed in required building setbacks if they are no more than 2 feet in width or diameter, and no taller than 8 feet.

EXCEPTION: Flagpoles may be located outside of required setbacks or easements with a maximum height of 30 feet.

4.7-110 Animal Overnight Accommodations

Buildings used for the overnight accommodation of animals, and structures that enclose animals outside of buildings, shall be constructed to ensure that noise or odor do not disturb the normal operation or tranquility of neighboring residential, business, campus industrial or public land uses.

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

A. Prior to the sale or rental of any vehicle:

1. Auto and truck dealers shall occupy an office/sales building (new construction) or any existing structure of at least l,000 square feet, with non-metallic siding and roofing, and located where possible on the front

portion of the lot/parcel. Used car and truck sales or car rentals shall be permitted only as secondary uses in the Downtown Exception Area, i.e., where a new car dealership is the primary use. If a new car dealership terminates business in the Downtown Exception Area, and that new car dealership also included the sale of new cars, used cars may continue to be sold from those premises and the business shall be classified as a pre-existing non-conforming use. The business shall install a decorative iron or masonry fence, raised planter or combination thereof that will prevent vehicles from encroaching on sidewalks. Under no circumstances shall the used car sales business be allowed to expand onto additional property not occupied by used car sales within the previous 90 days.

2. All truck rental facilities shall have approved concrete wheel stops and a four foot high fence where permitted in this Code, preferably chain or cable, with bollards placed at 5 foot intervals and secured in the ground with concrete footings of appropriate size and depth to prevent trucks from driving on sidewalks or over curbs. These barriers shall be located between the sidewalk and the paved parking or travel area.

B. Mobile/Manufactured dwelling and RV sales are prohibited in the Downtown Exception Area. A permanent office/sales building of at least 1,000 square feet, with non-metallic siding and roofing, which may be a Class A Manufactured Home, shall be located where possible on the front of the lot/parcel, prior to the sale or rental of any vehicle, home or accessory product.

C. All activities associated with motor vehicle repair and service, with the exception of maintenance activities including the pumping gas or changing tires, shall take place within a building constructed to ensure that noise or odors do not disturb the normal operation or tranquility of neighboring residential, commercial, campus industrial or public land uses. Storage of motor vehicles to be repaired shall be screened by a sight-obscuring fence. Service stations in the NC District shall be limited to two pumps. A 5 foot-wide landscape strip shall be installed along the street frontage of all service stations.

D. Storage of boats and motorcycles to be repaired shall be screened by a sight-obscuring fence.

E. In the BKMU Plan District, automobile, boat, camper and RV sales shall be located entirely indoors and primarily sell new units.

4.7-120 Bed and Breakfast Facilities

A. Bed and Breakfast facilities shall be located on collector or arterial streets.

EXCEPTIONS:

1. In the Washburne Historic District, Bed and Breakfast facilities may be located on any classification of street.

2. Outside of the Washburne Historic District, Bed and Breakfast facilities may be located on local streets.

3. All Bed and Breakfast facilities proposed to be placed on local streets shall require Discretionary Use approval as specified in Section 5.9-100.

B. The facility shall be owner-occupied.

C. The shall be no more than 4 guest bedrooms.

D. No guest parking is permitted within the front yard setback. Required guest parking shall be screened from public view

E. For structures on the Springfield Historic Inventory, any external modification shall be fully compatible with the original design.

F. A minimum of 25 percent of the lot/parcel shall be landscaped.

4.7-125 Child Care Facilities

A. Child Care Homes and Day Care Group Homes.

1. Child Care Homes and Child Care Group Homes shall be permitted only in a structure constructed and used for residential purposes.

2. The facility shall meet Children's Services Division (CSD) regulations.

B. Child Care Centers.

1. Child Care Centers shall meet CSD regulations.

2. The out door play area shall be enclosed by a 6 foot high sight obscuring fence. In residential districts, the Director may require up to a 10 foot-wide landscape buffer from an outdoor play area if conflicts with neighboring properties are identified.

3. Public sidewalks shall be installed in all cases where there are curb and gutter streets.

4. If possible, each Child Care Center site shall have a circular drive for drop-offs. L-shaped drives or street side drop-offs may also be approved.

5. In residential districts, the Child Care Center shall have a landscaped front yard setback of 10 feet.

4.7-130 Churches

A. Churches shall have a landscaped front yard setback of 15 feet and landscaped side and rear yard setbacks of 20 feet.

EXCEPTION: The landscaped setbacks for parking lots and driveways may be reduced to 5 feet when the Director determines that adequate buffering has been provided.

B. A minimum of 25 percent of the lot/parcel shall be landscaped.

C. Churches shall abut an arterial or collector street.

4.7-135 Condominiums

Condominiums are regulated under ORS 100. For new development, the condominium process may begin after any required City development approvals. Normally, this means after Final Site Plan Review approval.

4.7-140 Duplexes

A. 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.

4.7-145 Eating and Drinking Establishments

The cumulative total area of sit-down restaurants and delicatessens, secondary retail uses and exercise studios in the GO District shall be limited to no more than 10 percent of the gross floor area of the office building in which they are sited.

4.7-150 Garden Supply and Feed Stores

Garden supply and feed and seed stores shall be permitted only as secondary uses in the MRC District. The bulk storage or sales of fertilizer, feed or plant materials that require heavy equipment for loading is prohibited.

4.7-155 Group Care Facilities

Residential facilities with more than 15 people, Foster Homes for over 5 children, Shelter Homes for battered and abused persons and Halfway Houses.

A. These facilities shall have a front yard setback of 15 feet and side and rear yard setbacks of 20 feet. The landscaped setbacks for parking lots and driveways may be reduced to 5 feet when the Director determines that adequate buffering has been provided.

B. A minimum of 25 percent of the lot/parcel shall be landscaped.

C. No parking shall be permitted within the front yard setback. Required parking shall be screened from Public view.

D. For structures on the Springfield Historic Inventory, any external modification shall be fully compatible with the original design.

E. The maximum density in the Low Density Residential District is 24 bedrooms per developable acre.

4.7-160 High Impact Public Facilities

A. The facility shall be designated on the Metro Plan's Public Facilities and Services Plan or be approved in accordance with a Type III review procedure (Discretionary Use).

B. The facility shall be screened as specified in Section 4.4-100.

C. In residential districts, a minimum of 25 percent of the lot/parcel shall be landscaped.

4.7-165 Home Occupations

A home occupation is a lawful activity carried on within a dwelling or accessory structure by a member or members of the family who occupy the dwelling. A home occupation is permitted provided that:

A. The primary use of the building is a dwelling;

B. The occupation is a secondary use that does not significantly affect the residential character of the dwelling or neighborhood; and

C. Compliance with the following standards shall occur at all times:

1. There shall be no display which would indicate from the exterior that the building is being used for any purpose other than a residential dwelling.

2. There shall be no outside storage of materials visible from public property or adjacent private property.

3. Mechanical equipment, unless compatible with residential purposes, shall be prohibited.

4. There shall be no offensive noise, vibration, smoke. dust, odors, heat or glare noticeable at or beyond the property line resulting from the home occupation.

5. The home occupation shall not create hazardous traffic conditions or utilize on-street parking of nearby properties.

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

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

8. The use or storage of heavy equipment or heavy vehicles shall not be permitted. Heavy equipment and heavy vehicles shall include, but not be limited to the use of: semi-trucks, trucks and trackers, back hoes, bob cats, refrigerator trucks, livestock trucks, commercial buses, farm tractors, garbage trucks and log trucks.

9. Any home occupation, which requires more than one vehicle for its operation shall be prohibited. The one vehicle permitted is limited to passenger vehicles, passenger vans or pick-up trucks.

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

11. Customer access to home occupations is limited to the hours of 7 a.m. to 6 p.m.

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

D. The following uses are prohibited as a home occupation:

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

2. Health salons, gyms, dance studios, aerobic exercise studios, karate and judo instruction;

3. Medical and dental offices;

4. Mortician, hearse services;

5. Tow truck services;

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

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

8. Gun dealerships involving and storage of guns for sale or customers visiting the residence.

E. Any home occupation:

1. In violation of the provisions of this Code shall be subject to civil infraction citation process of the Springfield Municipal Code, 1997, Article 5.15.1. Any proposed home occupation, or component thereof, not specifically identified in the Springfield Development Code shall be prohibited unless authorized by the Springfield Planning Commission as the result of an application for Formal Interpretation.

2. Which has been approved by the Planning Commission shall be subject to revocation by the Planning Commission if the home occupation is found to be in violation of the approval standards. The revocation shall be sent to the applicant in writing. The home occupation shall cease within 30 days of the receipt of the revocation notice. The revocation decision may be appealed to the City Council as specified in Section 5.3-100.

4.7-170 Manufactured Dwelling as a Permanent Office

Permanent Office. A manufactured dwelling, provided it meets City and State construction and safety standards for the proposed use, may be used as a permanent office building in the Light-Medium Industrial and Heavy Industrial Districts provided the following conditions are met prior to occupancy:

A. A permanent foundation is provided for the manufactured dwelling.

B. Siding shall be compatible with adjacent structures; the roof shall have a minimum 16 percent pitch.

C. Foundation covers, skirting, landscaping and backfill shall be required.

D. The manufactured dwelling shall be a Type 1 or Type 2 unit.

E. Compliance with these regulations shall be a condition of continued use of the manufactured dwelling on the property.

4.7-175 Manufacturing as a Secondary Use in Commercial Districts

Manufacture or assembly of goods or products shall occur indoors, shall not generate more noise, odor or other physical attributes than the permitted uses, shall occupy less than 50 percent of the floor area of the building, and the goods or products shall be sold on premises.

4.7-180 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 two 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. Residential Uses.

i. In areas designated for mixed-use in adopted refinement plans, specific area plans, and specific development plans, multiple family development are required to meet development standards as specified in the local refinement plan. MDR and HDR District standards specified in Section 3.2-200 shall be complied with where local refinement plans do not specify development standards, or in areas where no local refinement plan has been prepared. All multiple family developments shall meet the standards specified in Section 3.2-240.

ii. Cluster Subdivisions. Development standards specified in Section 3.2-230 apply to cluster subdivisions in the MUC District.

d. Small scale repair and maintenance services. In MUC Districts these services shall take place entirely indoors, and buildings shall be constructed and utilized to ensure that noise or odor do not disturb the normal operation and tranquility of neighboring residential and business area.

B. Specific development standards for uses within the MUE District shall be the same as those specified in Section 3.2-410 as an "S" use and listed in applicable Subsections of this Section.

C. Specific development standards for uses within the MUR District shall be the same as those specified in Section 3.2-210 as an "S" use and listed in applicable Subsections of this Section as they apply to MDR and HDR development.

EXCEPTIONS:

1. Professional offices specified in Section 4.7-190 are exempt from those specific development standards, but shall meet the standards for development specified in Subsection 3.2-630C.3.

2. The MUR District allows uses that are not allowed in the MDR and HDR Districts. Permitted uses are listed in Section 3.2-610. Nonresidential uses that are not "professional office" related but have "S" designations in

Section 3.2-610, shall comply with the development standards listed in Subsection 3.2-630C.3.

3. Residential and Child Care Uses shall comply with the specific development standards listed in Subsection 4.7-125.

4.7-185 Night Watchman's Quarters

A manufactured unit, provided it meets City and State standards for safety and construction, may be used as a permanent residence for employees of businesses or property owners in Community Commercial, Light Medium Industrial, and Heavy Industrial Districts when their presence is required for security purposes by the employer 24 hours a day; provided the following standards are met:

A. A permanent foundation shall be provided for the manufactured unit, unless the manufactured unit will be used for less than 120 days.

B. The manufactured unit shall be removed from the premises within 30 days if the business requiring security personnel or the property owner ceases operation.

C. Foundation cover-skirting, landscaping, and backfill shall be required.

D. The manufactured unit is either a Type 1 or Type 2.

4.7-190 Professional Offices

A. Professional offices in residential districts are permitted when:

1. The lots/parcels are adjacent to CC 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 or MRC Districts. Where public-right-of-way separates the residential district from the commercial district, the right-of-way width is not counted in the measurement.

B. A professional office exceeding 2,000 square feet of gross floor area shall abut an arterial or collector street.

C. No parking shall be permitted within the front yard setback. Required parking shall be screened from the public view.

D. For structures on the Springfield Historic Inventory, any external modification shall be fully compatible with the original design.

E. Professional offices permitted are limited to: accountants, architects, attorneys, computer programmers, designers, engineers, insurance agencies, investment counselors, licensed real estate agents, medical and dental practitioners, counselors, planners, and studios for artists, interior decorators and photographers, and similar general office uses engaged in support services to their businesses and/or their parent companies.

F. A minimum of 25 percent of the lot/parcel shall be landscaped.

4.7-195 Public/Private Elementary/ Middle Schools

A. Residential, Community Commercial, LMI and HI and PLO District Development Standards. A unique relationship exists between schools and the community, which requires special consideration when applying screening standards. Maintaining clear sight lines for the security and safety of children is desirable and may be achieved through the use of non-opaque fencing and/or landscaping. The standards in Section 5.17-100 are applied only when required to screen playground structures, spectator seating facilities, parking, storage yards and trash receptacles or where significant conflicts are determined by the Director.

1. All new facilities and additions over 10,000 square feet or those additions exceeding 50 percent of the size of the existing building shall be approved in accordance with a Type III review procedure (a Type II Site Plan application raised to a Type III review as specified in Section 5.1-130). The Site Plan application shall also address the standards specified in Subsections 2. through 11., below.

EXCEPTION: Public/Private Elementary/ Middle Schools in the PLO District are reviewed under Type II Review.

2. A maximum of 65 percent of the site may be covered in impervious surface. The remainder of the site shall comply with the planting standards in Section 4.4-100.

3. Schools shall have a landscaped front yard of 20 feet and landscaped side and rear yards of 30 feet. Athletic spectator seating structures adjoining residential uses shall be set back at least 75 feet, unless the Director determines that adequate buffering can be provided with a reduced setback. However, in no instance shall this setback (from spectator facilities) be less than 30 feet. Parking areas shall maintain a landscaped buffer of 15 feet when adjoining a residential use.

4. Light shall be directed away from adjoining less intensive uses.

5. Other uses permitted within school facilities include day care facilities, social service offices or other after school program activities approved by the School District and which otherwise do not require discretionary approval.

6. All plants used for "landscaped buffering" shall be a minimum of 5-gallon size and shall reach a height of at least 36 inches within on year of planting.

7. Paved playground areas may be used as overflow parking for special events.

8. Parking is limited to two spaces for each teaching station in the school plus on parking space for each 100 square feet of public indoor assembly area. All parking lots and driveways shall be designated to separate bus and passenger vehicle traffic. All parking lots shall have sidewalks raised a minimum of 6 inches above grade where pedestrians have to cross parking lots to enter or leave the school grounds.

9. Any jointly shared recreational facilities, playgrounds or athletic field shall require a joint use agreement that will provide for public use and continued maintenance.

10. Elementary schools shall have a maximum building height of 35 feet, middle schools shall have a maximum building height of 45 feet.

11. A Traffic Impact Study and Parking Study, prepared by a Transportation Engineer, shall be approved by the City Engineer.

B. In the PLO District, public/private elementary/ middle schools shall be adjacent to residentially-zoned property.

4.7-200 Public and Private Parks

Public parks shall be designated in the Metro Plan including the Willamalane Park and Recreation District Comprehensive Plan or be approved in accordance with a Discretionary Use application as specified in Section 5.9-100.

A. Standards for Public and Private Parks in the BKMU District.

1. Community Parks shall be designated on a Park Facilities Plan adopted by the City, or be approved in accordance with Type III review procedure (Discretionary Use).

2. A Traffic Impact Study shall be prepared by a Traffic Engineer and approved by the City Engineer.

B. Standards for Public and Private Parks in the PLO District.

1. Primary access shall be on arterial or collector streets unless specified or exempted elsewhere in this Section.

2. Stadiums, swimming pools and other major noise generators within parks shall be located at least 30 feet from residential property lines and screened by a noise attenuating barrier.

3. Community and regional parks shall be designated on a Park Facilities Plan adopted by the City, or be approved in accordance with Type III review procedure (Discretionary Use).

4. A traffic impact and parking study shall be prepared by a Traffic Engineer and approved by the City Engineer.

C. Standards for the Urbanizable Fringe Overlay District. Neighborhood Parks shall be shown on the Metro Plan or an adopted refinement plan, or shall be reviewed under Type III Discretionary Use procedures.

4.7-203 Public Land and Open Space

A. Primary access shall be on arterial or collector streets except as provided or exempted elsewhere in Section 3.2-700.

B. Stadiums, swimming pools and other major noise generators shall be located at least 30 feet from residential property lines and shall be screened by a noise attenuating barrier.

C. Community and regional parks shall comply with the criteria specified in Section 4.7-200B.

D. For all special uses, a traffic impact study shall be prepared as specified in Section 4.2-105A.4.

E. R.V. parks and campgrounds within regional parks shall comply with the standards specified in Section 4.7-220D.

F. Private/Public Elementary and Middle Schools shall meet the standards specified in Section 4.7-195.

G. Wellness centers shall comply with the criteria specified in Section 4.7-250.

H. Pedestrian amenities for public buildings in mixed uses Metro Plan land use designations as specified in Section 3.2-625G.

4.7-205 Recreational Facilities

A. Arcades, Auditoriums, Bingo Parlors, Dance Halls (licensed by the state of Oregon as specified in ORS 167.118), Non-Alcohol Night Clubs, Hydrotubes, Velodromes and Skating Rinks shall not be permitted to abut a residential district.

B. Non-Alcohol Night Clubs shall locate at least 500 feet from an established tavern. Taverns shall locate at least 500 feet from an established non-alcohol night club.

C. Stadiums, swimming pools, batting cages and other major noise generators shall be located at least 30 feet from residential and commercial property lines and screened by a noise attenuating barrier.

4.7-210 Residential Uses in Commercial Districts

A. In areas designated mixed use in the Metro Plan or a Refinement Plan diagram, Plan District map, or Conceptual Development Plan, multiple family developments shall meet the standards as specified in the applicable regulation. MDR and HDR District standards contained in this Code shall be followed where a Refinement Plan diagram, Plan District map, or Conceptual Development Plan does not

specify development standards, or in areas where no applicable regulation has been prepared.

B. In areas with mixed use zoning, the residential development standards of the applicable mixed use zoning and/or overlay district apply.

C. One single family dwelling, detached or attached to a commercial building in the NC or CC Districts as a secondary use, shall comply with the residential development standards of Section 3.2-215 concerning setbacks and height.

D In the BKMU Plan District, residential uses shall be encouraged as second story uses above commercial and industrial uses and shall not occupy more than 35 percent of the land area within the BKMU Plan District. All MDR development standards specified in Section 3.2-200 apply.

4.7-215 Rooming and Boarding Houses

A. Rooming and Boarding House facilities in an LDR District shall be located on collector or arterial streets.

B. One half of an additional parking space shall be provided for each boarding room. No additional required parking spaces shall be located within the front yard setback.

C. For structures on the Springfield Historic Inventory, any external modification shall be fully compatible with the original design.

D. A minimum of 25 percent of the lot/parcel shall be landscaped.

4.7-220 RV Park Standards

A. New or expanded RV Parks shall:

1. Be at least one acre in size.

2. Have a 20 foot landscaped perimeter setback.

3. Abut an arterial or collector street and shall be designed to direct the flow of traffic away from local streets, as specified in Section 4.2-120, Site Access and Driveways.

B. Special Standards for RV Parks within the PLO Zoning District and UF-10 Overlay District.

1. For R.V. Parks and campgrounds within regional parks inside the city limits the following criteria shall apply:

a. The site is served by sanitary sewer.

b. The R.V. Park/campground is consistent with the standards, criteria and guidelines adopted by the Willamalane Park and Recreation District.

2. For R.V. parks and campgrounds within regional parks outside the city limits the following criteria apply:

a. The site shall be more than 5 acres but less than 100 acres.

b. The site shall be more than 1,000 feet from a public sanitary sewer line as measured in a direct line from the sewer line to the property line.

c. The R.V. Park/campground is consistent with the standards, criteria and guidelines adopted by the Willamalane Park and Recreation District.

d. The R.V. Park/campground is screened from adjacent uses.

e. Approval shall be in accordance with Type III Review, discretionary Use.

f. The R.V. Park or campground use may be terminated within 120 days by the City when a public sanitary sewer line is within 1,000 feet from the subject property line. All improvements related to the R.V. Park or campground shall be removed and the site restored to its pre-development condition. The termination clause shall appear as a provision in a deed restriction for the property and will be a required condition of Site Plan Approval.

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

RVs as a Residential use. RVs as a residential use shall be permitted only in those manufactured dwelling parks in Glenwood that existed as of January 27, 1982.

4.7-230 Secondary Retail Sales in the GO District

The cumulative total area of secondary retail uses, exercise studios, and sit-down restaurants and delicatessens in the GO District shall be limited to no more than 10 percent of the gross floor area of the office building in which they are sited.

4.7-235 Small Scale Repair and Maintenance Services

In the NC District, these services shall take place entirely indoors, and buildings shall be utilized to ensure that noise or odor do not disturb the normal operation and tranquility of neighboring residential and business area.

4.7-240 Transportation Facilities – Bus Terminals, Heliports and Helistops

New transit stations, heliports and helistops shall not be located within 200 feet of any residential district. Noise attenuating barriers shall be constructed where necessary to mitigate land use conflicts.

EXCEPTION: In the BKMU District, transit stations are exempt from the setback requirement.

4.7-245 Warehouse Commercial Retail and Wholesale

A. Buildings shall be located in the front of lots/parcels, where possible, to minimize the visibility of outdoor storage yards or areas.

B. Any outdoor storage yard or area shall be surrounded by a sight-obscuring fence.

EXCEPTION: Sales of heavy equipment and trucks does not require fencing.

C. In the Downtown Exception Area, the storage and display of rental equipment shall be confined within a building.

D. Existing uses in this category shall adhere to the standards of Subsections B. and C., above by May 5, 1991.

E. For mini-storage facilities, an on-site manager's living quarters shall be permitted when the living quarters are constructed as part of and attached to a new or existing mini-storage facility.

F. Light-Medium Industrial and Warehousing. For Warehouse-Commercial use, at least 50 percent of the structure shall be used for storage of materials and 50 percent or less may be used for combined retail and office floor space.

G. Special provisions for the BKMU District:

1. Buildings shall be located to minimize the visibility of outdoor storage yards or areas.

2. Outdoor storage yards shall only be permitted as a secondary use.

3. Any outdoor storage yard or area shall be surrounded by a sight obscuring fence.

4. Light-Medium Industrial and Warehousing. For Warehouse-Commercial use, at least 50 percent of the structure is used for storage of materials and 50 percent or less may be used for combined retail and office floor space.

4.7-250 Wellness Centers in the PLO District

A. The building is owned by a public agency.

B. The center is secondary to a primary public community recreation center on the same development site. The square footage that is dedicated to non-public, wellness-related uses shall not exceed 50 percent of the combined total area (within the center and within the primary recreation facility) that is dedicated to public, recreation-related uses.

Section 4.8-100 Temporary Use Standards

4.8-105 Manufactured Dwelling as a Temporary Residence After a Disaster

A manufactured dwelling may be used as a temporary on-site residence during the repair or reconstruction of a house which has been rendered inhabitable by fire, wind, flood or other disaster. The following standards apply in these circumstances:

A. The applicant shall submit a Plot Plan showing in detail the proposed location and size of the manufactured dwelling with respect to existing structures and property lines. Utility service connections for sewer, power and water shall also be shown.

B. Upon approval of the request, permits for the temporary manufactured dwelling and for the repair or reconstruction of the residence shall be applied for concurrently with the following restrictions:

1. The Temporary Manufactured Dwelling Permit shall expire in 6 months.

EXCEPTION: A one time extension not to exceed 6 months may be granted by the Building Official due to inclement weather and building material availability.

2. The persons residing in the temporary manufactured dwelling are limited to those who resided in the house at the time of the disaster.

3. The temporary manufactured dwelling shall meet City and State standards for safety and construction of units for residential purposes. The temporary manufactured dwelling shall not be expanded or have attached permanent structures.

4. The temporary manufactured dwelling shall be removed from the property within one week of the completion of the repair or reconstruction of the house and issuance of a Certificate of Occupancy by the Building Official.

4.8-110 Manufactured Dwelling as a Construction Office

A manufactured dwelling, provided it meets City and State construction and safety standards for the proposed use, may be used for a temporary construction office in any zoning district until the construction is complete.

4.8-115 Manufactured Dwelling as a Sales Office on a Manufactured Dwelling Sales Lot

A manufactured dwelling, provided it meets City and State construction and safety standards for the proposed use, may be used for manufactured dwelling sales offices in manufactured dwelling sales lots until units in that sales lot are completely sold. The manufactured dwelling office shall not be used for the sale of units other than in that sales lot in which it is placed.

4.8-120 Manufactured Dwelling as a Temporary Office Prior to the Construction of a Permanent Office

A manufactured dwelling, provided it meets City and State construction and safety standards for the proposed use, may be used as a temporary office building in the Community Commercial, Light-Medium Industrial and Heavy Industrial Districts for not more than 12 consecutive months provided:

A. The applicant shall submit a Plot Plan showing where the manufactured unit will be placed and where the permanent buildings will be placed.

B. A Building Permit application for a permanent structure shall be submitted as a condition of Site Plan approval.

C. The Development Services Department shall conduct a work-in-progress inspection three months after Plot Plan approval. If reasonable progress on construction of the permanent building has been made, an extension of not more than 9 months shall be granted for the use of the manufactured unit. If reasonable progress on construction has not been made, approval for use of the manufactured unit shall be revoked, and the manufactured unit removed from the property within 30 days.

D. The manufactured unit shall be removed from the property prior to final occupancy of the permanent building. The Building Official may issue a Temporary Occupancy Permit (valid for one week) upon completion of construction to allow the applicant time to relocate materials from the manufactured unit to the permanent offices.

4.8-125 Sales/ Display of Produce Grown on the Property

A. The majority of the produce to be sold shall be grown on the premises. Commercially produced nursery stock shall not be sold from the premises.

B. The sales are located entirely on private property.

C. There shall be room to pull off the roadway so that hazardous traffic conditions will not be created.

4.8-130 Residential Dwelling as a Sales Office in a Subdivision

A. The residential unit is representative of those being sold.

B. No merchandise shall be sold from the premises.

C. Unless extended by the Director, the use shall not be permitted longer than 12 consecutive months.

CHAPTER 5
THE DEVELOPMENT REVIEW PROCESS AND APPLICATIONS

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Section 5.1-100 The Development Review Process

5.1-105 Description

A. All applications required by this Code are reviewed using Type I, II, III, and IV procedures. The procedure "type" assigned to each application governs the decision-making process for that application. Sections 5.1-125 through 5.1-140 describe the four review procedure types and list all of this Code's applications applicable to that procedure type.

B. The Building Official will not issue a Building Permit for which Development Approval is required and has not been obtained.

5.1-110 Development Exemptions

The following developments and activities do not require Type I, II, III, or IV review procedures, but shall conform to all other applicable provisions of this Code or any other applicable Code as determined by the Director.

A. Normal maintenance, replacement or enhancement of existing landscaping consistent with approved plans.

EXCEPTION: Development approval may be required for replacement or enhancement of landscaping as specified in Sections 3.3-300, 3.3-500, 5.17-100, 4.1-100, 5.12-100 and 5.19-100.

B. An emergency measure necessary for the safety or protection of life or property when authorized by the Public Works Director. An emergency measure may be conditioned by the requirement to obtain Development Approval at a later date.

C. Special Events sponsored by non-profit organizations and public agencies that conform to all applicable statutes, Ordinances and regulations necessary to protect the public health and safety. A Special Event is an activity sponsored by a non-profit organization or public agency 14 calendar days or less and includes, but is not limited to school carnivals, benefit dinners, concerts, bazaars, festivals, neighborhood fairs and revival meetings.

D. Agricultural uses and structures on any lot/parcel 2 acres or larger where the underlying zoning allows this use and on any size lot/parcel with a valid farm deferral tax classification from the Oregon State Department of Revenue.

E. The establishment, construction or termination of certain public facilities authorized by the City Engineer including streets, driveways, drainage ways, sewers, pump stations, and traffic control devices, but not including substations, treatment facilities, storage tanks, reservoirs and electrical transmission structures and communications towers, unless specified elsewhere in this Code. Underground public or private facilities, including but not limited to, water lines, electrical power or gas distribution lines, or telephone or television cable systems are also exempt. See Section 4.3-145 for additional information

concerning siting standards and the review process for certain wireless telecommunications systems facilities.

F. Excavation or filling of land as specified in Springfield Municipal Code, 1997.

EXCEPTION: Work in the FP Flood Plain and WG Willamette Greenway Overlay Districts or when an identified Goal 5 resource is present.

G. Single-family homes on lawfully created lots/parcels within the city limits and duplexes on MDR and HDR property that do not require Site Plan Review.

H. Single-family homes on lawfully created lots/parcels in the City's urbanizable area zoned LDR that are less than 5 acres.

5.1-115 The Development Review Committee

The Development Review Committee (DRC) is composed of representatives from City Departments and Divisions. When applicable, agencies, including, but not limited to: utility companies, the Lane Transit District, Lane Regional Air Pollution Authority, and the State Highway Division may participate. The DRC is responsible for ensuring that Code requirements are complied with and for recommending conditions to the Director, the Historic Commission, the Hearings Official or the Planning Commission. The Director shall chair meetings of the DRC and ensure overall compliance of Code requirements.

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, sanitary sewer facilities, and landscaping. The Pre-Submittal Meeting is mandatory for all Site

Plan Review, Subdivision and Partition applications. The Pre-Submittal Meeting is required even if the meetings specified in Subsection 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.

5.1-125 Type I Applications (Ministerial)

Type I decisions are made by the Director without public notice and without a public hearing. Type I procedure is used when there are clear and objective approval criteria, and/or City standards that do not require the use of discretion. Type I applications are reviewed as described below:

A. Type I applications are submitted to the Development Services Department. The Director shall determine application completeness.

B. The Director's decision shall address all of the applicable approval criteria and/or development standards. The Director may approve, approve with conditions, or deny the application.

C. The Director's decision is the final decision of the City. The Director's decision is effective on the day it is mailed or otherwise provided to the applicant.

5.1-130 Type II Applications (Administrative)

Type II decisions are made by the Director after public notice, but without a public hearing, unless appealed. Type II applications are reviewed as described below, unless the Director determines that the application should be reviewed as a Type III decision due to the complexity of the application or the need for discretionary review:

A. Type II applications are submitted to the Development Services Department. The Director shall determine application completeness.

B. The Director shall provide mailed notice to the property owners and occupants within 300 feet of the property being reviewed and to the applicable neighborhood association. In addition, the applicant shall post one sign, approved by the Director, on the subject property. For all Type II notices, an affidavit will be completed by staff stating that the required notice was provided to the appropriate individuals. There is a 14 day period, beginning from the date of the notice, for persons to provide written comments to the Director. The Type II notice shall contain the following:

1. A map locating the subject property;

2. Identification of the application by Department case number;

3. Identification of the subject property by reference to the Lane County assessment map and tax lot number, and the property address/location;

4. Identification of the property owner and applicant;

5. An explanation of the nature of the application and the proposed use or uses that could be authorized by the decision;

6. The applicable approval criteria from this Code that apply to the decision;

7. The name and phone number of the assigned planner;

8. A statement that the application, all documents and evidence relied upon by the applicant, and the applicable criteria are available for inspection at the Development Services Department at no cost and that copies will be provided at reasonable cost;

9. A statement listing where, and when written comments are due;

10. A statement briefly summarizing the local decision making process for the particular application; and

11. A statement that issues which may provide the basis for an appeal shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient information to enable the Approval Authority to respond to the issue.

C. The Director shall distribute the application to the Development Review Committee or the Historic Commission for comments.

D. The Director's decision shall address all of the applicable approval criteria and/or development standards and any written comments from those persons who received notice. The Director may approve, approve with conditions, or deny the application.

E. The Director's decision is the City's final decision and is effective the day it is mailed to the applicant, property owner and those persons who submitted written comments, unless appealed. The Director's decision shall include an explanation of the rights of each party to appeal the decision.

F. The Director's decision may be appealed within 15 calendar days to the Planning Commission or Hearing's Official as specified in Section 5.3-100. Any action taken to begin development prior to the expiration of the appeal period is solely at the applicant's risk and expense. The City assumes no liability or expense if the development is ultimately terminated based upon the outcome of the appeal.

5.1-135 Type III Applications (Quasi-Judicial)

Type III decisions are made by the Planning Commission or Hearings Official after a public hearing. Type III decisions may be complex in nature and generally use discretionary approval criteria. Type III applications are reviewed as described below:

A. Type III applications are submitted to the Development Services Department. The Director shall determine application completeness.

B. The Director shall provide newspaper notice and mailed notice to the property owners and occupants within 300 feet of the property being reviewed and to the appropriate neighborhood association as specified in Section 5.2-115. In addition, the applicant shall post one sign, approved by the Director, on the subject property. For all Type III mailed notices, an affidavit will be completed by staff stating that the required notice was provided to the appropriate individuals. Any person may provide written comments to the Director through the day of the public hearing or may testify in person.

C. The Director shall distribute the application to the Development Review Committee or the Historic Commission for comments, where applicable.

D. The Planning Commission or Hearings Official may approve, approve with conditions, or deny the application. The Planning Commission's or Hearings Official's decision shall include findings that address all of the applicable approval criteria and/or development standards and any written or oral testimony.

E. The Planning Commission's or the Hearings Official's decision is the City's final decision, unless appealed. The decision is effective the day notice is mailed to the applicant, property owner and those persons who submitted written or oral testimony. The notice of decision shall include an explanation of the rights of each party to appeal the decision.

F. The Planning Commission's decision may be appealed within 15 calendar days to the City Council as specified in Section 5.3-100. The Hearings Official's decision may be appealed within 21 calendar days to the Land Use Board of Appeals as specified in Section 5.3-100. Any action taken to begin development prior to the expiration of the appeal period is solely at the applicant's risk and expense. The City assumes no liability or expense if the development is ultimately terminated based upon the outcome of the appeal.

5.1-140 Type IV Procedure (Legislative)

Type IV decisions are made by the City Council after a public hearing, upon a recommendation by the Planning Commission, where applicable. Type IV decisions apply to legislative matters involving the creation, revision, or large-scale implementation of public policy (including, but not limited to: adoption of land use regulations which apply to entire districts and Metro Plan amendments). Type IV applications are reviewed as described below:

A. Type IV applications are submitted to the Development Services Department. The Director shall determine application completeness.

B. The Director shall provide newspaper notice and mailed notice to the property owners and occupants within 300 feet of the property being reviewed and to the appropriate neighborhood association, where applicable. In addition, the

applicant shall post one sign, approved by the Director, on the subject property. For all Type IV mailed notices, an affidavit will be completed by staff stating that the required notice was provided to the appropriate individuals. Where required, the Director shall also mail notice to the Department of Land Conservation and Development as specified in OAR 660-18-0020. Any person may provide written comments to the Director through the day of the public hearing or may testify in person.

C. The Director shall distribute the application to the Development Review Committee or the Historic Commission for comments, where applicable.

D. The Planning Commission's decision shall address all of the applicable approval criteria and/or development standards and any written or oral testimony. The Planning Commission shall make a recommendation to the City Council to approve, approve with conditions, or deny the application.

E. The City Council may approve, approve with conditions, or deny the application. The City Council's decision shall include findings that address all of the applicable approval criteria and/or development standards and any written or oral testimony.

F. The City Council's decision is the City's final decision either on the date the decision is made, or 30 days after the decision is made if there is no emergency clause in the adopting Ordinance. Notice of decision is mailed to the applicant, property owner and those persons who submitted written or oral testimony. Where required, the notice of decision shall also be mailed to the Department of Land Conservation and Development as specified in OAR 660-18-0040.

EXCEPTION: For annexations, the City Council decision is final only upon concurrence of the Lane County Local Government Boundary Commission. For Metro Plan amendments that require adoption by the City, Eugene and/or Lane County, the City Council decision is final only upon concurrence of the Lane County Commissioners and the City of Eugene, as appropriate.

G. The City Council's decision may be appealed within 21 calendar days to the Land Use Board of Appeals as specified in OAR 660-018-0060 and Section 5.3-100. Any action taken to begin development prior to the expiration of the appeal period is solely at the applicant's risk and expense. The City assumes no liability or expense if the development is ultimately terminated based upon the outcome of the appeal.

5.1-145 Expedited Land Divisions

An application for and any appeal of an expedited land division is subject to the process provisions in ORS 197.360 through ORS 197.380, however, the applicable standards of Section 5.12-100 apply during application submittal and processing.

Section 5.2-100 Public Hearings Process

5.2-105 Purpose

This Section provides a public hearing process that makes available a venue for citizen involvement before the Planning Commission, Hearings Official and the City Council.

5.2-110 Hearing Body Jurisdiction

A. The Planning Commission shall hear:

1. Type II review procedure administrative appeals within the city limits;

2. Type III review procedure quasi-judicial applications within the city limits;

3. Type IV review procedure legislative applications that require a recommendation to the City Council; and

4. Appeals as may be assigned by the City Council.

B. The Hearings Official shall hear:

1. Type II review procedure administrative appeals within the City's urbanizable area and appeals of all expedited land division actions as defined in ORS 197.360;

2. Type III review procedure quasi-judicial applications within the City's urbanizable area; and

3. Appeals as may be assigned by the City Council.

C. The City Council shall hear:

1. Type III review procedure quasi-judicial appeals within the city limits; and

2. Type IV review procedure legislative applications final decisions.

5.2-115 Notice

A. Mailed Notice. Where required, notice of a public hearing will be sent by mail at least 20 days before the date of the hearing. If two public hearings are required, notice may be sent 10 days before the first hearing. The mailed notice will be sent to: the applicant and the owners of record of the subject property; all property owners and occupants within 300 feet of the subject property; the appropriate neighborhood association; and any person who submits a written request to receive notice. In addition, the applicant shall post one sign, approved by the Director, on the subject property. Information pertaining to property ownership shall be obtained from the most recent property tax assessment role. The mailed notice shall contain the following:

1. A map locating the subject property;

2. Identification of the application by Department case number;

3. Identification of the subject property by reference to the Lane County assessment map and tax lot number and the property address/location;

4. Identification of the property owner and applicant;

5. An explanation of the nature of the application and the proposed use or uses that could be authorized by the decision;

6. The applicable approval criteria from this Code and all other relevant criteria that apply to the application and decision;

7. The name and phone number of the assigned planner;

8. A statement that the application, all documents and evidence relied upon by the applicant, and the applicable criteria are available for inspection at the Development Services Department at no cost and that copies will be provided at reasonable cost;

9. The time, date and place of the public hearing;

10. Identification of which Approval Authority will conduct the hearing;

11. Disclosure of the requirements of this Section for submittal of written materials prior to the hearing and a general statement of the requirements of this Section for the submission of testimony and the procedure for the conduct of hearings;

12. If the hearing is an appeal, identification of the appellant's name, if different from property owner's name or the applicant's name;

13. A statement that failure to raise an issue in a hearing by the close of the record at or following the final evidentiary hearing, in person or by letter, or failure to provide sufficient specificity regarding an issue to afford the Approval Authority an opportunity to respond to the issue, precludes raising the issue in an appeal to the Oregon Land Use Board of Appeals on that issue; and

14. A statement that at least seven days prior to the hearing, a copy of the staff report for the hearing will be available for a free inspection at the Development Services Department and copies will be provided at a reasonable cost.

B. Newspaper Notice - Quasi-judicial and legislative land use decisions. Notice shall also be published in a newspaper of general circulation. The notice shall include the nature of the application and the proposed use; the subject property location; the date, time, place and location of the hearing; and a statement that the application, all documents and evidence relied upon by the applicant, the

applicable criteria and a copy of the staff report will be available for a free inspection and copies will be available at a reasonable cost.

5.2-120 Rules of Conduct

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

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

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

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

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

5.2-125 Conflicts, Disclosure and Challenge for Bias

A. A member of the Planning Commission, or City Council or the Hearings Official shall not participate in any proceeding or action in which any of the following persons or business has a direct or substantial financial interest: The member or a spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which they are then serving or has served within the previous two years, or any business which they are negotiating for or has an arrangement or understanding concerning a prospective partnership or employment.

B. Disclosure.

1. To assure fair and impartial recommendations and determinations and to assure advocates the opportunity to respond or refute information which the hearing body has available to it, it is mandatory that full disclosure of pre-hearing (ex parte) consideration of all Type III and IV agenda items be made at the beginning of the public hearing. However, it is anticipated that members of a hearing body may ask questions of the staff relating to the staff report prior to the public hearing.

2. Members of the hearing body should avoid pre-hearing contacts so that their recommendations and determinations can be based solely on the evidence presented at the public hearing. If a public hearing is scheduled by another hearing body regarding a matter under the member's consideration, the member may attend that hearing provided only that the member does not engage in any conduct which would bias their decision.

3. Disclosure shall be made of any discussion between any voting member and an applicant or their representative or any other person with direct interest concerning a specific case that is scheduled or likely to come

before the hearing body. The substance of any ex-parte contact shall be related at the beginning of the public hearing and made part of the record.

C. Challenge for Bias.

1. Any proponent or opponent of an application may challenge the qualifications of any member to participate in the hearing and decision. Apart from a challenge based upon disclosure made at the time of the hearing, which may be made orally, the challenge shall state facts in writing, by affidavit, relied upon by the submitting party relating to a member's bias, prejudgment, personal interest, or other facts from which the party has concluded that the member will not participate and made a decision in an impartial manner.

a. The written challenge shall be delivered to the presiding officer, and the member whose qualification is challenged not less than 48 hours preceding the public hearing.

b. The challenge will be made part of the record.

2. No member shall participate in a hearing or decision of an application when they have determined that they cannot participate in an impartial manner.

5.2-130 Duties of the Presiding Officer

The Chairperson of the Planning Commission is the presiding officer at all hearings before the Planning Commission. The Mayor is the presiding officer at all hearings before the City Council. In the absence of the Chairperson of the Planning Commission, the Vice-Chairperson shall act as the presiding officer at any public hearing. In the absence of the Mayor, the Council President shall be the presiding officer at all hearings before the City Council. The Hearings Official is considered to be a presiding officer. In the absence of the Hearings Official, a substitute shall preside. A presiding officer shall have the authority to:

A. Regulate the course and decorum of the hearing;

B. Dispose of the procedural request or similar matters;

C. Rule on offers of proof and relevance of evidence and testimony;

D. Take other action authorized by the hearing body appropriate for conduct commensurate with the nature of the hearing;

E. Impose reasonable time limits on those testifying; and

F. Rule upon a challenge for bias under Section 5.2-125.

5.2-135 Order of Procedure

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

1. The nature of the application and the proposed use;

2. The applicable approval criteria;

3. The order of procedure;

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

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

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

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

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

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

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

F. Applicant Testimony.

1. The applicant shall testify on their own behalf, or by their representative.

2. Upon failure of the applicant or their representative to appear at the hearing, or upon their express waiver of presenting testimony and evidence, the hearing body shall consider the written application, plus staff materials, as presenting the applicant's case.

G. Testimony by Those in Favor.

H. Testimony by Those Neutral.

I. Testimony by Those Opposed.

J. Staff Summary. City staff members and representatives of other public agencies shall be afforded an opportunity to make presentations, following a summation by staff, as necessary.

K. Rebuttal by Applicant. Allow the applicant to offer rebuttal evidence and testimony and the opponent to respond to any new information presented by the applicant for the first time in rebuttal. The scope and extent of rebuttal shall be determined by the presiding officer.

L. Questions. In addition to the direct questions presented by members, direct questions of persons testifying be allowed by the presiding officer upon request by any person present Persons having questions should state the questions and to whom the questions are addressed during their own presentation. Reply by the person to whom the questions are addressed may be made during the rebuttal period or as determined by the presiding officer.

M. Close Public Hearing.

N. Discussion of Policy Issues and Compliance with Adopted Plans, which may include questions of staff or the public.

O. Decision regarding approval, continuance and reopening of the record. The presiding officer shall conclude the public hearing and the hearing body shall deliberate on the proposal. The hearing body shall either make its decision and state its findings, which may incorporate findings proposed by the applicant, opponents, the staff, or the Planning Commission; or may continue its deliberations to a subsequent meeting, the time and place of which shall be announced; or, if requested by a party before the conclusion of the hearing, shall leave the record open for at least seven days.

P. Continuance Procedures.

1. Upon its own motion, the Planning Commission, Hearings Official or the City Council may order a continuance if the public hearing is not closed on the scheduled date or for other reasons. Unless waived by the applicant, any continuance shall be subject to the limits of the 120 Calendar Day Review Period as specified by ORS 227.178. At the time the continuance is

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

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

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

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

5.2-140 Burden of Proof

The burden of proof at evidentiary public hearings is upon the proponent of the requested action and is based upon specific criteria found in this Code or other applicable planning documents.

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

All public hearings shall be recorded. A summary of all pertinent testimony offered at public hearings will be reduced to writing and made a part of the application file. All physical and documentary evidence presented will be marked to show the identity of the persons offering them and whether presented on behalf of proponent or opponent. These exhibits will be retained by the City until after any applicable appeal period has expired, at which time the exhibits will be released upon demand to the identified person.

5.2-150 Amendments and Suspensions

Any rule of procedure not required by law may be amended, suspended or repealed at any hearing by majority vote of those members present and voting.

5.2-155 Finality of Decision

A. All actions or decisions of the Director, Planning Commission or Historic Commission are final unless appealed or where the City Council is required to act.

B. All actions or decisions of the City Council are final, unless there is a referral back to the Planning Commission or Historic Commission or a continuance of a hearing or where a State agency or where Eugene and Lane County are required to act.

C. All actions or decisions of the Hearings Official are final.

Section 5.3-100 Appeals

5.3-105 Purpose

This Section provides procedures and approval criteria for the review of appeals of the Director's, Hearings Official's, Planning Commission's or City Council's decision on land use and development applications.

5.3-110 Review

Appeals of decisions under this Code are reviewed as follows:

A. Type III procedure. The Director's decision, which is a Type II procedure, may be appealed to the Planning Commission or Hearings Official by a party as specified in Section 5.3-115.

1. The Planning Commission shall hear appeals of the Director's decision within the city limits.

2. The Hearings Official shall hear:

a. Appeals of the Director's decision outside of the city limits but inside the City's urbanizable area;

b. Appeals of expedited land division actions as specified in ORS 197.375; and

c. Appeals of a Drinking Water Protection application as specified in Section 3.3-245.

B. Type IV procedure. The Planning Commission's quasi-judicial decision, which is a Type III procedure, may be appealed to the City Council by a party as specified in Section 5.3-120.

C. If more than one party files an appeal on a decision, the Director may consolidate them to be heard as one proceeding.

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

A. Standing to Appeal. Only the property owner, applicant, if different and those persons who submitted written comments within the specific comment period for limited land use decisions, or those persons entitled to notice for non-limited land use decisions shall have standing to appeal the Director's or Hearings Official's decision.

B. Filing an Appeal. An appeal application shall be filed with the Director within 15 calendar days of the Director's or Hearings Official's decision.

C. Notice. The Director shall provide notice of the public hearing to the property owner, applicant, if different, the appellant and all persons previously noticed 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.

D. Review. The review is de novo and the public hearing shall be conducted as specified in Section 5.2-135.

E. Decision. The Planning Commission or Hearings Official shall consider the Director's staff report and all other evidence presented, including oral and written testimony in making their decision. The Planning Commission or Hearings Official may affirm, modify or reverse the Director's decision and shall adopt findings in support of their decision. The Planning Commission or Hearing's Official may attach conditions as may be reasonably necessary in order to allow the appeal to be granted. The Planning Commission's or Hearings Official's decision is final.

EXCEPTIONS:

1. A Type III appeal decision may be reviewed as an appeal by the City Council on its own motion.

2. An appeal of an expedited land division shall be as specified in ORS 197.375.

5.3-120 Appeals of the Planning Commission's Type III Decision

A. Standing to Appeal. Only those persons who participated either orally or in writing have standing to appeal the decision of the Planning Commission. Grounds for appeal are limited to those issues raised either orally or in writing before the close of the public record.

B. Filing an Appeal. An appeal application shall be filed with the Director within 15 calendar days of the Planning Commission's decision.

C. Notice. The Director shall provide notice of the public hearing to all parties who participated either orally or in writing before the close of the public record leading to the Planning Commission's decision. The notice of the appeal hearing shall include the information specified in Section 5.2-115.

D. Review. The review shall be as determined by the City Council. The parties may be permitted to present their oral or written arguments as to all matters within that record. The public hearing shall be conducted as specified in Section 5.2-135.

E. Decision. The City Council shall consider the Director's report and all other evidence presented, including oral and written testimony in making their decision. The City Council may affirm, modify or reverse the Director's decision and shall adopt findings in support of their decision. The City Council may attach conditions as may be reasonably necessary in order to allow the appeal to be granted. The City Council's decision is final.

5.3-125 Appeals of the Hearings Official's and City Council's Final Action

A decision of the Hearings Official or the City Council may be appealed to the Oregon Land Use Board of Appeals as specified in ORS Chapter 197.

Section 5.4-100 Development Applications

Table 5.4-1 Development Applications

Type of Application	*Decision Type*	*Applicable SDC Sections*
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, including extraterritorial extensions	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
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
Historic Commission Review – Major Alteration	Type II	3.3-900
Historic 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 III	5.13-100
Master Plan Amendment	Various	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

5.4-105 Basic Application Submittal Requirements and Completeness Time Lines

The burden of proof is upon the applicant for that particular application, based upon specific criteria found in this Code and in other applicable planning documents.

A. All applications required by this Code shall be submitted to the Development Services Department on a City application form.

B. An application shall consist of items required by this Code and the following:

1. An explanation of the proposal and any additional information that may have a bearing in determining the action to be taken, including findings demonstrating compliance with applicable approval criteria;

2. Evidence that the property affected by the application is in the exclusive ownership or control of the applicant, or that the applicant has the consent of all owners of the affected property to act on their behalf;

3. The legal description and assessor map and tax lot number of the property affected by the application;

4. Additional information including maps, site plans, sketches and calculations as required by applicable Sections of this Code or in information packets provided by the Development Services Department;

5. The required number of copies of the application; and

6. Payment of the applicable application fee at the time of application submittal (No application will be accepted without payment of the appropriate fee in full, unless the applicant qualifies for a fee waiver).

C. Application completeness is determined by the Director within 30 days of receipt based on the requirements specified in Subsection B., above and are considered complete for review.

EXCEPTION: Applications that require a mandatory Pre-Submittal Meeting as specified in Section 5.1-120C. shall follow the application completeness requirements of that Section.

D. When the Director determines that an application is incomplete, a written list of items will be provided to the applicant describing the omitted information. For those incomplete applications that require a Pre-Submittal Meeting, the application is deemed complete by the Director upon receipt of the revised submittal that provides the missing information. For those incomplete applications that do not require a Pre-Submittal Meeting, the completeness regulations specified in ORS 227.178 apply.

E. A final decision on an application, including any local appeal, will be granted within 120 calendar days of the Director's acceptance of a completed application as specified in ORS 227.178, unless specified elsewhere in this Code. The 120 days may be extended for a reasonable period of time at the request of the applicant.

F. Where a proposal involves more than one application for the same property, the applicant may submit concurrent applications.

G. When an application has been denied, no new application for the same development proposal may be filed within one year of the date of the previous denial, unless the Approval Authority, for good cause, grants permission to file a new application.

Section 5.5-100 Accessory Dwelling Units

5.5-105 Purpose

A. A single-family accessory dwelling unit:

1. Is a secondary, self-contained dwelling that may be allowed only in conjunction with a detached single-family dwelling;

2. Is subordinate in size, location, and appearance to the primary detached single-family dwelling

3. Generally has its own outside entrance and always has a separate kitchen, bathroom and sleeping area; and

4. May be located within, attached to or detached from the primary single-family dwelling.

B. An accessory dwelling unit is intended to:

1. Add affordable units to existing housing stock;

2. Provide flexibility for changes in household size over the course of time;

3. Protect neighborhood stability, property values, and the single-family residential appearance of the neighborhood by ensuring that Accessory Dwelling Units are constructed under the provisions of this Section.

C. An accessory dwelling may be established by:

1. Conversion of an attic, basement or garage or any other portion of the primary dwelling;

2. Adding floor area to the primary dwelling, including a second story; or

3. Construction of a detached accessory dwelling unit on a lot/parcel with a primary single family dwelling.

5.5-110 Applicability

Accessory dwelling units are permitted on LDR properties with an existing primary dwelling, within the City Limits.

EXCEPTION: Accessory dwelling Units are prohibited on lots/parcels within the Washburne Historic District.

5.5-115 Review

An accessory dwelling unit is reviewed under Type I procedure.

5.5-120 Submittal Requirements

A plan drawn to scale showing the proposed accessory dwelling unit and its relation to the primary dwelling; existing and proposed trees and landscaping, lot/parcel area and dimensions, percent of lot/parcel coverage, building height, entrance locations, location of utilities and meters, off-street parking area; a detailed floor plan of the accessory dwelling unit, drawn to scale with labels on rooms indicating uses or proposed uses; and a separate written response demonstrating how the required development standards listed in Section 5.5-125 can be met.

5.5-125 Development Standards

Accessory dwelling units shall meet the following standards:

A. The accessory dwelling unit shall meet all applicable standards in this Code including, but not limited to; setbacks, height, lot/parcel coverage, solar access and building codes in effect at the time of construction.

B. The minimum lot/parcel size to construct an accessory dwelling unit is as specified in Section 3.2-215.

C. The accessory dwelling unit shall contain a kitchen, bathroom, living, and sleeping area that are completely independent from the primary dwelling.

D. The square footage of the accessory dwelling unit shall not exceed 40 percent of the primary dwelling exclusive of the garage. Within this standard, the minimum area shall not be less than 300 square feet. The maximum area shall not exceed 750 square feet.

EXCEPTION: The 40 percent requirement will not apply when the primary structure is less than 750 square feet in size, in order to ensure a 300 square foot minimum accessory dwelling unit. The minimum and maximum square footage shall be 300 square feet when the existing primary structure is less than 750 square feet in size.

E. When separate entrances to the accessory dwelling unit are proposed:

1. Only one entrance may be located on the front or street side of each residence.

2. A hard surface walkway, a minimum of 3-feet wide, shall be required from the primary entrance of the accessory dwelling unit to the street or walkway serving the primary dwelling.

F. Each dwelling shall have its own address.

G. One, paved, off-street parking space 9'x18' in size, in addition to that which is required by Section 4.6-100 is required.

H. The accessory dwelling unit may not be occupied prior to occupancy of the primary dwelling.

I. Before final occupancy of the accessory dwelling unit, the property owner shall record a deed restriction that states the property owner shall reside on the property and the accessory dwelling unit shall not be sold separately from the primary dwelling, unless lawfully partitioned.

5.5-130 Design Standards

An accessory dwelling unit shall comply with the following standards, where practicable the:

A. Exterior finish materials shall be the same or essentially the same in terms of type, size, placement and finish as the primary dwelling.

B. Roof pitch shall match the roof pitch of the primary dwelling.

C. Trim shall be the same in type, location and finish as the primary dwelling.

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

E. Eaves shall project from the accessory dwelling unit addition the same distance as the eaves on the primary dwelling.

5.5-135 Prior Uses

The Director shall approve any accessory dwelling unit existing at the time of the adoption of this amendment if the following conditions can be met:

A. The accessory dwelling unit complies with the provisions of Sections 5.5-105 through 5.5-130; and

B. A building permit was issued when the accessory dwelling unit was constructed or remodeled. The burden of proof is the responsibility on the property owner to show proof of building permits.

5.5-140 Non-conforming Lot/Parcel Sizes

Accessory dwelling units shall not be permitted on lots/parcels that do not meet the minimum lot/parcel size stated in Section 3.2-215.

5.5-145 Prohibited Use

Mobile homes, manufactured homes, recreational vehicles, motor vehicles, travel trailers and all other forms of towable or manufactured structures shall not be used as an accessory dwelling unit.

Section 5.6-100 Refinement Plans, Plan Districts and the Development Code – Adoption or Amendment

5.6-105 Initiation

Adoption or amendment of refinement plan text, refinement plan diagrams and this Code's text may be initiated by the Director, the Planning Commission, the City Council or citizen initiated. Citizen initiated amendments allowed only twice a year on or before January 5th or July 5th of each year.

5.6-110 Review

Adoption or amendment of refinement plan text, refinement plan diagrams and this Code's text are reviewed under Type IV procedure.

5.6-115 Criteria

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.

Section 5.7-100 Annexations

5.7-105 Purpose

These regulations:

A. Clearly define the process for Annexation of territory to the City; and

B. Provide a process for the withdrawal of territory from special service districts.

5.7-110 Applicability

This Section applies to any Annexation of territory to the City that is within the City's urbanizable area.

5.7-115 Review

A. Annexation applications are reviewed under Type IV procedure, without Planning Commission consideration.

B. The Annexation of all territory to the City requires final action by the Lane County Local Government Boundary Commission (LCLGBC) as specified in ORS 199.425.

5.7-120 Development Issues Meeting

The applicant shall schedule a Development Issues Meeting prior to filing an Annexation application where staff will inform the applicant of the Annexation application submittal requirements specified in this Section, unless waived by the Director.

5.7-125 Annexation Initiation and Application Submittal

A. Annexation of territory to the City may be citizen initiated or initiated by the City Council.

B. All Annexation applications shall include information to address the approval criteria specified in Section 5.7-140.

5.7-130 Notice

Newspaper notice shall be required as specified in Section 5.2-115.

5.7-135 Fiscal Impact and Annexation Agreement

A. The Director shall utilize information submitted by the applicant to determine the fiscal impact of the proposed Annexation on the City and whether the applicant has addressed the approval criteria in Section 5.7-140.

B. Fiscal impacts may be resolved by using an Annexation Agreement. The Annexation Agreement shall address, at a minimum, connection to and extension

of public facilities and services. Connection to public facilities and services shall be at the discretion of the City. Where public facilities and services are available and can be extended, the applicant shall be required to do so.

5.7-140 Criteria

The City Council shall approve, modify or deny any Annexation application based upon the following approval criteria:

A. The territory proposed to be annexed is within the City's urbanizable area;

B. Key urban services and facilities can be provided to the area in an orderly and efficient manner;

C. There will be a logical area and time within which to deliver urban services and facilities; and

D. Where applicable, fiscal impacts to the City have been mitigated through an Annexation Agreement or other mechanism approved by the City Council.

5.7-145 Submittal of the Council's Resolution to the LCLGBC

The City Council shall adopt by Resolution any Annexation recommendation. The Director shall forward all City Annexation recommendations to the LCLGBC.

5.7-150 Zoning

Currently, all Lane County land within the City's urbanizable area is zoned in compliance with the zoning districts listed in this Code and is designated in compliance with the Metro Plan. Land within the urbanizable area is distinguished from land within the city limits by the addition of the Urban Fringe (UF-10) Overlay District established in Section 3.3-800. Upon approval of the Annexation by the LCLGBC:

A. The UF-10 Overlay District designation shall cease to apply automatically; and

B. The current zoning shall apply, unless a zoning map amendment has been submitted and approved by the City.

5.7-155 Notification of Utilities

The City Recorder shall provide notice by certified mail to all public utility providers operating in the City within 10 days of receipt of the LCLGBC action approving the Annexation. The notice shall contain each site address as recorded on the Lane County assessment and tax rolls, a legal description, a map of the boundary change and a copy of the LCLGBC action.

5.7-160 Withdrawal from Special Service Districts

Withdrawal from a special service district is not automatic when annexed territory remains within that district. The Director shall instruct the City Council to consider withdrawal from a special

service district as specified in ORS 222 upon receipt of the LCLGBC action approving the Annexation, and after the effective date of the Annexation.

Section 5.8-100 Non-Conforming Uses – Determination, Continuance, Expansion or Modification

5.8-105 Purpose

A. This Section:

1. Provides for the regulation of legally created: non-conforming uses; buildings and/or structures; and lots of record; and

2. Specifies those circumstances and conditions under which a non-conforming situation may be permitted to continue and/or expand.

B. Approval of a Variance as specified in Section 5.21-100 shall not be considered to make a use, building or structure, or lot of record non-conforming.

5.8-110 Review

A. A request for non-conforming use status is reviewed under Type I procedure.

B. A request for an expansion or modification of a non-conforming use and/or the expansion of a non-conforming building or structure is reviewed under Type II procedure, unless the Director determines that the application should be reviewed as a Type III decision by the Planning Commission or Hearings Official due to the complexity of the application or the need for discretionary review.

5.8-115 Determination of Non-Conforming Use Status

A non-conforming use is an activity involving land, buildings, and/or structures for purposes which were legally established prior to the May 5, 1986, but which do not fully comply with the current development regulations, or subsequent amendments to this Code. These activities would not be permitted by this Code as a new use in the zone in which it is currently located. The Director shall make a determination regarding the legal status of a non-conforming use using the following approval criteria. The burden of proof is upon the property owner.

A. The applicant shall submit any of the following items as proof that the use was permitted by this Code at the time it was adopted or amended:

1. Copies of building and/or land use permits issued at the time the use was established; and/or

2. Copies of zoning code provisions and/or zoning maps.

B. The applicant shall submit any of the following as proof that the use has been in operation over time and has not been abandoned as specified in Section 5.8-130:

1. Utility bills;

2. Income/property tax records;

3. Business licenses;

4. Listings in telephone, business directories;

5. Advertisements in dated publications, e.g., trade magazines;

6. Building, land use or development permits and/or

7. Any other information which the applicant believes is relevant.

5.8-120 Continuance

A non-conforming building, structure or use may continue so long as it remains otherwise lawful as specified below:

A. A non-conforming building or structure, which:

1. Requires routine maintenance and repairs may be repaired in compliance with the Building Safety Codes;

2. Is determined to be substandard by the Building Official may be restored to a safe condition in compliance with the Building Safety Codes; or

3. Suffers any damage may be restored to its original condition, provided development approval is obtained, where applicable, and a Building Permit is issued within the time line specified in Section 5.8-130.

B. A non-conforming use within a building or structure discussed in Subsection A., above may continue until abandoned as specified in Section 5.8-130.

C. Existing single-wide manufactured dwellings on individual lots/parcels in Glenwood and in the Adams Plat area may be replaced with a single-wide manufactured dwelling of approximately the same size within the time line specified in Section 5.8-130.

D. Agriculture and agricultural uses and structures on land in Glenwood permitted under Section 9.384 of the Eugene Code prior to the adoption of the Glenwood Refinement Plan by the City on November 8, 1999, may continue until the land is annexed to the City at the request of the property owner.

5.8-125 Expansion or Modification

An expansion or modification of a non-conforming use and/or the expansion of a non-conforming building or structure resulting in an increased impact upon adjacent properties is considered an expansion of a non-conforming use. Approval may be granted only when the Director determines that there will be no significant impact of the expansion upon adjacent properties. The Director may require approval conditions to mitigate a significant impact. The applicant shall demonstrate all of the following applicable approval criteria have been met:

A. For residential zones, the expansion shall not lessen the residential character of the residential zone taking into account factors, including but not limited to:

1. Building scale, placement, and facade;

2. On-site parking placement;

3. Vehicle trips to the site and impact on surrounding on-street parking;

4. Buffering and the potential loss of privacy to abutting residential uses; and

5. On-site lighting.

B. For zones other than residential, there shall be no significant impact compared to the current use or building or structure on the surrounding area taking into account factors, including but not limited to:

1. The hours of operation;

2. An increase in building size or height;

3. On-site parking placement;

4. Vehicle trips to the site and impact on surrounding on-street parking;

5. Noise, vibration, dust, odor, fumes, glare, smoke and on-site lighting; and

6. The amount, location, and nature of any outside displays, storage, or activities.

C. **EXCEPTIONS:** The following situations shall not be considered to be an expansion or modification of a non-conforming use:

1. An existing building or structure conforming to use, but non-conforming as to height, setback and other dimensional standards, may be expanded or modified, provided the expansion or modification does not result in an increased violation of this Code.

2. The replacement of a single-wide manufactured dwelling as may be permitted in Section 5.8-120C.

5.8-130 Abandonment

A. Any non-conforming use which is discontinued for 6 months or more, or any non-conforming building or structure which is not occupied or used for 6 months or more, shall be deemed abandoned and lose its status as a non-conforming use, building or structure on:

1. The date the building or structure is vacated; and/or

2. The date the use ceases.

B. Any subsequent use or development shall be in compliance with the provisions of this Code.

5.8-135 Lots of Record

A lot of record is any legally approved lot/parcel which, at the time it was created, fully complied with all applicable laws and Ordinances of the City, or Lane County for those lots/parcels within the City's urbanizable area, but which is now non-conforming because the lot/parcel does not fully comply with the current provisions of this Code or any amendment to this Code.

A. Any lot of record that is non-conforming due to area, width and/or depth is a buildable lot/parcel, provided that the development standards of this Code can be met. For example, if a setback standard cannot be met due to lot/parcel area, a Variance to the setback standards of the applicable zoning district as specified in Section 5.21-100 is required prior to the issuance of a Building Permit.

B. Any lot of record that is non-conforming due to a public facility deficiency, including but not limited to, unimproved streets, lack of sidewalks, sanitary sewers or storm water facilities may be further developed as specified in this Code. However, the public facility deficiency shall be addressed at the time of development.

C. The dedication of right-of-way during the development review process shall not be considered to create a non-conforming lot/parcel due to lot/parcel size or dimension.

5.8-140 Exemptions

A. Residential buildings and uses existing and legally permitted, or permitted under Discretionary Use approval in the LMI zoning district or LMI plan designation in Glenwood as of January 27, 1982 shall be exempt from Sections 5.8-115, 5.8-120 and 5.8-125. Commercial and industrial buildings and uses existing and legally permitted or permitted under Discretionary Use approval in the LMI zoning district or LMI plan designation in Glenwood as of December 7, 1998 shall be exempt from Sections 5.8-115, 5.8-120 and 5.8-125.

B. Any proposed expansion on property zoned or designated LMI that has a use listed under HI, as specified in Section 3.2-410, and abuts any residential use shall require Site Plan Review approval. The exemption shall apply applies as follows: to expansions, regardless of the direction, of buildings or land or both; and expansions onto contiguous properties under the same ownership.

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

A. A building or structure that has received a valid Building Permit prior to the adoption of this Code or subsequent amendments to it may be completed in accordance with the terms of that Building Permit and used for the purpose for which it was permitted. The structure and its use shall then be considered non-conforming. The burden of proof is on the applicant to demonstrate that the structure has received a valid Building Permit.

B. If a Building Permit is revoked by the Building Official or for any reason becomes void, all rights granted by this Section are terminated and the project shall then be required to conform to all the provisions of this Code.

5.8-150 Ballot Measure 37 Demands

Notwithstanding the foregoing provisions and regulations of this Section, any waivers to the provisions of this Code granted by the City Council in response to a Demand for compensation, as may be permitted as specified in the Springfield Municipal Code, 1997, shall supersede the provisions and regulations of this Section and is transferable to a future purchaser of the property to the extent required by ORS 197.352.

Section 5.9-100 Discretionary Uses

5.9-105 Purpose

There are certain uses which, due to the nature of their impact on nearby uses and public facilities, require a case-by-case review and analysis at the Planning Commission or Hearings Official level. These impacts, include but are not limited to, the size of the area required for the full development of a proposed use, the nature of the traffic problems incidental to operation of a use, and the effect the use may have on any nearby existing uses. To mitigate these and other possible impacts, conditions may be applied to address potential adverse effects associated with the proposed use. This Section provides standards and procedures under which a Discretionary Use may be permitted, expanded or altered.

5.9-110 Siting of Schools

Schools are identified in the Metro Plan as key urban services, which shall be provided in an efficient and logical manner to keep pace with demand. Schools may be located in any zone that permits schools. The siting of public and private elementary, middle and high schools shall require Discretionary Use approval, unless exempted elsewhere in this Code. The criteria for the siting of schools shall be as specified in Section 4.7-195, rather than the criteria in Section 5.9-120.

5.9-115 Review

A. New Discretionary Uses are reviewed under Type III procedure. Typically, a Discretionary Use application is reviewed concurrently with a Site Plan application. However, upon request from the applicant, the Director may allow the Discretionary Use application to be processed first.

B. Expansions and alterations are reviewed under:

1. Type I or Type II Site Plan Modification procedures as specified in Section 5.17-145, if the Director determines that there will be no adverse impact on adjoining land uses; or

2. Type III Discretionary review, if the Director determines that there may be an adverse impact on adjoining land uses.

5.9-120 Criteria

A Discretionary Use may be approved only if the Planning Commission or Hearings Official finds that the proposal conforms with the Site Plan Review approval criteria specified in Section 5.17-125, where applicable, and the following approval criteria:

A. The proposed use conforms with applicable:

1. Provisions of the Metro Plan;

2. Refinement plans;

3. Plan District standards;

4. Conceptual Development Plans or

5. Specific Development Standards in this Code;

B. The site under consideration is suitable for the proposed use, considering:

1. The location, size, design and operating characteristics of the use (operating characteristics include but are not limited to parking, traffic, noise, vibration, emissions, light, glare, odor, dust, visibility, safety, and aesthetic considerations, where applicable);

2. Adequate and safe circulation exists for vehicular access to and from the proposed site, and on-site circulation and emergency response as well as pedestrian, bicycle and transit circulation;

3. The natural and physical features of the site, including but not limited to, riparian areas, regulated wetlands, natural stormwater management/drainage areas and wooded areas shall be adequately considered in the project design; and

4. Adequate public facilities and services are available, including but not limited to, utilities, streets, storm drainage facilities, sanitary sewer and other public infrastructure.

C. Any adverse effects of the proposed use on adjacent properties and on the public can be mitigated through the:

1. Application of other Code standards (including, but not limited to: buffering from less intensive uses and increased setbacks);

2. Site Plan Review approval conditions, where applicable;

3. Other approval conditions that may be required by the Approval Authority; and/or

4. A proposal by the applicant that meets or exceeds the cited Code standards and/or approval conditions.

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

1. Wireless telecommunications systems facilities requiring Discretionary Use approval are exempt from Subsections A.-C., above but shall comply with the approval criteria specified in Section 4.3-145.

2. Alternative design standards for multi-family development are exempt from Subsections A.-C., above but shall comply with the approval criteria specified in Section 3.2-245.

3. Fences requiring Discretionary Use approval are exempt from Subsections A.-C., above but shall comply with the approval criteria specified in Section 4.4-115C.

4. The siting of public elementary, middle and high schools requiring Discretionary Use approval is exempt from Subsections A.-C., above but shall comply with the approval criteria specified in Section 4.7-195.

5.9-125 Conditions

The Approval Authority may attach conditions as may be reasonably necessary in order to allow the Discretionary Use approval to be granted.

Section 5.10-100 Emergency Medical Hardship

5.10-105 General

A. Purpose.

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

a. Terminally ill; or

b. Recuperating from an illness, surgery or injury; and

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

2. Temporary means a period of 24 months, unless otherwise permitted in Subsection G., below. The 24 month period includes an approval time line of 12 months with an opportunity to obtain up to two 6 month time line extensions at the staff level.

3. Temporary living quarters means a road worthy, licensed and insured recreational vehicle (RV) as defined in Chapter 6.

EXCEPTION: Tent trailers shall not be permitted as a temporary living quarters.

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

5. The care provider shall be a person who lives on-site, either in the primary dwelling, or the temporary living quarters, and provides necessary medical procedures, monitoring and attention to the person requiring that care on a 24-hour basis.

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

C. Review. The initial application and any time line extensions are reviewed under Type II procedure.

D. Submittal Requirements.

1. The application shall include a plot plan, drawn to scale, showing:

a. Existing structures on the lot/parcel and their setbacks from property lines;

b. The proposed location of the temporary living quarters and its setback from property lines and other structures on the lot/parcel;

c. The required utility connections for the temporary living quarters; and

d. The location of proposed fences to screen the temporary living quarters that face public rights-of-way.

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

2. The application shall also include:

a. A written medical report from a licensed physician on official letterhead that includes:

i. The nature of the patient's medical condition and whether the patient is terminally ill or recuperating from an illness, surgery or injury;

ii. A statement explaining why the patient is not physically or mentally capable of self-maintenance and is, therefore, dependent upon a care provider being on-site for assistance; and

iii. Additional supporting documentation from other medical practitioners who may be treating the patient, when applicable.

b. A statement from the applicant addressing:

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

ii. The type of temporary living quarters proposed, either: a motor home, residential trailer, a travel trailer, truck camper or other RV as defined in Chapter 6 unless exempted in this Section;

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

iv. A statement explaining why the circumstances are temporary in nature (estimated at 12 months or less) and what steps are being undertaken to address the

circumstances prior to the elapsing of 12 months, or any extension thereof.

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

1. The licensed physician's written medical report shall address the information required in Subsection D.2.a., above.

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

3. The temporary living quarters shall be located on the same legal lot/parcel as the primary dwelling. Only one temporary living structure is allowed on a lot/parcel.

4. The temporary living quarters shall not be permitted within the front yard or street side yard setback.

5. All residential trailers and other similar units used as temporary living quarters shall be connected to sewer, water and electrical services as proscribed by the Oregon State Building Code as adopted by the City.

6. All travel trailers and other similar units used as temporary living quarters shall have utility connections consistent with State law requirements for these units as in RV parks.

F. Conditions.

1. The Director shall impose the following conditions of approval for all medical hardship applications:

a. There shall be no change in occupancy of the temporary living quarters under the permit; either the person requiring care or the care provider shall reside within the temporary living quarters.

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

c. The temporary living quarters use shall cease upon the occurrence of the first of the following events:

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

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

2. The Director may impose additional conditions of approval to the extent necessary to satisfy the criteria of Subsection E., above, to comply with all applicable standards of this Code and to mitigate identified negative impacts to surrounding properties.

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

1. Staff approved time line extensions. The applicant may obtain no more than two 6 month time line extensions from staff.

   EXCEPTION: Temporary living quarters approved prior to the date of this amended Section may continue beyond the original approval time line on a yearly basis until the need no longer exists.

2. Criteria of approval for time line extensions. Staff approval of any time line extension request is based upon:

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

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

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

Section 5.11-100 Interpretations

5.11-105 Purpose

The purpose of an Interpretation is to:

A. Consider the applicability of new uses within each zoning district that are not specifically identified in this Code;

B. Clarify the meaning of terms or phrases found in this Code; or

C. Clarify planning policy contained in this Code, adopted refinement plans or the Metro Plan, or other policy documents.

5.11-110 Authority

The Director shall have the initial authority and responsibility to interpret the appropriateness of new uses and the meaning of all terms and phrases in this Code. The City Council shall have the authority to interpret planning policy contained in this Code, adopted refinement plans or the Metro Plan, or other policy documents.

5.11-115 Review

A request for an Interpretation of this Code concerning new uses and terms and phrases is reviewed under Type II procedure, unless the Director determines that the application should be reviewed as a Type III decision by the Planning Commission or Hearings Official due to the complexity of the application or the need for discretionary review. Planning policy issues that include, but are not limited to this Code, adopted refinement plans or the Metro Plan is reviewed under Type IV procedure.

5.11-120 Interpretation of New Uses

A. Application Submittal. The request shall include information on the following characteristics of the new use:

1. A description of proposed structures and the operational characteristics of the new use.

2. Where commercial and industrial uses are involved, the following topics are considered:

a. Emission of smoke, dust, fumes, vapors, odors, and gases;

b. Use, storage and/or disposal of flammable or explosive materials;

c. Glare;

d. Use of hazardous materials that may impact groundwater quality;

e. Noise;

f. The potential for ground vibration; and

g. The amount and type of traffic to be generated, parking required and hours of operation.

3. Where residential uses are involved, the following topics are considered:

a. Density; and

b. The amount and type of traffic to be generated and parking required.

B. Criteria. A new use may be considered to be a permitted use when, after consultation with the City Attorney or other City staff, the Director determines that the new use:

1. Has the characteristics of one or more use categories currently listed in the applicable zoning district;

2. Is similar to other permitted uses in operational characteristics, including but not limited to, traffic generation, parking or density; and

3. Is consistent with all land use policies in this Code which are applicable to the particular zoning district.

5.11-125 Interpretation of Terms or Phrases

A. Application Submittal. The request shall include:

1. The particular term or phrase requiring Interpretation; and

2. The applicant's statement describing what the particular term or phrase means.

B. Criteria. The Director shall interpret a term or phrase, after consultation with the City Attorney and City staff. The meaning of any term or phrase:

1. Shall be consistent with the purpose and intent of this Code, including any Chapter or Section to which the term or phrase is related;

2. May be determined by legislative history, including staff reports and public hearing tapes and minutes; and

3. Shall be consistent with any dictionary of common usage, if criteria 1. and/or 2., above cannot be applied.

5.11-130 Interpretations Reviewed Under Type III and Type IV Procedure

A. Interpretations that the Director may elevate from a Type II to a Type III review shall follow the approval criteria specified in either Section 5.11-120 or 5.11-125 depending upon the nature of the interpretation requested. In addition, the Planning Commission or Hearings Official shall consider the Metro Plan and any refinement plans or other policy documents of the City, where applicable.

B. The Planning Commission or Hearings Official, upon a finding in support of a particular Interpretation, shall make a decision and may impose reasonable conditions to ensure compliance with the approval criteria.

C. Where there is an Interpretation of planning policy, the matter is forwarded to the City Council:

1. For consideration on the record;

2. To consider appropriate revisions to this Code to resolve the question; or

3. To revise or supplement a policy issue.

5.11-135 Effect of a Decision

An approved Interpretation is effective on the date of approval, unless appealed. An approved Interpretation may be superseded by a subsequent Interpretation or a Code amendment.

Section 5.12-100 Land Divisions - Partitions and Subdivisions

5.12-105 Purpose and Applicability

A. Purpose. The purpose of the Partition and Subdivision process is to: Facilitate and enhance the value of development; Maintain the integrity of the City's watercourses by promoting bank stability, assisting in flood protection and flow control, protecting riparian functions, minimizing erosion, and preserving water quality and significant fish and wildlife areas; Minimize adverse effects on surrounding property owners and the general public through specific approval conditions; Ensure the provision of public facilities and services; Provide for connectivity between different uses; Utilize alternative transportation modes including walking, bicycling and mass transit facilities; Implement the Metro Plan, applicable refinement plans, specific area plans and specific development plans; Minimize adverse effects on surrounding property owners and the general public through specific approval conditions; and Otherwise protect the public health and safety.

B. The Partition process regulates land divisions that create two or three parcels within a calendar year. If the Director determines that a property proposed to be partitioned has been, or is in the process of being divided into four or more lots, full compliance with the Subdivision regulations specified in this Code may be required.

C. The Subdivision process regulates land divisions that create four or more lots within a calendar year.

D. Applicability.

1. The Partition process applies within the city limits and the City's urbanizable area. Generally, no more than 3 parcels may be created from one tract of land in the City's urbanizable area until annexation, as specified in Section 5.12-125I.2.b.iii.

2. The Subdivision process applies only within the city limits.

3. No lot/parcel may be created without being divided as specified in this Code.

4. No development permit will be issued by the City prior to approval of the Partition or Subdivision Tentative Plan application.

EXCEPTION: As may be permitted in the Springfield Municipal Code, 1997 and/or by Resolution No. 03-40, the Director may issue a Land and Drainage Alteration Permit prior to approval of the Partition or Subdivision Tentative Plan.

5.12-110 Tentative Plan Review

Tentative Plans are reviewed under Type II procedure.

5.12-115 Tentative Plan – General

Any residential land division shall conform to the following standards:

A. The lot/parcel dimensions shall conform to the minimum standards of this Code. When lots/parcels are more than double the minimum area permitted by the zoning district, the Director shall require that these lots/parcels be arranged:

1. To allow redivision; and

2. To allow for the extension of streets to serve future lots/parcels.

3. Placement of structures on the larger lots/parcels shall be subject to approval by the Director upon a determination that the potential maximum density of the larger lot/parcel is not impaired. In order to make this determination, the Director may require a Future Development Plan as specified in Section 5.12-120E.

B. Double frontage lots/parcels shall be avoided, unless necessary to prevent access to residential development from collector and arterial streets or to overcome specific topographic situations.

C. Panhandle lots/parcels shall comply with the standards specified in Sections 3.2-215 and 4.2-120A. In the case of multiple panhandles in Subdivisions, construction of necessary utilities to serve all approved panhandle lots/parcels shall occur prior to recording the Plat.

D. Block length for local streets is as specified in Section 4.2-115.

5.12-120 Tentative Plan Submittal Requirements

A Tentative Plan application shall contain the elements necessary to demonstrate that the provisions of this Code are being fulfilled.

EXCEPTION: In the case of Partition applications with the sole intent to donate land to a public agency, the Director, during the Pre-Submittal Meeting, may waive any submittal requirements that can be addressed as part of a future development application.

A. General Requirements.

1. The Tentative Plan, including any required Future Development Plan, shall be prepared by an Oregon Licensed Land Surveyor on standard sheets of 18" x 24". The services of and Oregon registered Engineer may also be required by the City in order to resolve utility issues (especially stormwater management, street design and transportation issues), and site constraint and/or water quality issues.

2. The scale of the Tentative Plan shall be appropriate to the area involved and the amount of detail and data, normally 1" = 50', 1" = 100', or 1" = 200'.

3. A north arrow and the date the Tentative Plan was prepared.

4. The name and address of the owner, applicant, if different, and the Land Surveyor and/or Engineer who prepared the Partition Tentative Plan.

5. A drawing of the boundaries of the entire area owned by the partitioner or subdivider of which the proposed land division is a part.

6. City boundaries, the Urban Growth Boundary (UGB) and any special service district boundaries or railroad right-of-way, which cross or abut the proposed land division.

7. Applicable zoning districts and the Metro Plan designation of the proposed land division and of properties within 100 feet of the boundary of the subject property.

8. The dimensions (in feet) and size (either in square feet or acres) of each lot/parcel and the approximate dimensions of each building site, where applicable, and the top and toe of cut and fill slopes to scale.

9. The location, outline to scale and present use of all existing structures to remain on the property after platting and their required setbacks from the proposed new property lines.

10. The location and size of existing and proposed utilities and necessary easements and dedications on and adjacent to the site, including but not limited to sanitary sewer mains, stormwater management systems, water mains, power, gas, telephone, and cable TV. Indicate the proposed connection points.

11. The locations widths and purpose of all existing or proposed easements on and abutting the proposed land division; the location of any existing or proposed reserve strips.

12. The locations of all areas to be dedicated or reserved for public use, with the purpose, condition or limitations of the reservations clearly indicated.

B. A Site Assessment of the entire development area. The Site Assessment shall be prepared by an Oregon Licensed Landscape Architect or Engineer and drawn to scale with existing contours at one-foot intervals and percent of slope that precisely maps and delineates the areas described below. Proposed modifications to physical features shall be clearly indicated. The Director may waive portions of this requirement if there is a finding that the proposed development will not have an adverse impact on physical features or water quality, either on the site or adjacent to the site. Information required for adjacent properties may be generalized to show the connections to physical features. A Site Assessment shall contain the following information.

1. The name, location, dimensions, direction of flow and top of bank of all watercourses that are shown on the Water Quality Limited Watercourses (WLQW) Map on file in the Development Services Department;

2. The 100-year floodplain and floodway boundaries on the site, as specified in the latest adopted FEMA Flood Insurance Maps or FEMA approved Letter of Map Amendment or Letter of Map Revision;

3. The Time of Travel Zones, as specified in Section 3.3-200 and delineated on the Wellhead Protection Areas Map on file in the Development Service Department;

4. Physical features including, but not limited to significant clusters of trees and shrubs, watercourses shown on the (WLQW) Map and their riparian areas, wetlands, and rock outcroppings; and

5. Soil types and water table information as mapped and specified in the *Soils Survey of Lane County.*

C. A Stormwater Management Plan drawn to scale with existing contours at one-foot intervals and percent of slope that precisely maps and addresses the information described below. In areas where the percent of slope is 10 percent or more, contours may be shown at five-foot intervals. This plan shall show the stormwater management system for the entire development area. Unless exempt by the Public Works Director, the City shall require that an Oregon licensed Civil Engineer prepare the plan. Where plants are proposed as part of the stormwater management system, an Oregon Licensed Landscape Architect may also be required. The plan shall include the following components:

1. Roof drainage patterns and discharge locations;

2. Pervious and impervious area drainage patterns;

3. The size and location of stormwater management systems components, including but not limited to: drain lines, catch basins, dry wells and/or detention ponds; stormwater quality measures; and natural drainageways to be retained;

4. Existing and proposed site elevations, grades and contours; and

5. A stormwater management system plan with supporting calculations and documentation as required in Section 4.3-110 shall be submitted supporting the proposed system. The plan, calculations and documentation shall be consistent with the *Engineering Designs Standards and Procedures Manual* to allow staff to determine if the proposed stormwater management system will accomplish its purposes.

D. A Response to Transportation issues complying with the provisions of this Code.

1. The locations, condition, e.g., fully improved with curb, gutter and sidewalk, AC mat, or gravel, widths and names of all existing streets, alleys, or other rights-of-way within or adjacent to the proposed land division;

2. The locations, widths and names of all proposed streets and other rights-of-way to include the approximate radius of curves and grades. The relationship of all proposed streets to any projected streets as shown on the Metro Plan, including the TransPlan, any approved Conceptual Development Plan and the latest version of the Conceptual Local Street Map;

3. The locations and widths of all existing and proposed sidewalks, pedestrian trails and accessways, including the location, size and type of plantings and street trees in any required planter strip;

4. The location of existing and proposed traffic control devices, fire hydrants, power poles, transformers, neighborhood mailbox units and similar public facilities, where applicable;

5. The location and dimensions of existing and proposed driveways, where applicable;

6. The location of existing and proposed street lighting: including the type, height and area if illumination;

7. The location of existing and proposed transit facilities;

8. A copy of a Right-of-Way Approach Permit application where the property has frontage on an Oregon Department of Transportation (ODOT) facility; and

9. A Traffic Impact Study prepared by a Traffic Engineer, where necessary, as specified in Section 4.2-105A.4.

E. A Future Development Plan. Where phasing or large lots/parcels are proposed, the Tentative Plan shall include a Future Development Plan that:

1. Indicates the proposed redivision, including the boundaries and sequencing of each proposed redivision at minimum urban density for proposed phasing, any lot/parcel that is large enough to further divide, or a plot plan showing building foot prints for MDR and HDR minimum densities;

2. Addresses street connectivity between the various phases of the proposed development based upon compliance with TransPlan, the Regional Transportation Plan (RTP), applicable Refinement Plans, Plan Districts, Master Plans, Conceptual Development Plans, or the Conceptual Local Street Map and this Code;

3. Accommodates other required public improvements, including but not limited to, sanitary sewer stormwater management, water and electricity;

4. Addresses physical features, including but not limited to, significant clusters of trees and shrubs, watercourses shown on the Water Quality

Limited Watercourse Map and their associated riparian areas, wetlands, rock outcroppings and historic features; and

5. Discusses the timing and financial provisions relating to phasing.

F. Additional information and/or applications required at the time of Tentative Plan application submittal shall include the following items, where applicable:

1. A brief narrative explaining the purpose of the proposed land division and the existing use of the property.

2. If the applicant is not the property owner, written permission from the property owner is required.

3. A Vicinity Map drawn to scale showing bus stops, streets, driveways, pedestrian connections, fire hydrants and other transportation/fire access issues within 200 feet of the proposed land division and all existing Partitions or Subdivisions immediately adjacent to the proposed land division.

4. How the Tentative Plan addresses the standards of any applicable overlay District.

5. How the Tentative Plan addresses Discretionary Use criteria, where applicable.

6. A Tree Felling Permit as specified in Section 5.19-100.

7. A Geotechnical Report for slopes of 15 percent or greater and as specified in Section 3.3-500, and/or if the required Site Assessment Section 5.12-120 indicates the proposed development area has unstable soils and/or high water table as specified in the *Soils Survey of Lane County.*

8. An Annexation application as specified in Section 5.7-100 where a development is proposed outside of the city limits but within City's urban service area and can be serviced by sanitary sewer.

9. A wetland delineation approved by the Department of State Lands shall be submitted concurrently where there is a wetland on the property.

10. Evidence that any required Federal or State permit has been applied for or approved shall be submitted concurrently.

11. All public improvements proposed to be installed and to include the approximate time of installation, and method of financing.

12. A title report prepared within one month of the date of submittal.

13. Proposed deed restrictions and a draft of a Homeowner's Association Agreement, where appropriate.

14. If the land division is to be phased, a Future Development Plan for the remainder of the property shall be provided, including timing and financial provisions.

G. The locations and widths of all existing and proposed sidewalks, pedestrian trails and accessways, including the location, size and type of plantings and street trees in any required planter strip.

H. The approximate lot/parcel layout and the approximate dimensions of each building site, where applicable, and the top and toe of cut and fill slopes to scale.

I. The locations and size of all existing and proposed utilities, including but not limited to, sanitary sewer mains, storm drains, water lines, electric, telephone, TV cable, and gas lines. In the case of multiple panhandles, include a utility plan showing how the multiple panhandle parcels will be served by these utilities.

J. The location, widths and purpose of all existing or proposed easements on and abutting the proposed land division; and the location of any existing or proposed reserve strips.

K. The locations of all areas to be dedicated or reserved for public use, with the purpose, condition or limitations of the reservations clearly indicated.

L. The dimensions of the proposed lots/parcels to include square footage calculations.

M. The location and outline to scale of all existing structures to remain on the property and their required setbacks from the proposed new property lines.

N. Cluster Subdivisions shall also address the design standards specified in Section 3.2-230.

O. Where the Subdivision of a manufactured dwelling park or mobile home park is proposed, the Director may waive certain submittal requirements specified in Subsections A. through M. However, the Tentative Plan shall address the applicable standards listed under the park Subdivision approval criteria specified in Section 5.12-125.

5.12-125 Tentative Plan Criteria

The Director shall approve or approve with conditions a Tentative Plan application upon determining that all applicable criteria have been satisfied. If conditions cannot be attached to satisfy the approval criteria, the Director shall deny the application. In the case of Partitions that involve the donation of land to a public agency, the Director may waive any approval criteria upon determining the particular criterion can be addressed as part of a future development application.

A. The request conforms to the provisions of this Code pertaining to lot/parcel size and dimensions.

B. The zoning is consistent with the Metro Plan diagram and/or applicable Refinement Plan diagram, Plan District map, and Conceptual Development Plan.

C. Capacity requirements of public and private facilities, including but not limited to, water and electricity; sanitary sewer and stormwater management facilities; and streets and traffic safety controls shall not be exceeded and the public improvements shall be available to serve the site at the time of development, unless otherwise provided for by this Code and other applicable regulations. The Public Works Director or a utility provider shall determine capacity issues.

D. The proposed land division shall comply with all applicable public and private design and construction standards contained in this Code and other applicable regulations.

E. Physical features, including, but not limited to: steep slopes with unstable soil or geologic conditions; areas with susceptibility of flooding; significant clusters of trees and shrubs; watercourses shown on the WQLW Map and their associated riparian areas; wetlands; 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. Parking areas and ingress-egress points have been designed to: facilitate vehicular traffic, bicycle and pedestrian safety to avoid congestion; provide connectivity within the development area and to adjacent residential areas, transit stops, neighborhood activity centers, and commercial, industrial and public areas; minimize driveways on arterial and collector streets as specified in this Code or other applicable regulations and comply with the ODOT access management standards for State highways.

G. Development of any remainder of the property under the same ownership can be accomplished as specified in this Code.

H. Adjacent land can be developed or is provided access that will allow its development as specified in this Code.

I. Where the Partition of property that is outside of the city limits but within the City's urbanizable area and no concurrent annexation application is submitted, the standards specified below shall also apply.

1. The minimum area for the partitioning of land in the UF–10 Overlay District shall be l0 acres.

2. EXCEPTIONS:

a. Any proposed new parcel between 5 and l0 acres shall require a Future Development Plan as specified in Section 5.12-120E. for ultimate development with urban densities as required in this Code.

b. In addition to the standards of Subsection 2.a., above, any proposed new parcel that is less than 5 acres shall meet one of the following standards:

i. The property to be partitioned shall be owned or operated by a governmental agency or public utility; or

ii. A majority of parcels located within 100 feet of the property to be partitioned shall be smaller than 5 acres.

iii. No more than 3 parcels shall be created from one tract of land while the property remains within the UF-10 Overlay District.

EXCEPTION: Land within the UF-10 Overlay District may be partitioned more than once as long as no proposed parcel is less than 5 acres in size.

J. Where the Subdivision of a manufactured dwelling park or mobile home park is proposed, the following approval criteria apply:

1. The park was approved before July 2, 2001 and is in compliance with the standards in Section 3.2-235 or other land use regulations in effect at the time the site was approved as a manufactured dwelling park or mobile home park; or the park is an approved non-conforming use. In the latter case, a park is in compliance if the City has not issued a notice of noncompliance on or before July 2, 2001.

2. The number of lots proposed shall be the same or less than the number of mobile home spaces previously approved or legally existing in the park.

3. The external boundary or setbacks of the park shall not be changed.

4. The use of lots, as shown on the Tentative Plan, shall be limited to the installation of manufactured dwellings; i.e., "stick-built" houses are prohibited.

5. Any other area in the Subdivision other than the proposed lots shall be used as common property, unless park streets have previously been dedicated to the City or there are public utilities in the park. All common property shall be addressed in a Homeowner's Association Agreement.

a. Areas that are used for vehicle circulation (streets), driveways that serve more than two lots/parcels or common parking areas, shall be shown in a Tract or easement on the Tentative Plan.

b. All other services and utilities that serve more than one lot shall be in a Tract or easement. Where a service or utility serves only one lot, but crosses another, that service or utility shall also be in an easement shown on the Tentative Plan.

c. Existing buildings in the park used for recreational, meetings or other purposes for the park residents shall be in a Tract shown on the Tentative Plan.

6. Any public utilities shall be within a public utility easement.

7. If public utilities or services are required to serve the Subdivision, the park owner shall sign and execute a waiver of the right to remonstrate against the formation of a local improvement district to provide the public utilities or services.

5.12-130 Tentative Plan Conditions

To the extent necessary to satisfy the approval criteria of Section 5.12-125, comply with all applicable provisions of this Code and to mitigate identified negative impacts to surrounding properties, the Director shall impose approval conditions. All conditions shall be satisfied prior to Plat approval. Approval conditions may include, but are not limited to:

A. Dedication of right-of-way and/or utility easements.

1. Right-of-way, when shown in: TransPlan; transportation elements of refinement plans; or on the most recent Conceptual Local Street Plan Map; and as specified in Table 4.2-1.

2. Easements as specified in Section 4.3-140, when necessary to provide services, including, but not limited to: sanitary sewers, stormwater management, water and electricity, to the site and neighboring properties. The dedication of easements shall also include any easements required to access and maintain watercourses or wetlands that are part of the City's Stormwater Management System.

B. Installation of a sight obscuring fence, and/or vegetative screen whenever a party of record or the Director identifies a land use conflict.

C. Installation of traffic signals and signs; restricting access to and from arterial or collector streets; requiring a frontage road; restricting and strategically locating driveways; and/or requiring the joint use of driveways to serve two or more lots/parcels through a Joint Use/Access Agreement when transportation safety issues are identified by the Transportation Planning Engineer and/or a Traffic Impact Study.

D. Modification of the layout of parcel lines caused by the location of streets, required stormwater management systems, including, but not limited to: swales and detention basins or when required by the Geotechnical report specified in Section 5.12-120.

E. Installation of a noise attenuating barrier, acoustical building construction and/or site modifications as specified in Section 4.4-110, or similar measures approved by an acoustical engineer registered in the State of Oregon, to minimize negative affects on noise sensitive property from noise found to exceed acceptable noise

levels prescribed in the Oregon Administrative Rules or the Federal Highway Administration Noise Abatement Criteria.

F. Phasing of development to match the availability of public facilities and services, including but not limited to, water and electricity; sanitary sewer and stormwater management facilities; and streets and traffic safety controls when these facilities and services are near capacity, as determined by the Public Works Director or the utility provider.

G. Submittal of a Land and Drainage Alteration Permit.

H. The Director may waive the requirement that buildable City lots/parcels have frontage on a public street when the following apply:

1. The parcel or parcels have been approved as part of a land division application; and

2. Access has been guaranteed via a private street to a public street or driveway by an irrevocable joint use-access agreement.

I. Retention and protection of existing physical features and their functions, including but not limited to: significant clusters of trees and shrubs, watercourses shown on the WQLW Map and their riparian areas and wetlands, by:

1. Planting replacement trees where encroachment is allowed into riparian areas shown on the WQLW Map on file in the Development Services Department;

2. Re-vegetation, including, but not limited to: trees and native plants, of slopes, ridgelines, and stream corridors;

3. Restoration of native vegetation;

4. Removal of invasive plant species, based upon the Invasive Plants List on file in the Development Services Department;

5. Relocating the proposed development on another portion of the site;

6. Reducing the size of the proposed development; and/or

7. Mitigation of the loss of physical features caused by the proposed development with an equivalent replacement either on site or on an approved site elsewhere within the City's jurisdiction, as approved by the Director.

J. The applicant shall submit copies of required permits to demonstrate compliance with applicable: Federal programs, regulations and statues; State programs, regulations and statutes; and/or local programs, regulations and statutes prior to the approval of the Plat. When a Federal or State agency issues a permit that substantially alters an approved Tentative Plan, the Director shall require the applicant to resubmit the Tentative Plan for additional review.

K. Approval of a Stormwater Management Plan for the development demonstrating compliance with the applicable provisions of Section 4.3-110 and the *Engineering Design Standards and Procedures Manual.*

L. Where there are multiple panhandles, compliance with approval criteria Section 5.12-125 shall require construction of necessary utilities to serve all approved panhandle parcels prior to recording the Plat.

M. Where there is a land division with a concurrent annexation application, if there is an existing dwelling, that dwelling shall connect to sanitary sewer prior to recording the Plat.

N. Where there is a land division with a panhandle parcel, if a noticed party requests screening, a solid screen, as specified in Section 4.4-110 shall be provided along the property line of the abutting property and the proposed panhandle driveway. If a fence is required, the standards of Section 4.4-115 shall apply.

O. In the case of the Subdivision of a manufactured dwelling park or mobile home park, the following approval conditions shall be completed prior to the recording of the Subdivision Plat;

1. A Homeowners' Association Agreement shall be submitted that discusses the maintenance for all common areas shown in Tracts, unless otherwise specified in the Tentative Plan decision;

2. The recording of any required public or private easements;

3. The signing of a remonstrance waiver and establishment of a local improvement district, if public utilities are required to serve the subdivision; and

4. Any other condition of approval required during the Tentative Plan review process.

P. In the case of a Partition of property that is outside of the city limits but within the City's urbanizable area and no concurrent annexation application is submitted, Annexation Agreement forms shall be signed and recorded by the property owner prior to recording the Partition Plat.

Q. Cluster Subdivisions shall comply with the design standards specified in Section 3.2-230. Compliance may require a deed restriction.

5.12-135 Plat Review

Plats are reviewed under Type I procedure.

EXCEPTION: Until the intergovernmental Agreement with Lane County regulating planning outside of the city limits, but within Springfield's UGB is amended, Partition Plats for Partitions within Springfield's UGB shall be reviewed and approved by the Lane County Surveyor.

5.12-140 Plat Submittal Requirements

A. The Plat Pre-Submittal Meeting and Timelines.

1. For Partitions, the Plat Pre-Submittal Meeting shall be held within one year of the date of Tentative Plan approval.

2. For Subdivisions, the Plat Pre-Submittal Meeting shall be held within two years of the date of Tentative Plan approval.

3. In both cases, the mylars and application fee shall be submitted within 180 days of the Pre-Submittal Meeting. If the applicant has not submitted the Plat within these times, Tentative Plan approval shall become null and void and re-submittal of the Tentative Plan is required.

4. **EXCEPTIONS:**

a. The applicant may request an extension of the Partition Plat submittal time line for up to one year, and an extension of the Subdivision Plat time line for up to two years, in most situations. In either case, the applicant shall submit the request writing to the Director no later than 30 days prior to the expiration of the Tentative Plan approval and shall explain why the request is necessary and demonstrate how the Plat application will be submitted within the requested extension time line. The Director may grant or amend the request if a determination can be made that the applicant is making progress on the Plat application.

b. For a Subdivision subject to Master Plan approval, where Subdivision Tentative Plan approval is granted for the entire Subdivision and then portions are allowed to be platted in phases over time, the Director may allow consecutive two year periods for the completion of each phase up to and not to exceed the duration of the Master Plan. This issue shall be addressed as a condition of Subdivision Tentative Plan approval under Section 5.12-130. Where the agreed to Plat submittal time line can not be met, the applicant may submit a time line extension for Subdivision Plats as specified in Subsection a., above.

B. The Plat submittal shall:

1. Be surveyed and monumented as specified in ORS Chapters 92 and 209;

2. Include documentation addressing all conditions of Tentative Plan approval. Conditions may include showing the following information on the Plat: floodplain boundaries and spot elevations; riparian area boundaries; building envelopes; and any other information required by the Director; and

3. The applicant shall also submit the following information:

a. A copy of any deed restrictions.

b. A copy of any dedication requiring separate documents.

c. Boundary and lot/parcel closure computations and the total area of each lot/parcel and any open space dedication in square feet or acres.

d. A statement of water rights.

e. A copy of any document required as a condition of Tentative Plan approval.

f. A current title report.

5.12-145 Plat Criteria

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

A. The City Surveyor has approved the Plat for compliance with applicable platting requirements in accordance with State law, Lane County Ordinances and any other applicable regulations.

B. Streets, bicycle paths, accessways, and alleys for public use have been dedicated without any reservation or restriction other than reversionary rights upon vacation.

C. Public improvements, as required by this Code or as a condition of Tentative Plan approval, are completed, or:

1. A petition for public improvements and for the assessment of the real property for the improvements has been signed by the property owner seeking the land division and the petition has been accepted by the City Engineer; or

2. A performance bond or suitable substitute as agreed upon by the City Engineer and the applicant has been filed with the City in an amount sufficient to assure the completion of all required public improvements.

D. Public assessments, liens, and fees with respect to the land division have been paid, or:

1. A segregation of assessments and liens has been applied for and granted by the City, or

2. An adequate guarantee in a form acceptable to the City has been provided assuring the liens, assessments and fees will be paid prior to recording the Plat.

E. All conditions of Tentative Plan approval have been met and the Plat substantially conforms to the provisions of the approved Tentative Plan.

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

A. After the Plat has been signed by the City, the applicant's surveyor or other designated person shall deliver the Plat to the Lane County Surveyor for recording.

B. The applicant shall deliver a reproducible copy of the recorded Plat to the City Engineer. Once the City has proof that the Plat has been recorded, the parcels may be sold and the City may issue a Building Permit.

5.12-155 Replat – General

A. A Replat is the act of platting the lots, parcels and easements in a recorded Subdivision or Partition Plat to achieve a reconfiguration of the existing Subdivision or Partition Plat or to increase or decrease the number of lots in the subdivision.

EXCEPTION: The relocation of a common boundary line between lots/parcels within a recorded Subdivision or Partition shall not be considered a Replat. A Property Line Adjustment may occur within a recorded Subdivision or Partition as specified in Section 5.16-100.

B. A Replat shall not be used to vacate public right-of-way or the outer boundary of a recorded Subdivision or Partition. In these cases, a concurrent Vacation application is reviewed under Type IV Review as specified in Section 5.20-100.

5.12-160. Replat Review

A. Replat Plats are reviewed under Type I procedure.

B. Replat Tentative Plans are reviewed under Type II procedure.

C. In addition to the Type II notice requirement specified in Section 5.1-130, when a utility easement is proposed to be realigned, reduced or increased in width or omitted by a Replat, all affected utility companies shall also be notified. Any utility company that desires to maintain an easement subject to vacation under this Section shall notify the City in writing within 14 days of the mailing of the notice.

5.12-165 Replat – Application Processing

A Replat Tentative Plan and Plat shall comply with all current land division provisions as specified in Sections 5.12-105 through 5.12-165.

EXCEPTIONS:

A. All of the following additional information shall be required on the Tentative Plan. Items 1.-3. shall also be required on the Replat Plat;

1. The word "Replat" shall be shown in the title block;

2. The name or reference number of the previous Plat and any additional recording information shall be retained in the title of the Replat;

3. Blocks, lots/parcels and portions thereof which are being replatted shall be identified, where applicable;

4. Original Plat information being deleted, abandoned, or changed by the Replat shall be shown lightly sketched or dotted on the drawing with a note of explanation; and

5. Any Replat of existing lots/parcels containing buildings shall show existing building outlines including their setbacks from the proposed property lines and lot/parcel coverage requirements, where applicable.

B. The Director may exempt certain aspects of and/or reports required at Tentative Plan submittal, if a finding is made that the exemption will not have an adverse impact on public safety. However, the applicant shall submit a written request for an exemption to the Director prior to submittal of the Tentative Plan.

C. If the existing land division abuts a Water Quality Limited Watercourse (WQLW), as shown on the WQLW Map on file in the Development Services Department, the water quality protection specified in Section 4.3-115 shall not apply to the Tentative Plan where that Plan includes one or more existing single-family dwellings or duplexes in the Low Density Residential District on lots/parcels 10,000 square feet in size or less. However, the water quality protection specified in Section 4.3-115 shall apply if the intent of the Replat Tentative Plan is to create additional lots/parcels and/or if the size of the lots/parcels containing existing single-family dwellings or duplexes is increased to more than 10,000 square feet in size.

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 3.3-900 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; 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 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 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 statues 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 5.14-100 Metro Plan Amendments

5.14-105 Purpose

The Metropolitan Area General Plan (Metro Plan) allows citizen initiated Type II Metro Plan amendments at any time. Amendments that require a final decision from one or two jurisdictions shall be concluded within 120 days of the initiation date. Amendments that require a final decision from all three governing bodies shall be concluded within 180 days of the initiation date. The City Council may initiate a Type I or Type II Metro Plan amendment at any time. City Council initiated Metro Plan amendments are not subject to the 120-calendar day review period specified in ORS 227.178. Metro Plan amendments shall be made as specified in Chapter IV of the Metro Plan and this Code.

5.14-110 Review

A. A Pre-Application Conference is encouraged prior to a formal Metro Plan amendment application.

B. Metro Plan amendments are reviewed under the Type IV procedures of Section 5.1-140 of the Springfield Development Code.

EXCEPTION: City Council initiated Metro Plan amendments are not subject to the 120 calendar day review period as provided for in ORS 227.178.

5.14-115 Definitions

A. **Amendment.** An amendment to or change in: the text of the Metro Plan, refinement plan, or functional plan; or the diagram of the Metro Plan, refinement plan or functional plan.

B. **Metro Plan Amendment - Type I.** Any change to the Metro Plan which: changes the urban growth boundary or the jurisdictional boundary of the Plan; requires a goal exception not related to a UGB expansion to be taken under Statewide planning Goal 2; or is a non-site specific amendment of the Plan text.

C. **Metro Plan Amendment - Type II.** An amendment to the Metro Plan which is not otherwise a Type I plan amendment and which changes the Plan diagram; or is a site-specific Plan text amendment.

D. **Metro Plan Amendment - Home City.** Springfield is the home City for all site specific Type I and Type II Metro Plan amendments East of Interstate 5. The City of Eugene is the home City for all site specific Type I and Type II Metro Plan amendments West of Interstate 5. The applicability of home City shall have no basis with respect to non-site specific Type I Metro Plan amendments.

E. **Metro Plan Amendment - Initiation.** Any of the three governing bodies may initiate a Type I Metro Plan amendment at their discretion or, at their discretion, initiate a Type I Metro Plan amendment on behalf of a citizen who has made the a request. Any of the three governing bodies or a citizen who owns property that

is the subject of the proposed amendment may initiate a Type II Metro Plan amendment at any time.

F. **Metro Plan Amendment - Regional Impact.** Site specific Metro Plan amendments have regional Impact if the change in plan designation or site location will:

1. Require an amendment of a functional plan including the Public Facilities Plan, a Natural Resources Functional Plan or involves an amendment to TransPlan, determined by the Transportation Planning Committee (TPC) to be regional in nature, in order to provide the subject properties with an adequate level of necessary urban services or facilities; or

2. Have a demonstrable impact on the water, storm drainage, sanitary sewer or transportation facilities of the non-home City; or

3. Affect the buildable land inventory in a way that impacts the regional supply by:

   a. Significantly decreasing the net inventory of buildable land in the following plan designation categories:

      i. Medium Density Residential

      ii. High Density Residential

      iii. Commercial or;

   b. Significantly increasing the net inventory of buildable land in the following plan designation categories:

      i. Low Density Residential

      ii. Special Light Industrial

      iii. Light-Medium Industrial

      iv. Heavy Industrial

   c. **EXCEPTION:** In the following two cases, a jurisdiction may:

      i. Amend the plan designations to compensate for reductions in buildable land caused by protection of newly discovered natural resources within its own jurisdiction, or

      ii. Change a plan designation to accommodate the contiguous expansion of an existing business with a site specific requirement.

   d. The non-home City may choose to participate in the site specific plan amendment process, excluding amendments within city limits.

The non-home City may adopt a Resolution determining that the proposed amendment has regional impact. Lane County shall participate in all Metro Plan amendments outside of Springfield's city limits.

5.14-120 Initiation

A. An amendment to the Metro Plan can be initiated by the following persons or entities:

1. Type I – Non-Site Specific Text amendments, UGB/Plan Boundary Changes to Other Goal Exceptions - any of the three governing bodies:

a. The City Council may solicit a recommendation from the Planning Commission before initiating this category of amendment.

b. A citizen may seek City Council initiation of a Metro Plan Type I amendment by filing a written request with the City. A staff report on the request shall be submitted to the City Council within 30 days of receipt of the request. At the direction of two Councilors, the request will be placed on the City Council agenda for discussion. The request will be considered denied if the City Council takes no action within 60 days of the date the staff report is submitted to the council. The City Council need not hold a public hearing on a private Type I amendment request and may deny the request for any reason. A citizen seeking City Council initiation of a site specific Metro Plan Type I amendment shall own the property subject to the amendment.

2. Type II Plan Diagram and Site Specific Text Amendments.

a. Inside the City limits: The Home City and citizens.

b. Between the City limits and the Plan Boundary: Any of the three governing bodies and citizens.

i. The City Council may solicit a recommendation from the Planning Commission before initiating this category of amendment. A citizen initiating a Metro Plan Type II amendment shall own the property subject to the amendment.

ii. A citizen may seek City Council initiation of a Metro Plan Type II amendment subject to the above requirements regarding Metro Plan Type I amendments initiated by the City Council at the request of a citizen.

B. Amendments to the Metro Plan shall be initiated and considered at the following times:

1. The City Council may initiate a Type I or Type II Metro Plan amendment at anytime. Consideration of this type of amendment shall begin immediately thereafter.

2. Citizen initiated Type II Metro Plan amendments may be applied for at any time. The initial public hearing on an application shall take place within 60 days of acceptance of a complete application.

3. Consideration of a citizen initiated Metro Plan amendment shall be postponed if the proposed amendment is also part of an existing planned refinement plan or special area study adoption or amendment process, or one that is scheduled to commence within three months of the date of application submittal. The requested Metro Plan amendment will be considered in the legislative proceedings of the refinement plan or special area study. If the refinement plan or special area study process has not begun within the three-month period, the Metro Plan amendment application process shall begin immediately following the three-month period. The Director may exempt particular plan amendment applications from postponement under this Subsection and require more immediate review if the Director finds that either there is a public need for earlier consideration or that review of the proposed amendment as part of a general refinement plan or special area study adoption or amendment process will interfere with timely completion of that process.

C. Citizen initiated Metro Plan amendment applications are filed in the planning office of the home City if within the UGB, or with Lane County if outside the UGB and the amendment is not a request to expand the UGB.

5.14-125 Referral

All Metro Plan amendments outside Springfield's city limits are referred to the Eugene for consideration of regional impact. Lane County shall participate in the hearing and decision of all Metro Plan amendments outside the city limits. All Metro Plan amendments inside the city limits are referred to Eugene and Lane County so that they may participate as parties to the hearing. All referrals shall occur within 10 days of the plan amendment initiation date. Any referral that is provided for the purpose of determining regional impact shall be answered by the referral jurisdiction within 45 days of receipt of the referral. Failure of a jurisdiction to take action on the referral within 45 days from the date of referral shall be deemed a finding of no regional impact. If a referral jurisdiction adopts a Resolution, Ordinance, or order finding that the proposed amendment has a regional impact, that referral jurisdiction may participate in the decision, if they so choose. All jurisdictions participating in the plan amendment decision process shall approve the amendment in order to enact the amendment.

5.14-130 Fee

The applicant for a citizen initiated Metro Plan amendment shall pay an application fee in an amount established by City Council Resolution. No application shall be processed until it is complete and accurate and until the application fee is paid.

5.14-135 Process and Criteria

A. Type I.

1. Non Site-Specific – To become effective, a non-site specific Metro Plan Text Type I amendment shall be approved by all three governing bodies.

2. Site Specific – To become effective, a site specific Metro Plan Type I amendment that involves a UGB or Plan Boundary change that crosses the Willamette or McKenzie River, or that crosses over a ridge into a new basin, or that involves a Goal exception not related to a UGB expansion, shall be approved by all three governing bodies.

3. Site Specific – To become effective, a site specific Metro Plan Type I amendment that involves a UGB or Plan Boundary change shall be approved by the Home City and Lane County.

EXCEPTION: If the non-home City, after referral of the proposal, determined that the amendment has regional impact and, as a result of that determination, chooses to participate in the hearing, all three governing bodies shall approve the amendment.

B. Type II.

1. Inside City Limits – To become effective, a Metro Plan Type II amendment inside the city limits shall be approved by the Home City.

2. Between the City Limits and Plan Boundary – To become effective, a Metro Plan Type II amendment between the city limits and the Plan Boundary shall be approved by the Home City and Lane County.

EXCEPTION: If the non-home City, after referral of the proposal, determined that the amendment has regional impact and, as a result of that determination, chooses to participate in the hearing, all three governing bodies shall approve the amendment.

C. Criteria. The following approval criteria will be applied by the City Council in approving or denying a Metro Plan amendment application:

1. The amendment shall be consistent with the relevant Statewide planning goals adopted by the Land Conservation and Development Commission; and

2. Adoption of the amendment shall not make the Metro Plan internally inconsistent.

5.14-140 Single Jurisdiction

The following process is used to consider Metro Plan Type II amendments inside Springfield's city limits.

A. Investigation and Report. Within 30 days after the Metro Plan amendment initiation date, the planning staff shall investigate the facts bearing on the amendment application, prepare a report, and submit it to the Planning Commission. The report shall be mailed or delivered to affected and interested parties at the time it is delivered to the Planning Commission.

B. Planning Commission Consideration. Within 30 days after receipt of the staff report, the Planning Commission shall hold a public hearing to consider the proposed Metro Plan amendment. At least 20 days before the hearing, notice of the hearing will be published in a local newspaper of general circulation and mailed to the applicant and to persons who have requested notice. At least 20 days before the hearing, notice of the hearing shall also be mailed to the owners and occupants of properties that are the subject of the proposed amendment and to property owners of record within 300 feet of the subject property. The content of the notice and conduct of the hearing on the amendment shall be as required by this Code and State law. The Planning Commission shall review the proposed amendment and receive evidence and testimony on whether the proposed change can be justified under the approval criteria. Within 30 days after the public hearing and close of the evidentiary record, the Planning Commission shall adopt a written recommendation on the proposed amendment. The recommendation shall contain findings and conclusions on whether the proposal or a modified proposal meets the approval criteria.

C. City Council Action. Within 45 days after the Planning Commission action on the proposed Metro Plan amendment, the City Council shall hold a public hearing on the proposed amendment. The Council's decision shall be based solely on the evidentiary record created before the Planning Commission. No new evidence will be allowed at the City Council hearing. Within 30 days after the public hearing, the City Council shall approve, modify and approve, or deny the proposed amendment. The City Council shall take this action by Ordinance with adopted findings and conclusions on whether the proposal or a modified proposal meets the approval criteria. The action of the City Council is final.

5.14-145 Two Jurisdictions

A. The following process is used to approve Metro Plan Type II amendments when Springfield is the Home City and Lane County participates in the decision and Eugene does not participate after consideration of a referral.

1. Investigation and Report. Within 30 days after a response is received from the City of Eugene or within 50 days after the Metro Plan amendment initiation date if no response is received, the planning staff of the home jurisdiction where the proposed Metro Plan amendment was submitted shall investigate the facts bearing on the application, prepare a report, and submit it to the Planning Commission of both affected jurisdictions. The report will be mailed or delivered to affected and interested parties at the time it is delivered to the two commissions.

2. Planning Commission Consideration. Within 30 days after receipt of the staff report the Planning Commission of both affected jurisdictions shall hold a joint public hearing to consider the proposed Metro Plan amendment.

The provisions of Section 5.14-140B. apply to the joint Planning Commission hearing and decision on a proposed Metro Plan amendment. Within 30 days after the joint public hearing and close of the evidentiary record, both Planning Commissions shall make a recommendation to their governing bodies on the proposed Metro Plan amendment.

3. Governing Body Action. Within 30 days after the date the last Planning Commission acts on the Metro Plan amendment, the governing bodies of both affected jurisdictions shall hold a joint public hearing on the proposed amendment. The governing bodies' decisions shall be based solely on the evidentiary record created before the Planning Commissions. No new evidence will be allowed at the governing body joint hearing. Within 30 days after the joint public hearing, both governing bodies shall approve, modify and approve, or deny the proposed Metro Plan amendment. Both governing bodies shall take action by Ordinance, with adopted findings and conclusions on whether the proposal or modified proposal meets the approval criteria. The actions of the governing bodies are final if they are identical. The date the last governing body acts is the date the decision becomes effective.

B. The following process is used when the governing bodies do not enact identical decisions on the proposed Metro Plan amendment.

1. The Metro Plan amendment will be referred to the Metropolitan Policy Committee within 5 days after the last governing body action. The Metropolitan Policy Committee shall meet within 30 days of the referral to hear comments on the proposed amendment from the applicant, staff of the affected jurisdictions, and interested persons. The Committee may develop a recommendation to the governing bodies on the proposed amendment. The Metro Plan amendment will be denied if the Committee fails to act within 30 days of the referral date or if the governing bodies fail to adopt identical plan amendment actions within 45 days of receiving a recommendation from the Committee.

2. If the plan amendment is denied because of lack of consensus or Committee inaction, within 5 days the Director of the home jurisdiction where the application originated shall issue a denial decision on the amendment containing findings and conclusions on why the proposed amendment does not meet the approval criteria. Those findings and conclusions may incorporate findings and conclusions previously adopted by one or both of the governing bodies. The decision of the Director is final.

5.14-150 Three Jurisdictions

When the Three-Jurisdiction Process is Used. The following process is used to approve Metro Plan Type I amendments and Type II amendments where all three jurisdictions participate in the decision.

A. Investigation and Report. Within 30 days after responses are received from both referral jurisdictions or within 50 days after the Metro Plan amendment initiation date if no response is received, the planning staff of the home jurisdiction where

the proposed amendment was submitted shall investigate the facts bearing on the application, prepare a report, and submit it to the Planning Commissions of all three jurisdictions. The report will be mailed or delivered to affected and interested parties at the same time it is delivered to the three Planning Commissions.

B. Planning Commission Consideration. Within 30 days after receipt of the staff report, the Planning Commissions of Springfield, Eugene and Lane County shall hold a joint public hearing on the proposed plan amendments. The provisions of Section 5.14-140B. apply to the joint Planning Commission hearing. Within 30 days after the proposed plan amendment hearing and close of the evidentiary record, each Planning Commission shall make a recommendation to its governing body on the proposed Metro Plan amendment.

C. Governing Bodies Action. Within 30 days after the last Planning Commission acts on the Metro Plan amendment proposal, the governing bodies of Springfield, Eugene and Lane County shall hold a joint public hearing on the plan amendment. The governing bodies' decisions shall be based solely on the evidentiary record created before the Planning Commissions. No new evidence will be allowed at the governing body joint hearing. Within 30 days after the joint public hearing, each governing body shall approve, modify and approve, or deny the proposed Metro Plan amendment. Each governing body shall take action by Ordinance with adopted findings and conclusions on whether the proposal or modified proposal meets the approval criteria. The actions of the governing bodies are final if all three governing bodies adopt identical decisions. The date the last governing body acts is the date the action becomes effective. The conflict resolution provisions of Section 5.14-145B. apply if the governing bodies do not adopt identical Ordinances.

5.14-155 Additional Regulations

A. Process for Government-Initiated Plan Amendments. A different process, time line, or both, than the processes and time limes specified in Sections 5.14-140, 5.14-145 and 5.14-150 may be established by the governing bodies of Springfield, Eugene and Lane County for any government initiated Metro Plan amendment.

B. Time Frame Waiver. The time frames prescribed in connection with the Metro Plan amendment processes can be waived if affected property owners agree to the waiver.

C. Bar On Re-Submittal. No privately initiated Metro Plan amendment application to Springfield shall be considered if a substantially similar or identical plan amendment has been denied within the year prior to the application date unless the facts forming the basis for the denial have changed so as to allow approval. The Director shall determine whether the proposed amendment is substantially similar or identical after providing the applicant with an opportunity to comment on the matter in writing.

D. Relationship to Refinement Plan or Functional Plan Amendments. When a Metro Plan amendment is enacted that requires an amendment to a refinement plan or functional plan diagram or map for consistency, the Metro Plan diagram amendment automatically amends the refinement plan or functional plan diagram

or map if no amendment to the refinement plan or functional plan text is involved. When a Metro Plan diagram amendment requires a refinement plan or functional plan diagram, or map and text amendment for consistency, the Metro Plan, refinement Plan and functional plan amendments shall be processed concurrently.

E. Relationship of Amendment Process to Metro Plan Update and Periodic Review. An update of any element of the Metro Plan requires initiation and approval by all three jurisdictions. Amendments to the Metro Plan that result from State-mandated Periodic Review require approval by all three jurisdictions.

F. Severability of Plan Amendment Adoption Actions. When identical action is required of two or three governing bodies on a Metro Plan amendment, and the amendment results in a number of different plan changes, the following applies; unless otherwise specified in the adoption Ordinance of any of the governing bodies, action by all of the governing bodies to adopt some but not all of the plan changes shall result in the adoption of the changes for which there is consensus of the forwarding of only those changes for which there is not consensus to the Metropolitan Policy Committee under Sections 5.14-145 and 5.14-150.

Section 5.15-100 Minimum Development Standards

5.15-105 Purpose

Minimum Development Standards (MDS) are intended to support economic development by minimizing City review for minor additions or expansions or changes in use as specified in this Section. MDS shall ensure compliance with specific appearance; transportation safety and efficiency; and stormwater management standards specified in this Code and otherwise protect the public health, safety and welfare.

5.15-110 Applicability

A. MDS apply:

1. To developed properties that do not require either Site Plan Review as specified in Section 5.17-105 or a Site Plan Modification as specified in Section 5.17-145; and

2. Within Springfield's city limits only; and

3. Within commercial, industrial and public land zoning districts only, where there is an addition or expansion of:

a. 50 percent or less than the existing building gross floor area and/or impervious surface area; or

b. 5,000 square feet or less of additional building gross floor area and/or impervious surface area, whichever is less.

c. Serial expansions shall be limited so that the standards specified in Subsections a. and b., above are not exceeded in a three-year period.

EXCEPTION: The installation of items, including but not limited to, internal sidewalks or bases for benches that are less than 50 square feet in area, or covering existing storage areas with a permanent structure that is not enclosed, or a fully enclosed temporary structure shall not initiate MDS review; and

d. A change in use of a building or property.

B. Where there is an addition, expansion or change in use of a building or property containing multiple uses, the property owner shall bring the entire property into compliance with the standards specified in Section 5.15-120. However, required improvements shall be installed under the rule of proportionality, based upon the number of businesses on the property. For example, if there are three businesses on the property and there is only one change of use, then only one-third of the improvements necessary for the entire property area shall be required to be completed for that use. If the property contains more than three uses, the Director and property owner may enter into an agreement so that as a use changes or

expands, a percentage of the property shall comply with MDS requirements with the intent that the total property will meet MDS requirements over time. This agreement shall not affect the MDS timelines specified in Section 5.15-125.

EXCEPTIONS:

1. In cases where the proposed addition, expansion or change in use is an espresso stand, the Director may waive the MDS requirement on properties containing existing multiple uses.

2. Where the property is currently in compliance with all of the standards specified in Section 5.15-120, MDS shall not apply.

5.15-115 Review

A. MDS is reviewed under the Type I review process, unless the Director finds that the proposed use should be reviewed under the Type II review process.

B. A copy of any required ODOT Right-of-Way Approach Permit application shall be submitted concurrently with the MDS application, where applicable.

5.15-120 SDC Standards Applicable to MDS Approval

In order to grant MDS approval, the Director shall determine compliance with all applicable standards specified below. Final occupancy is contingent upon the completion of required site improvements.

A. A 5-foot wide landscaped planter strip, including street trees, with approved irrigation or approved drought resistant plants as specified in Sections 4.4-100 and 4.2-140 shall be installed between the sidewalk and parking areas or buildings.

EXCEPTIONS:

1. Where there is an unimproved street, a four foot wide landscaped planter strip shall be required to be set back one foot from the property line.

2. Where there is insufficient space for the landscaped strip required in Subsection A., above due to existing buildings, street width, paved parking, changes of elevation or location of utilities including catch basins, the Director may approve:

a. Decorative fencing located immediately behind the property line. The fencing may be wrought iron or masonry and shall be subject to the fence height standards of the applicable zoning district and the vision clearance setbacks of Section 4.2-130; and/or

b. Landscaping equivalent to the amount required in Subsection A., above may be placed at the property corners or other areas of the property that are visible from the street.

B. Trash receptacles and outdoor storage areas shall be screened by a structure or enclosure permanently affixed to the ground as specified in Section 4.4-110.

C. Bicycle parking spaces shall be added to meet the numerical standards for the appropriate use or upgraded to meet the standards specified in Sections 4.6-140, 4.6-145 and 4.6-155.

EXCEPTION: In cases where the number of bicycle parking spaces cannot be met due to lot/parcel size or physical constraint, the Director, in consultation with the Transportation Planning Engineer, may reduce the standard without a Variance if a finding is made that the reduction will not have an adverse impact on public safety.

D. Parking and circulation areas shall be paved and striped and wheel stops installed as specified in Sections 4.6-100 and 4.6-120. Required paving and other impervious surfaces on the site shall comply with on-site stormwater management standards as specified in Section 4.3-110 for required parking, circulation area and storage area impervious surfaces only.

EXCEPTION: In cases where the number of vehicular parking spaces cannot be met due to lot/parcel size or physical constraint, the Director, in consultation with the Transportation Planning Engineer, may reduce the standard without a Minor Variance if a finding is made that the reduction will not have an adverse impact on public safety.

E. Access to the public right-of-way shall comply with Section 4.2-120.

1. Where the property abuts an improved street, any non-conforming or unsafe driveways, as determined by the Transportation Manager, shall be removed and replaced with curb, gutter and sidewalk.

2. Where the property abuts an unimproved street, any non-conforming or unsafe access points, as determined by the Transportation Manager, shall be:

a. Removed by the use of fencing, extruded curbs or other method of approved barricade; and

b. The property owner shall sign an Improvement Agreement guaranteeing future participation in a Local Improvement District.

3. If an existing driveway or access point is closed, the Director may require a joint use access agreement with a neighboring property as specified in Section 4.2-120.

F. Concrete sidewalks shall be installed where the site abuts a curb and gutter street as specified in Section 4.2-135.

G. Streetlights shall be installed as specified in Section 4.2-145.

H. The development shall connect to public utilities as specified in Sections 4.3-105, 4.3-110 and 4.3-120 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

The property owner and/or applicant shall comply with the standards specified in Subsection D. 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. 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 4.b., 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. The signing of a Development Agreement by the property owner within 45 days of the Director's approval of the Final Plot Plan.

b. 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., below.

B. The Director may allow a one-time extension of the 90-day start of construction time line specified in Subsection A.4.b., 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. If the time line established in Subsection A.4.b., above is not met and the applicant has not requested an extension as specified in Subsection B., 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. If the time line established in Subsection A.4.b., above is not met and the applicant has requested an extension as specified in Subsection B., 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 5.16-100 Property Line Adjustments

5.16-105 Purpose and Applicability

A. These regulations are intended for the review of Property Line Adjustments and are separate from Lane County Deeds and Records lot/parcel consolidation policies. A Property Line Adjustment is the relocation of a common boundary between two abutting properties. A Serial Property Line Adjustment is the relocation of more than one common property line involving two or more abutting properties. Serial Property Line Adjustments can be reviewed individually or combined in a single application as specified in Section 5.16-115.

B. Property Line Adjustments may occur within a recorded Subdivision or Partition, as specified in this Section, as long as the adjustment is not a reconfiguration of or an increase or decrease of the number of lots in a Subdivision. In this case, the Replat review process specified in Section 5.12-165 applies.

5.16-110 Special Situations

A. Where the elimination of a lot/parcel line is desired within the boundary of a recorded Subdivision or Partition, the following options are available:

1. A Replat shall be processed as specified in Section 5.12-165; or

2. A Plat Vacation shall be processed as specified in Section 5.20-100.

B. Where a property owner desires to construct a building over a common property line, and there are no easements abutting the property line, or a primary structure is proposed on one lot/parcel and a secondary structure is proposed on the other, the Director may require a deed restriction during the building permit and/or Site Plan Review process that allows the construction of these structures. The lots/ parcels under the deed restriction shall be sold as one unit of land, unless the structures are removed.

C. The allocation of vacated public right-of-way to abutting properties as specified in ORS 271.140 and processed as specified in Section 5.20-100 or a sale or grant of public right-of-way by the City as specified in ORS 92.010(7)(e) shall not be considered to be a Property Line Adjustment and thus shall not be subject to the provisions of this Section.

D. A Property line Adjustment will not remove, relocate or replace any public easements on the lots/parcels.

5.16-115 Review

A. Single Property Line Adjustments are reviewed under Type I procedure.

B. Serial Property Line Adjustments may be combined into a single application. If the latter occurs, serial Property Line Adjustments are reviewed under Type II procedure.

5.16-120 Submittal Requirements

A. A Preliminary Survey shall be prepared, stamped and signed by an Oregon registered Land Surveyor. The format of the Preliminary Survey and the data to be shown shall be as follows:

1. The Preliminary Survey shall be drawn in compliance with ORS 92.

2. The scale shall be appropriate to the area involved and the amount of detail and data, normally 1" = 20', 1" = 50' or 1" = 100'.

3. A north arrow, date of preparation and the title which shall include the following language: "Proposed Property Line Adjustment Survey"

4. The name and address of the property owners, and the applicant, if different.

5. A drawing of the boundaries of the lots/parcels involved, to include dimensions and square footage calculations.

6. The zoning and plan designation of the lots/parcels.

7. The existing property line and proposed property line, clearly differentiated by line type.

8. The location and outline to scale of all existing structures to include their required setbacks from the current property lines and those from the proposed property line.

9. The locations, widths and names of all existing streets, alleys, or other rights-of-way within or adjacent to the lots/parcels and the location and width of driveways.

10. The location of all public and private easements and utility lines within or crossing the lots/parcels. For properties outside the city limits but within the City's urban service area, septic and drain fields shall be shown.

11. Reference to the recorded Subdivision or Partition by name or reference number and blocks, lot/parcel numbers, where applicable.

B. The following additional information shall be submitted with the Preliminary Survey:

1. A brief narrative explaining reason for the proposed Property Line Adjustment and the existing use of the lots/parcels.

2. A copy of the current deeds for the lots/parcels.

3. If the applicant is not the property owner, written permission from all property owners is required.

4. 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. 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.

5.16-125 Criteria

The Director shall approve, approve with conditions, or deny the Property line Adjustment application. Approval or approval with conditions shall be based on compliance with the following criteria. The Property line Adjustment shall not:

A. Create a new lot/parcel;

B. Create a landlocked lot/parcel;

C. Reduce an existing lot/parcel below the minimum size standard or reduce setbacks below the minimum established by the applicable zoning districts in this Code;

D. Violate any previous conditions the Approval Authority may have imposed on the lots/parcels involved in the application;

E. Detrimentally alter the availability of existing public and/or private utilities to each lot/parcel in the application or to abutting lots/parcels; or

F. Increase the degree of non-conformity of each lot, parcel or structure that is non-conforming at the time of application.

5.16-130 Preliminary Approval

A. If the Director determines that the Preliminary Survey satisfies the criteria of approval in Section 5.16-125, or that conditions are necessary to satisfy the provisions of this Code, then the applicant shall be notified in writing and may proceed with the preparation of the required Final Survey.

B. If the Director determines that the Preliminary Survey does not comply with the provisions of this Code, then the application shall be denied and the applicant so notified in writing.

5.16-135 Conditions

A. The following approval conditions shall be required:

1. The submittal of a Final Survey; and

2. Property Line Adjustment deeds, as specified in Section 5.16-140.

B. The following additional conditions of approval may be required:

1. A public or private utility easement may be required to be vacated, relocated or created.

2. A joint use/access and/or parking agreement.

3. The signing of an Improvement Agreement for frontage improvements.

5.16-140 Final Survey Submittal, Compliance With Conditions and Recordation of Documents

A. A Final Survey shall be prepared, stamped and signed by an Oregon registered Land Surveyor as specified in ORS 92.010(7)(b), ORS 92.060(3) and ORS 209.250.

B. One copy of the Final Survey shall be delivered to the Development Service Department together with any conditioned documents.

C. Once the Director and City Surveyor have certified that all conditions listed under Preliminary Survey approval have been met, the Final Survey may be recorded at the Lane County Surveyor's Office.

D. The owners of the lots/parcels included in the application shall record with Lane County Deeds and Records Property Line Adjustment deeds, as specified in ORS 92.190(4). The Property Line Adjustment deeds shall contain the names of the parties, the description of the adjusted line, reference to original recorded documents and signatures of all parties with proper acknowledgment. The Property Line Adjustment deeds shall also identify the Planning file number and shall contain a statement declaring that the purpose of the deeds is for a Property Line Adjustment. Reference to the affected properties by map and tax lot number shall be in addition to reference by legal description. In the case of serial Property Line Adjustments processed under Type II procedure, each Property Line Adjustment deed for the lots/parcels in the series shall be recorded separately, in the sequence of City approval.

E. A copy of the recorded Final Survey and deeds shall be delivered to the Development Services Department together with any other recorded documents that may have been required as a condition of approval.

5.16-145 Expiration of Approval

The Property Line Adjustment preliminary approval shall become null and void if:

A. The Final Survey and any approval conditions have not been submitted to the City in a complete form within 90 days of the date of Preliminary Survey approval; or

B. The Final Survey is not submitted to the Lane County Surveyor within 30 days of the City approval; or

C. The Property Line Adjustment deed or other conditioned documents have not been recorded with Lane County Deeds and Records with the Final Survey.

Section 5.17-100 Site Plan Review

5.17-105 Purpose and Applicability

A. The purpose of Site Plan Review is to: Facilitate and enhance the value of development; Regulate the manner in which land is used and developed; Ensure the provision of public facilities and services; Maintain the integrity of the City's watercourses by promoting bank stability, assisting in flood protection and flow control, protecting riparian functions, minimizing erosion, and preserving water quality and significant fish and wildlife areas; Provide for connectivity between different uses; Utilize alternative transportation modes including and walking, bicycling and mass transit facilities; Implement the Metro Plan, applicable refinement plans and specific area plans and development plans; Minimize adverse effects on surrounding property owners and the general public through specific approval conditions; and Otherwise protect the public health and safety.

B. Site Plan Review is required for:

1. Single family and duplex dwellings on properties zoned Medium Density Residential and High Density Residential in order to meet the minimum density requirements of these zones;

EXCEPTION: Site Plan Review does not apply to certain single-family and duplex dwellings on properties zoned Medium Density Residential and High Density Residential subject to building permit approval when:

a. The lot/parcel size allows only one single-family or duplex dwelling, or

b. There is an addition, remodel or replacement of an existing single-family dwelling or duplex/or an accessory structure is proposed.

2. Multi-family residential, commercial, public and semi-public, and industrial development or uses, including construction of impervious surfaces for parking lots and storage areas, including:

a. New development on vacant sites and redevelopment as a result of demolition and removal of existing buildings and impervious surfaces on a formerly occupied site.

b. Additions or expansions that exceed either 50 percent of the existing building gross floor area or 5,000 square feet or more of new building gross floor area and/or impervious surface area.

c. Additions, expansions and changes of use, regardless of size or intervening use, that:

i. Contain or are within 150 feet of the top of bank (as measured from the property line of the subject property) of any Water Quality Limited Watercourses (WQLW) identified

on the WQLW Map on file in the Development Services Department;

ii. Contain or are within 100 feet of the top of bank (as measured from the property line of the subject property) of any direct tributaries of WQLW identified on the WQLW Map on file in the Development Services Department;

iii. Are located within the City's urbanizable area, outside of the city limits; or

iv. Are located within 50 feet of residentially zoned or designated land (as measured from the property line of the subject property).

v. **EXCEPTIONS:**

(a) The Director may determine that a Type II Site Plan Review does not apply to certain changes of use required under Subsections I2.c.i. – iv., above if a finding is made that the change of use will not have an adverse impact on water quality and/or residential uses. In this case, the change of use may be reviewed under Minimum Development Standards procedures specified in Section 5.5-100 or a Minor Site Plan Modification as specified in Section 5.17-145.

(b) Developed or partially developed industrial properties 5 acres or greater in size that have never obtained Final Site Plan Review approval prior to the adoption of this Code may obtain Final Site Plan Equivalent Map approval as specified in Section 5.17-135. This approval is necessary to allow the property owner to use the Site Plan Modification process specified in Section 5.17-145 for future additions or expansions.

(c) The Director may determine that the gross floor and impervious area Site Plan Review triggers applicable to Subsections 2.a., b. and c., above do not apply to vertical expansions of existing structures within the Downtown Refinement Plan boundary. In this case, Minimum Development standards specified in Section 5.15-100 may be utilized as a substitute review process. The Director may also require compliance with any applicable building design standards, related to the expansion.

d. Discretionary Uses, where applicable.

e. Development within the area of adopted Development Area Plans and Conceptual Development Plans.

f. Any uses listed in the applicable zoning, overlay or plan district, which specifically require Site Plan Review.

g. Certain wireless telecommunications systems facilities. See Section 4.3-145 for siting standards and review process for applicable underlying zoning district.

C. No development permit will be issued by the City prior to approval of the Preliminary Site Plan application.

EXCEPTION: As may be permitted in the Springfield Municipal Code, 1997 and/or by Resolution No. 03-40, the Director may issue a Land and Drainage Alteration Permit prior to approval of the Preliminary Site Plan.

5.17-110 Review

A. Pre-Application Options. Although voluntary, prospective applicants are generally encouraged to request a Development Issues Meeting (informal process) or Pre-Application Report (formal process) as specified in Section 5.1-120.

B. Site Plans are reviewed under Type II procedure, unless otherwise specified elsewhere in this Code.

5.17-115 Phased Development

The Director may approve phasing of development with the Site Plan Review application, subject to the following standards and procedures:

A. A Phased Development Plan shall be submitted with the Site Plan Review application as specified in Section 5.17-120.

B. The Director shall approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than two years, with a possible one-time one year extension as specified in Section 5.17-135.

EXCEPTIONS:

1. If a longer phasing time line is desired, the applicant may submit a Master Plan, as specified in the provisions of Section 5.13-100.

2. Multiple Type II Site Plan Modification applications shall not be permitted to circumvent the Master Plan process (See also Section 5.17-145).

C. Approval of a phased Site Plan Review application shall require satisfaction of the following approval criteria:

1. The public facilities required to serve each phase shall be constructed in conjunction with or prior to each phase, unless during the Site Plan

Review process the Director finds that a public facility necessary for a subsequent phase is necessary as part of an earlier phase; and

2. The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as part of the approved development proposal.

5.17-120 Submittal Requirements

All Site Plan applications that contain structures over 4,000 square feet of gross floor area shall be prepared by an Oregon licensed Architect or Engineer. The services of an Oregon registered Engineer may also be required by the City in order to resolve utility issues, especially stormwater management, street design and transportation issues, site constraint and/or water quality. A Site Plan shall contain all the elements necessary to demonstrate that provisions of this Code are being fulfilled and shall include but not be limited to the following:

A. General requirements. A Site Plan shall be drawn in ink on quality paper no smaller than 8 1/2" x 14" and shall contain the following information:

1. The scale (appropriate to the area involved and sufficient to show detail of the plan and related data, for example: 1" = 30', 1" = 50' or 1" = 100'), north arrow, and date of preparation.

2. The street address and assessor's map and tax lot number.

3. The dimensions (in feet) and size (either square feet or acres) of the development area.

4. Proposed and existing buildings: location, dimensions, size (gross floor area), conceptual floor plan, setbacks from property lines, distance between buildings, and height.

5. The location and height of proposed or existing fences, walls, outdoor equipment and storage, trash receptacles, and signs.

6. Proposed number of employees and future expansion plans.

7. Area and percentage of the site proposed for buildings, structures, driveways, sidewalks, patios and other impervious surfaces. This information is necessary to allow staff to determine the Site Plan Review fee.

8. Observance of solar access requirements as specified in the appropriate zoning district.

9. Exterior elevations of all buildings and structures proposed for the development site.

10. Area and dimensions of all property to be conveyed, dedicated or reserved for common open spaces, recreational areas and other similar public and semi-public uses.

B. A Site Assessment of the entire development area prepared by an Oregon licensed Landscape Architect or Engineer and drawn to scale with existing contours at one-foot intervals and percent of slope that precisely maps and delineates the areas described below. Proposed modifications to physical features shall be clearly indicated. The Director may waive portions of this requirement if there is a finding that the proposed development will not have an adverse impact on physical features or water quality, either on the site or adjacent to the site. Adjacent properties include those within the distances specified in Section 5.17-105. Information required for adjacent properties may be generalized to show the connections to physical features. A Site Assessment shall contain the following information:

1. The name, location, dimensions, direction of flow and top of bank of all watercourses that are shown on the Water Quality Limited Watercourse Map on file in the Development Services Department.

2. The 100-year floodplain and floodway boundaries on the site, as specified in the latest adopted FEMA Flood Insurance Rate Maps or FEMA approved Letter of Map Amendment or Letter of Map Revision;

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, watercourses shown on the Water Quality Limited Watercourse Map and their riparian areas, wetlands and rock outcroppings; and

5. Soil types and water table information as mapped and specified in the *Soils Survey of Lane County*.

C. An Access, Circulation and Parking Plan complying with the provisions of this Code and containing the following information;

1. The location, dimensions and number of typical, compact and disabled parking spaces; including aisles, landscaped areas, wheel bumpers, directional signs and striping;

2. On-site vehicular and pedestrian circulation;

3. Access to streets, alleys and properties to be served, including the location and dimensions of existing and proposed driveways and driveways proposed to be closed;

4. Exterior lighting: including the type, height and area of illumination;

5. The location, type and number of bicycle spaces;

6. The amount of gross floor area applicable to the parking requirement for the proposed use;

7. The location of off-street loading areas;

8. Existing and proposed transit facilities;

9. A copy of a Right-of-Way Approach Permit application, where the property has frontage on an Oregon Department of Transportation (ODOT) facility; and

10. A Traffic Impact Study prepared by a Traffic Engineer as specified in Section 4.2-105A.4.

D. A Landscape Plan, drawn by a Landscape Architect or other professional approved by the Director, complying with the provisions of this Code that contains the following information.

1. Screening as specified in Section 4.4-110;

2. The use of plantings in erosion control and stormwater treatment facilities, if any;

3. A permanent irrigation system, unless specifically exempted as specified in Section 4.4-100;

4. Street trees as specified in Section 4.2-140;

5. A specifications list for all materials to be used shall accompany the Planting Plan. Plant sizes shall be listed at the time of installation, and shown on the Planting Plan at mature size; and

6. A description of planting methods as specified in Section 4.4-100.

E. An Improvements Plan complying with the standards of Sections 4.1-100, 4.2-100 and 4.3-100 that contains the following information.

1. The name and location of all existing and proposed public and private streets within or on the boundary of the proposed development site including the right-of-way and paving dimensions, and the ownership and maintenance status, if applicable;

2. Location of existing and required traffic control devices, fire hydrants, streetlights, power poles, transformers, neighborhood mailbox units and similar public facilities;

3. The location, width and construction material of all existing and proposed sidewalks, sidewalk ramps, pedestrian access ways and trails; and

4. The location and size of existing and proposed utilities and necessary easements and dedications on and adjacent to the site including sanitary sewer mains, stormwater management systems, water mains, power, gas, telephone, and cable TV. Indicate the proposed connection points.

F. A Grading, Paving and Stormwater Management Plan drawn to scale with existing contours at one-foot intervals and percent of slope that precisely maps and addresses the information described below. In areas where the percent of slope is 10 percent or more, contours may be shown at five-foot intervals. This plan shall show the stormwater management system for the entire development area. For Site Plans with more than 5,000 square feet of new paving area, an Oregon licensed Civil Engineer shall prepare the plan. Where plants are proposed as part of the stormwater management system, an Oregon licensed Landscape Architect may be required. The plan shall include the following components:

1. Roof drainage patterns and discharge locations;

2. Pervious and impervious area drainage patterns;

3. The size and location of stormwater management systems components, including but not limited to: drain lines, catch basins, dry wells and/or detention ponds; stormwater quality measures; and natural drainageways to be retained;

4. Existing and proposed elevations, site grades and contours; and

5. A stormwater management system plan with supporting calculations and documentation as required 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* to allow staff to determine that the proposed stormwater management system will accomplish its purposes.

G. A Phased Development Plan, where applicable, that indicates any proposed phases for development, including the boundaries and sequencing of each phase as specified in Section 5.17-115. Phasing shall progress in a sequence that promotes street connectivity between the various phases and accommodates other required public improvements, including but not limited to, sanitary sewer, stormwater management, water and electricity.

H. An On-site Lighting Plan showing the location, orientation, and maximum height of all proposed exterior light fixtures, both free standing and attached. The lighting plan shall also detail the type and extent of shielding, including cut-off angles and the type of illumination, the wattage, luminous area, and a photometric test report for each light source.

I. Additional information and/or applications required at the time of Site Plan Review applications submittal shall include the following items, where applicable:

1. A brief narrative explaining the purpose of the proposed development and the existing use of the property.

2. If the applicant is not the property owner, written permission from the property owner is required.

3. A Vicinity Map drawn to scale showing bus stops, streets, driveways, pedestrian connections, fire hydrants and other transportation/fire access issues within 200 feet of the proposed development area.

4. How the proposal addresses the standards of the applicable overlay district, where applicable.

5. How the proposal addresses Discretionary Use criteria, where applicable.

6. A Tree Felling Permit as specified in Section 5.19-100.

7. An Annexation application, as specified in Section 5.7-100, where a development is proposed outside of the city limits but within the City's urban service area and can be serviced by sanitary sewer.

8. A wetland delineation approved by the Department of State Lands shall be submitted concurrently, where there is a wetland on the property.

9. Evidence that any required Federal or State permit has been applied for or approved shall be submitted concurrently.

10. A Geotechnical Report prepared by an Engineer shall be submitted concurrently, if the required Site Assessment specified in Section 5.17-120 indicates the proposed development area has unstable soils and/or a high water table as specified in the *Soils Survey of Lane County*.

5.17-125 Criteria

The Director shall approve or approve with conditions: a Type II Site Plan Review application upon determining that approval criteria A. through E., below have been satisfied. If conditions cannot be attached to satisfy the approval criteria, the Director shall deny the application.

A. The zoning is consistent with the Metro Plan diagram, and/or the applicable Refinement Plan diagram, Plan District map, and Conceptual Development Plan.

B. Capacity requirements of public and private facilities, including but not limited to, water and electricity; sanitary sewer and stormwater management facilities; and streets and traffic safety controls shall not be exceeded and the public improvements shall be available to serve the site at the time of development, unless otherwise provided for by this Code and other applicable regulations. The Public Works Director or a utility provider shall determine capacity issues.

C. The proposed development shall comply with all applicable public and private design and construction standards contained in this Code and other applicable regulations.

D. Parking areas and ingress-egress points have been designed to: facilitate vehicular traffic, bicycle and pedestrian safety to avoid congestion; provide connectivity within the development area and to adjacent residential areas, transit stops, neighborhood activity centers, and commercial, industrial and public areas; minimize driveways on arterial and collector streets as specified in this Code or

other applicable regulations and comply with the ODOT access management standards for State highways.

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; wetlands; 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.

5.17-130 Conditions

To the extent necessary to satisfy the approval criteria of Section 5.17-125, comply with all applicable provisions of this Code and to mitigate identified negative impacts to surrounding properties, the Director may impose approval conditions. Conditions imposed to satisfy the Site Plan application approval criteria shall not be used to exclude "needed housing" as defined in OAR 660-08-015. All conditions shall be satisfied prior to Final Site Plan approval. Approval conditions may include, but are not limited to:

A. Dedication of right-of-way and/or utility easements.

1. Right-of-way, when shown in: TransPlan; transportation elements of refinement plans; or on the most recent Conceptual Local Street Plan Map; and as specified in Table 4.2-1.

2. Easements as specified in Section 4.3-140, when necessary to provide services, including, but not limited to: sanitary sewers, stormwater management, water and electricity, to the site and neighboring properties. The dedication of easements shall also include any easements required to access and maintain watercourses or wetlands that are part of the City's Stormwater Management System.

B. Installation of a sight obscuring fence, and/or vegetative screen whenever a party of record or the Director identifies a land use conflict.

C. Installation of medians, traffic signals and signs; restricting access to and from arterial or collector streets; requiring a frontage road; restricting and strategically locating driveways; and/or requiring the joint use of driveways to serve two or more lots/parcels through a Joint Use/Access Agreement when transportation safety issues are identified by the Transportation Planning Engineer and/or a Traffic Impact Study.

D. Modification of the layout of structures caused by the location of streets, required stormwater management systems, including, but not limited to: swales and detention basins or when required by the Geotechnical report specified in Section 5.17-120.

E. Installation of a noise attenuating barrier, acoustical building construction and/or site modifications as specified in Section 4.4-110, or similar measures approved by an acoustical engineer registered in the State of Oregon, to minimize negative

affects on noise sensitive property from noise found to exceed acceptable noise levels prescribed in the Oregon Administrative Rules or the Federal Highway Administration Noise Abatement Criteria.

F. Limiting the hours of operation whenever a land use conflict is identified by the Director or a party of record, including, but not limited to: noise and traffic generation.

G. Phasing of development to match the availability of public facilities and services, including but not limited to, water and electricity; sanitary sewer and stormwater management facilities; and streets and traffic safety controls when these facilities and services are near capacity, as determined by the Public Works Director or the utility provider.

H. Submittal of a Land and Drainage Alteration Permit.

I. Retention and protection of existing physical features and their functions, including but not limited to: significant clusters of trees and shrubs, watercourses shown on the WQLW Map and their riparian areas and wetlands by:

1. Planting replacement trees where encroachment is allowed into riparian areas shown on the WQLW Map on file in the Development Services Department;

2. Re-vegetation, including, but not limited to: trees and native plants, of slopes, ridgelines, and stream corridors;

3. Restoration of native vegetation;

4. Removal of invasive plant species, based upon the Invasive Plants List on file in the Development Services Department;

5. Relocating the proposed development on another portion of the site;

6. Reducing the size of the proposed development; and/or

7. Mitigation of the loss of physical features caused by the proposed development with an equivalent replacement either on site or on an approved site elsewhere within the City's jurisdiction, as approved by the Director.

J. Installation of lighting for outdoor circulation, parking and safety, including approval of the type and placement of the outdoor lighting as specified in Section 4.5-100.

K. The Director may waive the requirement that buildable City lots/parcels have frontage on a public street when the following apply:

1. The lots/parcels have been approved as part of a Subdivision or Partition application; and

2. Access has been guaranteed via a private street to a public street or driveway by an irrevocable joint use/access agreement.

L. The applicant shall submit copies of required permits to demonstrate compliance with applicable: Federal programs, regulations and statutes; State programs, regulations and statutes; and/or local programs, regulations and statutes prior to the approval of the Final Site Plan. When a Federal or State agency issues a permit that substantially alters an approved Preliminary Site Plan, the Director shall require the applicant to submit a Site Plan Modification as specified in Section 5.17-145.

M. Approval of a Stormwater Management Plan for the development demonstrating compliance with the applicable provisions of Section 4.3-110 and the *Engineering Design Standards and Procedures Manual.*

5.17-135 Final Site Plan/Final Site Plan Equivalent Map

A. Final Site Plan, Generally. Within 90 days of an affirmative decision by the Approval Authority, a complete Final Site Plan shall be submitted to the Development Services Department. The Final Site Plan submittal shall incorporate all approval conditions listed in the staff report. The Final Site Plan shall become null and void if construction has not begun within two years of the signing of the Development Agreement required in Section 5.17-140.

B. Final Site Plan Equivalent Map. In the case of developed or partially developed industrial properties of more than 5 acres in size that did not receive Final Site Plan approval prior to the adoption of this Code, the Director may approve a Final Site Plan Equivalent Map to allow the property owner to use the Site Plan Modification process specified in Section 5.17-145 for future additions or expansions.

1. Final Site Plan Equivalent Map - Review.

   a. Final Site Plan Equivalent Map applications are reviewed under Type I Procedure.

   b. The approval criteria is compliance with the submittal requirements of Subsection 2., below.

   c. In the staff report, the Director shall condition the approved Final Site Plan Equivalent Map to require its submittal with any future Site Plan Modification application.

2. Final Site Plan Equivalent Map - Submittal requirements. The Final Site Plan Equivalent Map application may be submitted concurrently with a Site Plan Review Modification application. The applicant shall submit a map based on City Government Information System maps at a scale not less than 1" =100' that contains the following information:

   a. The property lines;

b. The location of all existing buildings to include their use and dimensions;

c. Paved parking areas to include the number of parking spaces;

d. The location of public utilities on the property, specifically stormwater, sanitary sewer, electricity and water;

e. The location and identification of all outfalls, if there are waterways that abut the property. For properties that abut Water Quality Limited Watercourses the approximate location of top of bank, and the 150 foot required setback from top of bank;

f. Existing landscaping along the frontage of abutting public rights-of-way; and

g. Any additional information required by the Director that may be specific to a particular property.

3. Final Site Plan Equivalent Map - Applications for proposed additions or expansions.

a. The Director shall determine whether a Major or Minor Site Plan Modification application is required. The applicable development standards and approval criteria for the proposed addition or expansion shall be addressed as part of the Site Plan Modification application.

b. The applicant shall update the Final Site Plan Equivalent Map as a condition of Site Plan Modification preliminary approval.

c. The applicant shall submit the revised Final Site Plan Equivalent Map with the Final Site Plan for the Site Plan Modification.

d. No formal amendment of the original Site Plan Equivalent Map application is required in order to update the map. The intent is to have an up to date record of development on the industrial property on file in the last Site Plan Modification application.

5.17-140 Development Agreement

A. To complete the Site Plan Review Process, a Development Agreement shall be prepared by the Director to be signed by the applicant. The purpose of the Development Agreement is to ensure that the terms and conditions of Site Plan Review approval are understood and binding upon both the applicant and the City. The Development Agreement and the Final Site Plan approval are valid for two years from the date the document is signed. If construction does not begin within this timeline, both the Final Site Plan and the Development Agreement shall become null and void. However, one extension, not to exceed one year may be granted by the Director upon receipt of a written request by the applicant, including

an explanation of the delay. Work under progress shall not be subject to Final Site Plan or Development Agreement expiration.

EXCEPTION: No Development Agreement shall be required for a Final Site Plan Equivalent Map application that is approved as specified in Section 5.17-135.

B. A Building Permit may be issued by the Building Official only after the Development Agreement has been signed by the applicant.

C. No building or structure shall be occupied until all improvements are made as specified in this Section, unless otherwise permitted in Section 5.17-150.

D. Upon satisfactory completion of site development, as determined by a Final Site Inspection (prior to the final building inspection), the City shall authorize the provision of public facilities and services and issue a Certificate of Occupancy.

5.17-145 Modifications

A. The Site Plan Modification process establishes procedures to allow certain adjustments to an approved Site Plan, either after Preliminary Approval or after Final Approval. This process shall assure that any proposed Major Site Plan Modification continues to comply with the approval criteria specified in Section 5.17-125.

B. The Site Plan Modification process shall only apply to Site Plan applications approved after June 5, 1986.

1. The Site Plan Modification process shall not apply to any proposed development that qualifies as an MDS application.

2. Where there is a change of use on a property that received Site Plan Review approval, the Director may perform a site visit prior to a Site Plan Modification application submittal. If the property is currently in compliance with all criteria of approval specified in Section 5.17-125, no Site Plan Modification application will be required.

C. The Director shall determine whether the Site Plan Modification will be processed under the Type I or Type II review process as follows:

1. A Minor Site Plan Modification application is evaluated under the Type I review process. The application is reviewed based upon a particular standard as specified in this Code that does not involve a Type II or Type III Variance, e.g., a modification in the location or type of required landscaping or an insignificant change in the number and/or layout of parking spaces.

2. A Major Site Plan Modification application is evaluated under the Type II review process. The application is reviewed based upon a particular criterion as specified in Section 5.17-125, e.g., a revision of the stormwater management plan, a substantial increase in the size of the building or when commercial or industrial development abuts property zoned residential. The Type II review process shall also be applied when:

a. The modification involves any items listed in Subsection 5.17-105;

b. A Federal or State agency issues a permit that substantially alters an approved Site Plan; or

c. Pad sites in shopping centers or future phases shown on an approved Final Site Plan have not been constructed within the time line specified in Section 5.17-135.

D. The criteria of approval for a Site Plan Modification application shall be in compliance with the applicable standard and/or criteria of approval specified in Section 5.17-125.

E. The Director may require approval conditions as specified in Section 5.17-130.

F. A Final Site Plan and Development Agreement is required as specified in Sections 5.17-135 and 5.17-140.

5.17-150 Security and Assurances

All required improvements shall be installed prior to the issuance of a Certificate of Occupancy or Final Building Inspection for the development, unless specified in Section 5.15-100 or improvements may be deferred for good cause by the Director if security as specified in Subsection C., below is approved to the satisfaction of the City Attorney.

A. A Temporary Certificate of Occupancy may be issued prior to complete installation and approval of improvements, if security is filed with the City.

B. Required security shall equal 110 percent of the cost of the design, materials and labor, as determined by the Director. Required security may consist of cash, certified check, time certificate or deposit, or lending agency certification to the City that funds are being held until completion.

C. If the installation of improvements is not completed within the period stipulated by the Director, or if the improvements have been improperly installed, the security may be used by the City to complete the installation, or the security may be held by the City and other enforcement powers employed to prevent final occupancy until the improvements are completed.

D. Upon completion of the improvements as certified by the Director, any portion of the remaining security deposited with the City, including any accrued interest, shall be returned.

5.17-155 Maintaining the Use

Once a Certificate of Occupancy has been granted or a Final Building Inspection has taken place:

A. The building and site shall be maintained as specified in this Code in order to continue the use.

B. It shall be the continuing obligation of the property owner to maintain the planting required by Section 4.4-100 in an attractive manner free of weeds and other invading vegetation. Plantings in the vision clearance area shall be trimmed to meet the 2 1/2 foot height standard as specified in Section 4.2-130.

C. Parking lots shall be maintained by the property owner or tenant in a condition free of litter and dust, and deteriorated pavement conditions shall be improved to maintain conformance with these standards.

D. Undeveloped land within a development area shall be maintained free of trash and stored materials in a mowed and attractive manner. Undeveloped land shall not be used for parking.

Section 5.18-100 Solar Access Protection

5.18-105 Purpose

A. The Solar Access Protection application provides protection from the shade cast by new vegetation planted after the date of application. The Solar Access Protection application defines height limitations for new vegetation located within all zoning districts. Only lots/parcels located in LDR and MDR Districts are eligible to receive Solar Access protection.

B. No Solar Access Protection approval may restrict a lot/parcel:

1. Or portion of a lot/parcel which is located more than 150 feet south of the solar energy system.

2. That has a slope facing within greater than 45 degrees east or west of true north south and exceeding 15 percent.

C. Solar Access Protection approval becomes void if the use of the solar energy system feature is discontinued for more than 12 consecutive months or if the system solar feature is not installed and operative within 12 months of the filing date of the Solar Access Protection application.

5.18-110 Review

The Solar Access Protection application shall be reviewed under Type II procedure.

5.18-115 Submittal Requirements

An application for the Solar Access Protection application shall include:

A. The name and address of the applicant and property owner and the assessor map and tax lot map numbers of the property where the proposed application is to be applied.

B. The hours and months for which solar access is sought.

C. A scaled drawing of the solar energy system feature, its dimensions, its height above ground level and its orientation.

D. A sunchart for the proposed location as seen from the center of the lower edge of the site of the solar energy system feature. If the solar energy system feature is more than 20 feet in length, a sunchart shall also be provided for the southeast and southwest corners of the lower edge of the solar energy system feature.

E. A Plot Plan showing lot/parcel lines and dimensions of the applicant's lot/parcel and neighboring lots/parcels which will be affected by the application. The Plot Plan shall include the location of the solar energy system feature and the location of structures and trees on the applicant's lot/parcel and affected neighboring lots/parcels.

F. Demonstrate that the solar energy system feature will not be shaded under the provisions of the solar setback standards as specified in Section 3.2-215.

G. Demonstrate that the solar energy system feature is installed or a written commitment to install the proposed solar energy system within one year of the effective date of the permit.

H. A solar envelope access height limit for each lot/parcel that would be subject to the proposed application.

I. The names and addresses of all owners and registered lessees of properties that will be subject to the proposed application.

5.18-120 Criteria

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

A. The solar energy system shall have at least four hours per day of solar access between 9 a.m. and 3 p.m. during the period for which solar access protection is being sought. The hours and dates during which solar access is protected shall not exceed that defined by the solar heating hours provided under the solar setback standard in Section 3.2-215.

B. The solar energy system shall not be shaded under the solar setback standard as specified in Section 3.2-215.

5.18-125 Recordation

Upon approval of the Solar Access Protection application, the Director shall:

A. File with the Lane County Clerk, on a form as may be required by State law, the Solar Access Protection approval including any exemptions to or limits on the solar access protected, Plot Plan, sunchart and solar envelopes; and

B. Send notice to each property owner and occupant affected by the Solar Access Protection approval that it has been granted and recorded and that it may impose certain obligations on the property owner or occupant to trim vegetation in the future.

5.18-130 Effect and Enforcement

A. The effective date of the Solar Access Protection approval shall be the date that the Director grants approval. No person shall plant any non-exempt vegetation that shades a recorded solar energy system feature after receiving notice of a pending application or upon approval, unless the vegetation is specifically exempted by the approval or by this regulation, or is maintained and trimmed in a manner that complies with the approval.

B. In the event that non-exempt vegetation on a neighboring property is shading a solar energy system feature for which a Solar Access Protection approval has been granted, the permit holder or the City, on complaint by the permit holder, shall give notice of the shading to the property owner or occupant of the property where the shading vegetation is located. If the property owner or occupant fails to remove or trim the shading vegetation within 30 calendar days after receiving the notice, an injunction may be issued upon complaint of the permit holder to the District Court. The injunction may order the property owner or occupant to trim the vegetation, and the court may order the violating property owner or occupant to pay any damages to the complainant, to pay court costs and to pay the complainant reasonable attorney's fees.

5.18-135 Termination

The Director shall revoke the Solar Access Protection approval if the solar collector feature does not function for 12 consecutive months or if requested by the permit holder or successor in interest. The Director shall send the permit holder, the owners of all properties affected by the Solar Access Protection approval and the Lane County Clerk a Notice of Termination.

Section 5.19-100 Tree Felling Permit

5.19-105 Purpose

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

5.19-110 Applicability

A. A Tree Felling Permit shall be required prior to the felling of more than 5 trees 5" dbh (diameter at breast height) or larger within a period of 12 consecutive months from a lot/parcel of private property under common ownership consisting of 10,000 square feet or more of total area.

B. **EXCEPTIONS:** No Tree Felling Permit will be required in the following instances:

1. The action of the Director and/or Public Works Director or any public utility necessary to remove or alleviate an immediate danger to life or property, to restore utility service or to reopen a public street to traffic.

2. Any felling necessary to install or maintain improvements, including, but not limited to: streets and sewers within publicly owned and accepted rights-of-way or utility easements pursuant to approved construction plans or encroachment permits.

3. Felling of trees that obstruct vision clearance at intersections as specified in Section 4.2-130.

4. Where a Tree Felling Permit has been issued that includes a tree protection plan incorporating a procedure for tree removal, or designating specific trees to be removed within established building envelopes identified in an approved Subdivision or Partition, no additional Tree Felling Permit shall be required.

5.19-115 Review

A Tree Felling Permit shall be reviewed under Type II procedure and/or in conjunction with a related development plan.

5.19-120 Submittal Requirements

Application for a permit to fell a tree or trees shall include:

A. The name, address and telephone number of the applicant; species or common tree names; the reason for felling; a Plot Plan showing the location of trees to be removed and their sizes; the method of tree removal and the hauling route to be used; and

B. A description of any plan (Vegetation and Re-vegetation Report) to replace, landscape, or otherwise reduce the effect of the felling that addresses the applicable criteria in Section 5.19-125.

C. The Director or the Public Works Director may require the applicant to provide the services of a professional forester (approved by the City), licensed hydrologist or licensed landscape architect in order to address the standards in Section 5.19-125 for undeveloped property greater than 10 acres in size of 15 percent slope or above an elevation of 670 feet.

5.19-125 Criteria

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

A. Whether the conditions of the trees with respect to disease, hazardous or unsafe conditions, danger of falling, proximity to existing structures or proposed construction, or interference with utility services or pedestrian or vehicular traffic safety warrants the proposed felling.

B. Whether the proposed felling is consistent with State standards, Metro Plan policies and City Ordinances and provisions affecting the environmental quality of the area, including but not limited to, the protection of nearby trees and windbreaks; wildlife; erosion, soil retention and stability; volume of surface runoff and water quality of streams; scenic quality; and geological sites.

C. Whether it is necessary to remove trees in order to construct proposed improvements as specified in an approved development plan, grading permits and construction drawings.

D. In the event that no Development Plan has been approved by the City, felling of trees will be permitted on a limited basis consistent with the preservation of the site's future development potential as prescribed in the Metro Plan and City development regulations, and consistent with the following criteria.

1. Wooded areas associated with natural drainageways and water areas shall be retained to preserve riparian habitat and to minimize erosion;

2. Wooded areas that will likely provide attractive on-site views to occupants of future developments shall be retained;

3. Wooded areas along ridge lines and hilltops shall be retained for their scenic and wildlife value;

4. Wooded areas along property lines shall be retained to serve as buffers from adjacent properties;

5. Trees shall be retained in sufficiently large areas and dense stands so as to ensure against windthrow;

6. Large-scale clear-cuts of developable areas shall be avoided to retain the wooded character of future building sites, and so preserve housing and design options for future City residents.

E. Whether the applicant's proposed replanting of new trees or vegetation is an adequate substitute for the trees to be felled.

F. Whether slash left on the property poses significant fire hazard or liability to the City.

G. Whether the felling is consistent with the guidelines specified in the Field Guide to Oregon Forestry Practices Rules published by the State of Oregon, Department of Forestry, as they apply to the northwest Oregon region.

H. Whether transportation of equipment to and equipment and trees from the site can be accomplished without a major disturbance to nearby residents.

5.19-130 Conditions

The Director may place conditions on the applicant's Plot Plan in order to meet the standards in Section 5.19-125.

A. If issuance of the Tree Felling Permit shall be conditioned upon the applicant's proposed plan to replace the trees, landscape, or otherwise reduce the effects of the felling, the time within which the plan is to be completed shall be specified on the permit.

B. The Director or the Public Works Director may require a surety bond to guarantee that any conditions imposed on tree felling are met and to insure against damage to City facilities.

C. Failure to comply with a condition of a Tree Felling Permit within the designated time is a violation of this Section.

Section 5.20-100 Vacation of Rights-of-Way and Easements

5.20-105 Purpose

As land develops, and as land uses change over time, certain public property and easements may no longer be necessary or may need to be relocated. The reconfiguration of Subdivisions and Partitions may also be desired. This Code, the Springfield Municipal Code, 1997 Sections 3.200 through 3.206 and ORS 271.080 et seq. provide procedures, requirements, and approval criteria for Vacations.

5.20-110 Applicability

A. The Vacation process applies to public rights-of-way, other public land, public utility and other public easements, and recorded Subdivision and Partition Plats under the jurisdiction of the City.

B. The City's Vacation process shall not apply to:

1. Lands over which Lane County or the State have jurisdiction, including, but not limited to: public rights-of-way or Subdivision and Partition Plats within the City's urbanizable area; or

2. Lane County streets and State highways within the city limits where jurisdiction has not been transferred to the City.

5.20-115 Review

A. The Vacation of all public easements is reviewed under Type II procedure.

EXCEPTION: Public utility easements within Partition and Subdivision Plats may also be realigned, reduced in width or omitted as part of the Replat process as specified in Section 5.12-165.

B. The Vacation of any public rights-of-way, any other public land as specified in ORS 271.080 et seq., and the Vacation of Partition and Subdivision Plats in part or in their entirety, including public rights-of-way and public utility easements located within the Plat, is reviewed under Type IV procedure.

5.20-120 Submittal Requirements

A. Vacation of public rights-of-way and public easements may be applied for by property owners, public agencies, or initiated by the City Council.

B. Vacation of Partition and Subdivision Plats may be applied for by property owners.

C. The application shall include:

1. A legal description of the public rights-of-way, easement or Plat to be vacated prepared by an Oregon Licensed Land Surveyor or other professional approved by the Director;

2. The reason for the Vacation;

3. The proposed use of the property after Vacation;

4. For citizen initiated Vacations of public rights-of-way or Partition and Subdivision Plats, the petition of affected property owners;

5. A map prepared by an Oregon Licensed Land Surveyor or other professional approved by the Director of the area proposed to be vacated. The map shall show:

   a. The date, north arrow, and standard scale;

   b. The Assessor's Map and Tax Lot numbers of the affected properties and adjacent properties;

   c. A Vicinity Map on the Site Plan (Vicinity Map does not need to be to scale);

   d. All adjacent streets including street name, alleys, and accessways, and right-of-way and paving widths;

   e. All dimensions of existing public utility easements and any other areas restricting use of the parcels, for example: conservation areas, slope easements, access easements;

   f. Existing dimensions and square footage of the lots/parcels involved;

   g. Proposed dimensions and square footage of the lots/parcels involved (applies to Vacations of undeveloped Subdivision Plats and right-of-way Vacations);

   h. For public easement and right-of-way Vacations, clearly show dimensions of entire easement or right-of-way on or adjacent to the subject lots/parcels. Also clearly show dimensions of that portion proposed for Vacation, including square footage; and

   i. For right-of-way Vacations, demonstrate compliance with the boundary requirements of ORS 271.080 et seq.

   j. The legal description of the easement, right-of-way or Plat, or portion thereof, proposed to be vacated.

6. Where public easements are proposed to be vacated, a notarized letter of concurrence with the Vacation from all utility providers other than the City

(telephone, cable TV, electric, water and gas), shall be submitted with the application.

5.20-125 Notice

A. Notice for Vacations reviewed under Type II procedure is as specified in Section 5.1-130.

B. Notice for Vacations reviewed under Type IV procedure is as specified in Section 5.2-115.

EXCEPTIONS:

1. Newspaper notice shall be published once each week for two consecutive weeks prior to the public hearing. The first day of publication and the posting shall be not less than 14 days before the hearing.

2. The applicant shall post two signs, approved by the Director on the subject property, or if right-of-way is proposed to be vacated, the notice shall be attached to a telephone or other similar utility pole within the Vacation area.

C. Notice for all Vacations will be mailed to all utility providers providing service within the city limits and the City's urbanizable area.

5.20-130 Criteria

A. For the Vacation of public utility easements, the Director shall approve, approve with conditions, or deny the application. The application will be approved if the Vacation is found to be consistent with the following criteria:

1. There are no present or future services, facilities, or utilities deemed to be necessary by a utility provider and the easement is not necessary; or

2. If the utility provider deems the easement to be necessary, public services, facilities, or utilities can be extended in an orderly and efficient manner in an alternate location.

B. Where the proposed Vacation of public rights-of-way, other City property, or Partition or Subdivision Plats is reviewed under Type IV procedure, the City Council shall approve, approve with conditions, or deny the Vacation application. The application will be approved if the Vacation is found to be consistent with the following approval criteria.

1. The Vacation shall be in conformance with the Metro Plan, TransPlan, the Conceptual Local Street Map and adopted Functional Plans, and applicable Refinement Plan diagram, Plan District map, or Conceptual Development Plan;

2. The Vacation shall not conflict with the provisions of Springfield Municipal Code, 1997; and this Code, including but not limited to, street connectivity standards and block lengths; and

3. There shall be no negative effects on access, traffic circulation, emergency service protection or any other benefit derived from the public right-of-way, publicly owned land or Partition or Subdivision Plat.

C. Notwithstanding the provisions of Subsection B., above where the land affected by the proposed Vacation of public right-of-way, other public land as specified in ORS 271.080, or public easement will remain in public ownership and will continue to be used for a public purpose, the request shall be reviewed under the Type IV procedure. The City Council may approve the Vacation application if it is found to be consistent with the following criteria:

1. The Vacation was initiated by the City Council pursuant to ORS 271.130(1);

2. Notice has been given pursuant to ORS 271.110(1);

3. Approval of the vacation would be consistent with provision of safe, convenient and reasonably direct routes for cyclists, pedestrians and vehicles as provided in OAR 660-012-00045(3);

4. Whether a greater public benefit would be obtained from the vacation than from retaining the right of way in its present status; and

5. Whether provisions have been made to ensure that the vacated property will remain in public ownership.

5.20-135 Conditions

If the Director or the City Council approves a Vacation, the following conditions may be attached:

A. For a Vacation involving public right-of-way, where applicable, an easement for a public facility, publicly owned utility or other utility shall be retained.

B. A public facility, publicly owned utility or other utility shall be constructed, relocated or removed at the applicant's expense or through cost sharing with the City as may be available. A new public easement shall then be required.

C. A Vacated Partition or Subdivision Plat shall be replatted, where necessary.

D. A public right-of-way shall be relocated and rebuilt at the applicant's expense or through cost sharing with the City, as may be available.

E. Where the Vacation of a City right-of-way results in an assessment of special benefit to the remaining property, the property owner shall provide compensation to the City as specified in Section 3.204 of the Springfield Municipal Code, 1997.

F. The City Council may attach any other conditions as may be reasonably necessary in order to allow the Vacation to be granted.

Section 5.21-100 Variances

5.21-105 Purpose

It is the intent of this Section that a Variance may be granted when the strict application of certain provisions of this Code create a unique circumstance, caused by unusual conditions related to a specific property, building or structure. An authorized Variance is not personal to the applicant, but runs with the land and/or use, as applicable. The granting of a Variance does not create a non-conforming use, lot/parcel.

5.21-110 Applicability

The Variance provisions of this Section apply to buildings, structures and lots/parcels. There may be provisions for Variances from other regulations specified elsewhere in this Code, including, but not limited to:

A. Floodplain Variances, which are processed using criteria specified in Section 3.3-430.

B. Multi-family dwelling unit Variances, which are processed using criteria specified in Section 3.2-250.

5.21-115 Prohibited Variances

No Variance will be granted that:

A. Authorizes a use that is not permitted in the applicable zoning, overlay or Plan District;

B. Conflicts with adopted Fire and Life Safety Codes or Building Safety Codes; and/or

C. Varies from State or Federal mandated regulations, unless otherwise specified in this Code.

5.21-120 Review

A. A Minor Variance is reviewed under Type II procedure.

B. A Major Variance is reviewed under Type III procedure.

5.21-125 Minor Variances – Criteria

A. Minor Variances are limited to certain specific numeric standards in this Code. The Director may adjust the following numeric standards by up to 30 percent as a Minor Variance:

1. Building setbacks;

2. Lot/parcel dimensions that do not reduce the required lot/parcel size below the minimum required in the applicable zoning district;

3. Building height;

4. Lot/parcel coverage outside of the HD Overlay District as described in Section 3.3-510; and

5. Parking standards on certain infill lots/parcels.

B. If the Minor Variance involves a setback, the plot plan shall be prepared by an Oregon registered surveyor.

C. The Director may consider additional categories of Minor Variance, on a case by case basis, without the need for an Interpretation, as specified in Section 5.11-100.

D. The Director shall approve the Minor Variance if the applicant demonstrates compliance with all of the applicable approval criteria:

1. Locational or dimensional problems have been identified that can be resolved by a Minor Variance;

2. The request is the minimum necessary to alleviate the identified dimensional or locational problem;

3. Where applicable, the request shall result in the preservation of on-site trees 5" dba and above;

4. The request shall not impede adequate emergency access to the site;

5. The request shall not unreasonably adversely impact public or private easements; and

6. The request shall not unreasonably limit solar access standards for abutting properties. In order to meet this criterion, the Director may require that the building or structure be placed as close to the south property line as possible.

7. In addition to the applicable approval criteria specified in Subsections 1. through 6., above, the following approval criteria shall also apply to a request involving parking reductions on infill lots/parcels in the Commercial and Industrial Districts when there is a change of use, addition or expansion that requires Site Plan Review Modification. The Minor Variance for parking reductions shall not apply to MDS applications as specified in Section 5.15-100:

   a. The individual characteristics of the proposed use require more parking than is generally required for a use of this type;

b. The Minor Variance for a parking reduction shall run with the use or uses to which it pertains and not run with the land itself;

c. The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses because:

i. The owners of abutting properties cannot agree to execute a joint access/parking agreement, and/or

ii. The Public Works Director has determined the proposed shared parking area is a safety hazard because it is located too far from the proposed use;

d. The request shall not result in the parking or loading of vehicles on public streets in a manner that may interfere with the free flow of traffic on the streets.

e. The property otherwise complies with the provisions of this Code.

5.21-130 Major Variances – Criteria

Major Variances involve discretionary decision-making and apply to those Variances that are not Minor Variances as specified in Section 5.21-125. The Approval Authority may approve or approve with conditions a Major Variance on finding that all of the following approval criteria are satisfied, otherwise the request will be denied:

A. An unusual condition exists that is unique to: a lot/parcel, building or structure; lot/parcel size, shape or topography; the location or size of physical improvements; or other similar circumstances not anticipated by this Code but related to the property that would deprive the owner of rights commonly enjoyed by other property owners similarly situated in the same zoning district;

B. The Variance shall not be inconsistent with the development standards of this Code or of any applicable Refinement Plan diagram, Plan District map, Conceptual Development Plan or other applicable plans or studies;

C. The Variance shall have no significant adverse affects on other properties in the same zoning district and/or vicinity, or the request can be conditioned so that there are no significant adverse affects;

D. The unusual condition described in Subsection A. above shall not arise from a previous Code violation or rely only on loss of profit or financial need.

E. The Variance requested is the minimum necessary to alleviate the unusual condition.

5.21-135 Conditions

The Approval Authority may attach conditions as may be reasonably necessary in order to allow the Minor or Major Variance to be granted.

Section 5.22-100 Zoning Map Amendments

5.22-105 Purpose

The purpose of this Section is to provide standards and procedures for legislative and quasi-judicial amendments to the Official Zoning Maps.

5.22-110 Review

Official Zoning Map amendments may be initiated by the Director, the Planning Commission, the Hearings Official, the City Council or a citizen. Zoning Map amendments shall be reviewed as follows:

A. Legislative Zoning Map amendments involve broad public policy decisions that apply to other than an individual property owner, generally affecting a large area and/or require a concurrent Metro Plan diagram amendment as specified in Section 5.14-100. Legislative Zoning Map amendments are reviewed using Type IV procedure.

1. Metro Plan diagram amendment determination. An amendment to the Metro Plan diagram shall be required if the proposed Zoning Map amendment is not consistent with the Metro Plan diagram. Both amendments may be processed concurrently.

2. Transportation Planning Rule Compliance. Where applicable, legislative Zoning Map amendments shall be reviewed to determine whether the application significantly affects a transportation facility, as specified in Oregon Administrative Rule (OAR) 660-012-0060. In this case a Traffic Impact Study shall be submitted as specified in Section 4.2-105A.4.

B. Quasi-judicial Zoning Map amendments involve the application of existing policy to a specific factual setting, generally affecting a single or limited group of properties and may or may not include a Metro Plan diagram amendment. Quasi-judicial Zoning Map amendments are reviewed using Type III procedure, unless a Metro Plan diagram amendment is required. In this case, the Quasi-judicial Zoning Map amendment will be raised to a Type IV review.

5.22-115 Criteria

A. Quasi-judicial Zoning Map amendments. The Planning Commission or Hearings Official may approve, approve with conditions or deny a quasi-judicial Zoning Map amendment based upon approval criteria C.1.-3., below. The Planning Commission or Hearings Official shall make the final local decision on all quasi-judicial Zoning map amendments that do not include a Metro Plan diagram amendment.

B. Legislative Zoning Map amendments and quasi-judicial Zoning Map amendments raised to a Type IV review. The Planning Commission or Hearings Official may make a recommendation to the City Council to approve, approve with conditions or deny Zoning Map amendments and Metro Plan diagram amendments based upon approval criteria in Subsection C. 1.-4., below. The City Council shall make the final local decision on all Zoning Map amendments involving a Metro Plan diagram amendment.

C. Zoning Map amendment criteria of approval:

1. Consistency with applicable Metro Plan policies and the Metro Plan diagram;

2. Consistency with applicable Refinement Plans, Plan District maps, Conceptual Development Plans and functional plans; and

3. The property is presently provided with adequate public facilities, services and transportation networks to support the use, or these facilities, services and transportation networks are planned to be provided concurrently with the development of the property.

4. Legislative Zoning Map amendments that involve a Metro Plan Diagram amendment shall:

   a. Meet the approval criteria specified in Section 5.14-100; and

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

5.22-120 Conditions

The Approval Authority may attach conditions as may be reasonably necessary in order to allow the Zoning Map amendment to be granted.

5.22-125 Mobile Home Park Notice

If a Zoning Map amendment involves property containing an existing mobile home park, the Director shall provide written notice to each unit in the mobile home park as specified in Section 5.2-115 and as specified in ORS 90.630(5).

CHAPTER 6
DEFINITIONS

Section 6.1-100 Definitions

6.1-105 Meaning of Common Words

A. All words used in the present tense include the future tense.

B. All words in the plural include the singular, and all words used in the singular include the plural unless the context clearly indicates to the contrary.

C. All words used in the masculine gender include the feminine gender.

D. The word "shall" is mandatory and the word "may" is permissive.

E. The word "structure" includes the word "building".

F. The phrase "used for" includes the phrases "arranged for ", "designed for", "intended for", and "occupied for".

G. The words "land", "property", "site", "lot/parcel" and "premise" are used interchangeably unless the context clearly indicates to the contrary.

H. The words "proposal", "application", and "request" are used interchangeably unless the context clearly indicates to the contrary.

I. The word "lot" includes the word "parcel".

J. Where words are not defined in this Section, the following sources shall be consulted: the Metro Plan, State statute, the Springfield Code and any dictionary of common usage, all of which will be interpreted by context.

6.1-110 Meaning Of Specific Words And Terms

Abut. To share a common lot/parcel/property line or zoning district boundary that may or may not be separated by a street or alley.

Acceptable Site. For purposes of siting wireless telecommunications systems facilities, any land planned and zoned Community Commercial, Booth-Kelly Mixed Use or Campus Industrial.

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

Accessory Dwelling Unit. A secondary, self-contained dwelling that may be allowed only in conjunction with a detached single-family dwelling. An accessory dwelling unit is subordinate in size, location, and appearance to the primary detached single-family dwelling. An accessory dwelling unit generally has its own outside entrance and always has a separate kitchen, bathroom and sleeping area. An accessory dwelling may be located within, attached to or detached from the primary single-family dwelling.

Accessory Structure. A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure. Accessory structures are generally detached from the primary structure. If accessory structures are attached to the primary structure, their structural framework is independent or semi-independent from the primary structure. For example, a porch, deck or stairs that have their own footings or foundation are accessory structures even though they may be attached to the primary structure. A balcony that is supported totally by the framework of the primary structure is not considered an accessory structure. Agricultural structures, including, but not limited to, barns, silos, hay sheds, drying sheds and greenhouses, are exempt from the Specific Development Standards of the underlying zoning district when located on land two acres or larger or on any lot/parcel with a valid farm deferral tax classification from the Oregon State Department of Revenue. Notwithstanding this exemption, land use activities conducted on land with agricultural structures must otherwise conform to the list of permitted uses within the underlying zoning district (See also **Primary Structure**; **Extension, Architectural**; and **Incidental Equipment**).

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

Adjacent. To share a common lot/parcel/property line or zoning district boundary that is separated by a street or alley.

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

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

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

Alter, Alteration. A modification in use of a structure that may or may not involve construction. As used in Section 3.3-900, any construction, erection, remodeling, restoration, reconstruction, removal or exterior painting affecting the appearance or position of an Historic Landmark Site or Structure within or outside of a designated Historic District.

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

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

Annexation Agreement. A written agreement between the City and owners of land requesting annexation that states the terms, conditions and obligations of the parties to mitigate fiscal and service impacts to the City associated with the annexation and future development of the property. The agreement may be used to ensure annexation consistent with the Metro Plan.

Antenna. The specific device used to capture an incoming and/or transmit an outgoing radio-frequency signal. This definition includes omni-directional (whip) antennas; directional (panel) antennas; parabolic (microwave dish) antennas; and ancillary antennas (i.e., GPS). All other transmitting or receiving equipment not specifically described in this definition are regulated in conformity with the type of antenna which most closely resembles the equipment.

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

Applicant. A person submitting an application; the owner of affected property, or the owner's duly authorized representative. The City Attorney may require proof of the sufficiency of the representative's authorization by the owner to act as applicant on the owner's behalf.

Approval Authority. The individual or public body which has jurisdiction for making a decision on an application under the provisions of this Code.

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

Attached WTS Facility. An existing pole, tower or other structure capable of accommodating a WTS facility antenna, whether originally intended for the use or not.

Backhaul Network. The land lines that connect a WTS provider's radio signals to one or more cellular telephone switching offices and/or local or long distance providers, or the public switched telephone network.

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

Bed and Breakfast Facility. A structure designed for and occupied as a single-family dwelling, in which travelers are lodged for sleeping purposes for two weeks or less and a morning meal provided, and for which compensation is paid. A Bed and Breakfast Facility is not a hotel, motel, boarding house or rooming house.

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

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

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

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

Block. An area of land containing one or more lots/parcels surrounded by streets, railroad rights-of-way and/or un-subdivided acreage.

Boarding House. A building where lodging and meals are provided for more than two weeks for compensation. This definition excludes bed and breakfast facilities

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

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

Building. Any structure used or intended for sheltering any use or occupancy. As used in Section 3.3-400 Floodplain Overlay District, the terms "building" and "structure" are synonymous, and are framed, erected, constructed or placed to stand temporarily or permanently on a tract of land. This definition specifically includes a mobile home, manufactured home and any accessories, and gas or liquid storage tanks principally above ground.

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

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

Building Height. The vertical distance above a reference datum measured to the highest point of the coping of a flat roof, to the deckline of a mansard roof, or to the average height of the gables of a pitched or hipped roof. The maximum height of a stepped or terraced building is the maximum height of all segments of that building. The reference datum is, which either of the following of the two measurements that results in the greater building height (refer also to Figure 6.1-A:

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

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

Building Official. The person responsible for the administration and enforcement of the Building Safety Codes; the duly authorized representative of the Director responsible, in consultation with the City Engineer, for the interpretation of Section 3.3-400 Floodplain Overlay District.

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

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

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

Business Park. A tract of land has been planned, developed and operated as a single or an integrated facility characterized by a variety if light industrial manufacturing uses, offices and related commercial uses, with special attention to circulation, parking, utility needs, aesthetics and compatibility (See also **Industrial Park**).

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

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

Cell. A geographic area where a single radio transmission sending/receiving station (per provider) and the equipment necessary to connect these radio calls to land lines or other cells are located.

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

Change of Use. A change from one existing permitted to another permitted use in the applicable zoning district.

Child Care. A facility in which children, not of common parentage, between 6 weeks and 15 years of age, are given board, care or training apart from their parents or guardian with or without compensation within a 24 hour period.

Child Care, Home. A facility in which there are no more than 5 children. The operator of the Day Care Home shall reside at the residence.

Child Care Group Home. A facility in which there are 6 but no more than 12 children. The operator of the Day Care Group Home shall reside at the residence.

Child Care Center. A facility in which there are 13 or more children. The operator of the Day Care Center may or may not reside at the residence.

Church. Any use of land or buildings, primarily intended for the conducting of organized religious services, excluding bingo parlors, provided that soup kitchens, distribution centers, private schools, and emergency shelters may be approved as secondary uses by the Approval Authority.

City. The City of Springfield.

City Council. The Springfield Common Council.

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

City Recorder. The Springfield Finance Director, or a duly authorized representative.

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

Clean Water Act (CWA). A federal law established in 1972 to restore and maintain the chemical, and physical and biological integrity of water, including lakes, river aquifers and coastal areas.

Clinic. Single or multiple offices for medical practitioners which may include a dispensary in each building to handle merchandise customarily prescribed by medical practitioners in connection with their practices, with patients not being lodged over night.

Cluster Subdivision. A form of subdivision development that permits flexibility in dimensional requirements by reducing lot/parcel size, setback, street width and other developmental standards to allow a more flexible design than is permissible under the conventional subdivision process. This form of subdivision preserves open space and creates innovative residential designs that emphasize affordability and home ownership.

Collocation. Two or more WTS providers utilizing a structure or site specifically designed and/or approved for the multiple use, and including equipment shelters.

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

Conceptual Local Street Map. A map maintained by the Public Works Director depicting existing and future street alignments. The map is intended to guide developers, property owners and City staff concerning the location of future streets. The map assists the Director in reviewing and approving new street alignments proposed in partition or subdivision proposals that are not specified in TransPlan, so that the streets are consistent with OAR Chapter 660-12 and the standards specified in this Code.

Conditionally Suitable Site. For purposes of siting wireless telecommunications systems facilities, any land planned and zoned Neighborhood Commercial, Major Retail Commercial, General Office, Low Density Residential, Medium Density Residential, High Density Residential and the Medical Services, Hillside Development, Willamette Greenway and Urbanizable Fringe Overlay Districts.

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

Convenience Store. A small grocery typically open extended hours.

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

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

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

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

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

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

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

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

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

Demolition. Razing, destroying, dismantling, defacing, or in any other manner causing partial or total ruin of an Historic Landmark Site or Structure within or outside of a designated Historic Landmark District.

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

Density, Gross. The number of dwelling units for each acre of land, including, but not limited to areas devoted to streets, parks, sidewalks and other public facilities.

Density, Net. The number of dwelling units for each acre of land in residential use, excluding, dedicated streets, parks, sidewalks and other public facilities.

Designated Beneficial Use. The purpose or benefit to be derived from a watercourse. For the Willamette and McKenzie Rivers and all other streams and tributaries, the following beneficial uses apply: Public domestic water supply, private domestic water supply, industrial water supply; irrigation, live stock watering, anadromous fish passage, salmonid fish rearing salmonid fish spawning, resident fish and aquatic life, wildlife, fishing, boating, water contact recreation aesthetic quality and hydro power (excluding the Willamette River).

Detached WTS Facility. A pole, tower or other structure designed and intended to support WTS facility antennas.

Developable Acre. 43,560 square feet of land that can be developed that includes common open space or recreational facilities reserved for the use of residents in a development, but excludes public property, including but not limited to, parks and dedicated streets. At the request of the developer, the Director may exclude portions of the site that cannot be developed due to physical constraints, including, but not limited to natural resources that are listed within a local inventory.

Development. Any human-made change to improved or unimproved real estate, including, but not limited to: a change in use; construction, installation or change of a structure; subdivision and partition; establishment or termination of a right of access; storage on the land; drilling and site alteration due to land surface mining, dredging, paving, excavation or clearing of trees and vegetation. Agricultural uses (including agricultural structures), when otherwise permitted by the underlying zoning district, are exempt from this definition unless agricultural structures are placed within adopted special flood hazard zones. As used in Section 3.3-400 Floodplain Overlay District, any human-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations located within the area of special flood hazard.

Development Area. The area subject to any application required by this Code.

Development Approval. Approval granted by the Director for a development which is in compliance with this Code and the Metro Plan and precedes the issuance of a Building Permit.

Development, Phased. A project that is developed incrementally, with each phase capable of functioning independently of the others.

Development Review Committee. City staff, representing each affected division and department of the City, and affected agencies and utility providers that meet on a regular basis to review land use requests and development proposals.

Development Services Department. The department responsible for the administration of this Code and the implementation of the Metro Plan within Springfield's Urban Growth Boundary.

Direct Tributary to a Water Quality Limited Watercourse. A direct tributary to a Water Quality Limited Watercourse (WQLW) is one that flows directly into a WQLW, excluding those watercourses that flow into the WQLW as a piped connection, where the pipe system extends more than 200 feet upstream of the connection point or is one that is a diversion from a WQLW and that discharges into either a WQLW or other direct tributary to a WQLW and where the water quality if the diverted flow at the discharge point has been degraded when compared with the water quality at the diversion point.

Director. The Development Services Director or the duly authorized representative who is responsible for the administration and interpretation of this Code.

Discretionary Use. Any use not permitted outright in a particular zoning district because of its potentially incompatible characteristics requiring review by the Planning Commission or Hearings Official to determine whether that use should be permitted, and if so, adding any conditions of approval necessary to ensure compatibility with adjacent uses.

DNAPL. Dense Non-Aqueous Phase Liquids. A group of hazardous materials that are denser-than-water (specific gravity greater than 1), have low solubility rate, and degrade slowly to other compounds that are even more of a health hazard. For the purpose of Springfield's drinking water protection, DNAPL chemicals are defined as "all chemicals displaying the characteristics of a DNAPL chemical or a material containing a substance considered a DNAPL chemical." A list of DNAPLs regulated within the Drinking Water Protection Overlay District shall be as adopted by SUB on November 10, 1999.

Downtown Exception Area. An area defined by the Willamette River on the west, 10th Street on the east, the alley between north B and north C Streets on the north, and a line north of the Southern Pacific Railroad tracks on the south.

Downtown Planning Area. The area under the jurisdiction of the Springfield Downtown Refinement Plan that includes Springfield's traditional Downtown area and the Booth-Kelly redevelopment area.

Drainage Way. A natural or constructed watercourse which has the specific function of transmitting stream water or storm run-off water from a point of high elevation to a point of low elevation which convey significant seasonal concentrations of water over the surface of the land.

Dripline. A roughly circular land area measured beneath a tree. The approximate center of the area is the trunk of the tree, and the radii are equal to the horizontal measures of the longest branches.

Driveway. A vehicular access that provides connection between a structure or parking area on private property and the public street system. "Driveway" may include a private easement to provide vehicular access to more than two or more properties.

Driveway, Curb Return. A driveway defined on both sides by a full height curb.

Driveway, Joint Use. A driveway serving two or more properties.

Driveway, Standard Driveway. A driveway created by depression of the street curb at its approach.

Drop-Off Space. A paved, clearly marked short-term (less than 20 minutes) parking space, generally within 50 feet of a main building entrance, separated from required parking for staff and long-term visitors.

DSL. The Oregon Department of State Lands.

Dwelling. A building, or portion thereof, which is used exclusively for human habitation.

Dwelling, Attached Single Family. A building designed or used exclusively for the occupancy of one family which is attached to one or more separately owned dwellings by common vertical walls. This definition includes but is not limited to zero lot/parcel line dwellings, townhouses and rowhouses.

Dwelling, Condominium. A type of residential development offering individual ownership of dwellings and common ownership of open spaces and other facilities, that is regulated in part by State Law (ORS 100.005 et seq.).

Dwelling, Detached Single-Family. A building designed or used exclusively for the occupancy of one family which is not attached to any other dwelling and is surrounded by open space and yards.

Dwelling, Duplex. A single building designed or used exclusively for the occupancy of two families living independently of each other, sharing a common roof, wall or foundation at the garages, carports, and/or living areas.

Dwelling, Multi-Family. A building containing three or more dwelling units designed or used exclusively for the occupancy of three or more families living independently of each other and separated by common vertical walls. A Congregate Care Facility is not a Multi-Family dwelling unit for the purposes of determining dwelling unit density.

Dwelling Unit. One or more habitable rooms which are occupied, intended or designed to be occupied by one family with housekeeping facilities for living, sleeping, cooking and eating.

Easement. An interest in property owned by another that entitles its holder to a specific limited use or enjoyment of that property.

Elevation. The term is based on context and is either: a vertical distance above or below a fixed reference level; or a flat scale drawing of the front, rear or side of a building.

Emergency Shelter. The use of a church, school, motel, hotel, or other approved structure for housing the homeless on a short term basis due to a natural disaster or other reason.

Endangered Species Act (ESA). A federal law established in 1973 that provides significant protection for various species of fish, wildlife and plants facing extinction that are listed as needing protection.

Engineer. A Registered Professional Engineer, licensed by the State of Oregon to practice in a specific branch of engineering.

Engineering Design Standards and Procedures Manual. A document containing design standards and procedures prepared by the Public Works Department and adopted by resolution of the City Council. These standards and procedures are applicable to public and private improvements and allow City staff to provide certainty to developers and consultants to ensure safe, efficient, and cost effective transportation, sanitary sewer, and stormwater management system projects within the City and its Urban Growth Boundary.

Equipment Shelters. For purposes of siting wireless telecommunications systems facilities, the buildings, structures, cabinets or vaults used to house and protect the equipment necessary to connect/relay radio signals from cell site to cell site and to land line systems. Associated equipment, for example, air conditioning or emergency generators is considered appropriate within this definition.

Excavation. The mechanical removal of earth material.

Exempt Tree or Vegetation. The full height and breadth of vegetation that the Director has identified as "solar friendly" as specified in this Code; and any vegetation listed on a plat map, a document recorded with the plat, or a solar access guarantee as exempt.

Ex Parte, Communication. A communication made at the instance of, or for the benefit of one party without notice to, contest by, or at least without an opportunity to be heard being given to other parties who will be bound or directly affected by the communication.

Ex Parte, Proceeding. An action taken at the instance or benefit of one side only without notice to, contest by, or without the opportunity to be heard by other parties who will be bound or directly affected by the proceeding.

Extension, Floor Area. An increase in the amount of floor area within an existing building.

Extension, Architectural. Architectural appendages, including but not limited to, cornices, eave overhangs, porches and balconies extending beyond an exterior wall of a building (See also **Accessory Structure**).

Exterior. Any portion of the outside of an Historic Landmark Site or Structure or any addition thereto which can be seen from a public place.

FCC. The Federal Communications Commission; the federal agency that regulates interstate and international communications by radio, television, wire, satellite and cable.

Family. Two or more persons related by blood, legal adoption, guardianship or marriage living together; or unless modified by the Federal Fair Housing Law as it relates to handicapped persons, a group of not more than 5 persons who need not be related (as above) living together in a dwelling unit

Fell. To remove or cut a tree or the intentional use of any procedure, the natural result of which is to cause the death or substantial destruction of the tree. Fell does not include normal trimming, pruning or topping of trees.

Fence. A structure which serves as an enclosure, barrier or screen that is not part of a building.

Fence, Sight Obscuring. A fence which substantially screens an area or object including, but not limited to: solid wood or metal fences or wood slatted cyclone fences, however a slatted cyclone fence shall not be used to screen wrecking or salvage yards.

Fill. Sand, gravel, earth or other approved materials of any composition placed or deposited on the earth's surface by humans.

Final Map. The finished drawing of the survey of a property line adjustment containing information necessary to comply with this Code and requirements resulting from review of the Preliminary Plan.

Final Site Plan. The plan containing information necessary to comply with this Code and requirements resulting from review of the Preliminary Site Plan to which all construction improvements must conform.

Final Survey. The recorded survey of a property line adjustment containing information necessary to comply with this Code and any conditions of approval resulting from review of the Preliminary Survey.

Finance Department. The Springfield Finance Department.

Finding. A written statement of facts, reasoning in support of conclusions, and determinations based on the evidence presented in relation to adopted criteria that are accepted by the Approval Authority in support of a decision.

Flood/Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulation of run-off of surface waters from any source.

Flood, Base. The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100 year flood." Designation on maps always includes the letters A or V.

Flood Hazard, Area Of Special. The land in the floodplain subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

Flood Insurance Rate Map (FIRM). The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the applicable risk premium zones.

Flood Insurance Study. The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Flooding, Area of Shallow. A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and intermediate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

Floodway. The channel of a river or other watercourse and the adjacent land areas that is reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Foster Home. Any dwelling or facility maintained and operated for the boarding and housing of more than 5 children who are not related by blood or marriage to the owner/operator of the dwelling or facility.

Fraternal Organization. A group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals and formal written membership requirements.

Future Development Plan. A line drawing (required for some land division proposals, or building permits in the City's urbanizable area) that includes the following information: the location of future right-of-way dedications based on TransPlan, the Local Street Plan or block length and lot/parcel size standards of the SDC; a re-division plan at minimum urban density based on the existing Metro Plan designation of the property for any lot/parcel that is large enough to further divide; and the location of hillsides, riparian areas drainage ways, jurisdictional wetlands and wooded areas showing how future development will address preservation, protection or removal.

Garage. A completely enclosed accessory building or portion of a main building intended for the parking of motor vehicles.

Garage, Repair. A building used for the repair of motor vehicles, including body and fender work, painting, or engine and transmission overhaul.

Grade. The degree of rise or descent of a sloping surface.

Grade, Average Finished. The average finished ground level at the midpoint of all walls of a building. Where walls are parallel to and within 5 feet of a sidewalk, alley or public way, the ground level is measured at the elevation of the sidewalk, alley or public way.

Grade, Finished. The elevation of the surface of excavation or fill placement.

Grading. Any stripping, cutting, filling, stockpiling of earth or land, including the land in its cut or filled condition.

Gross Acre/Gross Acreage. A measurement of land that occurs before public streets or other areas reserved for public use are deducted from that land.

Gross Floor Area. The total floor area of a building including areas used exclusively for the service of a building; for example: mechanical equipment spaces and shafts; elevators; stairways; escalators and ramps; public restrooms; and enclosed loading docks or ramps.

Ground Cover. Grasses or nursery plants cultivated to keep soil from being blown or washed away.

Group Care Home. Any dwelling or facility maintained and operated exclusively for the care, boarding, housing and rehabilitation of more than 15 unrelated persons who are ill, physically or mentally disabled, and/or elderly, the majority of whom generally do not drive an automobile. This definition includes but is not limited to homes for the aged, nursing homes and congregate care facilities.

Halfway House. Any dwelling or facility for the care, boarding and housing of more than 5 unrelated persons who have been released from institutional care or who are placed in lieu of institutional care, i.e., work release programs.

Hazardous Materials. Those chemicals or substances which are physical or health hazards as defined and classified in the most recently adopted or amended Fire Code by the City, whether the materials are in usable or waste condition.

Hazardous Waste. Consistent with the Federal Resource Conservation and Recovery Act, a waste or a combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in serious irreversible illness or pose a substantial present or potential hazard to human health, safety, welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed, however, not to include solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under the Federal Water Pollution Control Act of 1967 as amended, or source, special nuclear, or by product material as defined by the Atomic Energy Act of 1954.

Hearings Official. An individual employed by the City to hear Type III applications for Land Use Decisions in the City's urbanizable area.

Heliport. An area, either at ground level or elevated on a structure, licensed or approved for the loading and takeoff of helicopters, and including auxiliary facilities, for example: parking, waiting room, fueling and maintenance equipment.

Helistop. A heliport, but without auxiliary facilities, for example: parking, waiting room, fueling and maintenance equipment.

High Impact Facility. A public or semi-public facility which serves development and which requires pre-planning or discretionary approval and special design features to mitigate land use conflicts, including, but not limited to: visual, olfactory or auditory impacts.

Highway Ready. Reference to a recreational vehicle that is on wheels or a jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

Hillside Area. Any area in which the average slope exceeds 15 percent.

Historic Commission. The Springfield Historic Commission.

Historic Site. A structure or place of historic and cultural significance and designated accordingly by the City, State or Federal Government.

Historic Landmark District. A geographic area designated in accordance with this Code which includes Historic Landmark Sites or Structures.

Historic Landmark Inventory. A list of sites or structures which have been designated "Historic Landmark" in accordance with this Code.

Historic Landmark Site or Structure. A building, structure, object, site or geographic area, within the city limits and the City's urbanizable areas, within or outside of a designated Historic Landmark District, which has been listed on the Historic Landmark Inventory.

Homeowners Association. A non-profit association governed by a declaration of protective restrictions, conditions, covenants, and charges made by the developer through which each lot/parcel owner or other described land area owner of a development is automatically subject. The purpose of the homeowner's association is to provide reasonable rules and regulations to enforce the covenants and restrictions and to keep, control, and maintain the common properties within the development. The association also provides for the assessment procedure to assure necessary funds. If the property is to be developed in phases, all phases shall belong to the same association. The City Attorney shall review drafts of the declaration prior to Final Plat approval.

Hospital. An institution devoted primarily to the provision of healing, curing and nursing care, which maintains and operates facilities for the diagnosis, treatment and care of two or more non-related individuals suffering from illness, injury or deformity.

Hotel/Motel. Any building or group of buildings used for transient residential purposes containing guest rooms used for sleeping purposes. No more than 50 percent of the rooms may contain kitchen facilities.

Impervious Surface. Any surface that either prevents or retards the entry of water into soil. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots and/or storage areas, concrete or asphalt paving, gravel surfaces with compacted subgrade, packed earthen materials and oiled macadam or other surfaces that

similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered impervious surfaces.

Improvement Agreement. A written agreement, executed by the property owner in consideration for the City deferring the construction of public improvements required for the development.

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

Increase In Impact/Increased Impact. This definition includes, but is not limited to, additional traffic or noise generation, additional run-off or increase in impervious surface, additional shadow casting or diminished views, additional air or water borne pollution, additional hours of operation, or an increase in the risk of fire or structural hazard as the result of development.

Industrial Park. A tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial and secondary uses, with special attention to circulation, parking, utility needs, aesthetics and compatibility (See also **Business Park**).

Invasive Plants. Non-native plants that spread quickly, are highly competitive and difficult to control or eliminate. Introduced intentionally or accidentally through human actions and spread by seed, by birds, by wind, or vegetatively, these exotic plants can destroy native plants, choke waterways, degrade recreational areas and necessitate costly maintenance. The Invasive Plants List is a listing of plants that the City considers undesirable for use in landscaping within its jurisdiction.

Inventoried Natural Resource. Any scenic areas, water areas, vegetation, wildlife and wildlife habitat that appears in an adopted Metro Plan Inventory.

Joint Use Access Agreement. A legally binding agreement between two or more property owners describing the rights and responsibilities of each owner regarding the use of a shared access to a public street.

Kennel. Any premises on which three or more dogs over the age of 6 months are housed, groomed, boarded, trained or sold for compensation.

Land and Drainage Alteration Permit (LDAP). A City permit for any fill, grading and excavation that is required before any site preparation work can begin.

Landscape Architect. A person registered with the State of Oregon to practice Landscape Architecture.

Landscaping. The term "landscaping" includes, but is not limited to vegetative ground cover, grass, shrubs, trees, flowers and garden areas, ornamental concrete or stonework areas, permanent outdoor furniture and permanent irrigation. "Landscaping" also includes retention or reintroduction of native vegetation.

Land Use Decision. A final decision or determination made by the Planning Commission, Hearings Official or City Council that concerns the adoption, amendment or application of the Statewide Planning Goals; a Metro Plan or refinement plan provision; a land use regulation; or

new land use regulation. This definition does not include a decision which: does not require interpretation or the exercise of factual, policy or legal judgment; approves, approves with conditions or denies a subdivision or partition; or approves or denies a building permit.

Lattice Tower. For purposes of siting wireless telecommunications systems facilities, a WTS support structure which consists of metal crossed strips or bars and which supports antennas and related equipment for one or more WTS provider.

Light Industrial Manufacturing. The secondary processing of previously prepared materials into components or the assembly of components into finished products. In the Campus Industrial District this use is divided into categories as follows based upon the number of employees at occupancy: large-scale means 50 or more employees; medium-scale means 20-49 employees; small scale means fewer than 20 employees per business. These thresholds are applicable at the time of new development. In the case of redevelopment, the Director may reduce these thresholds if the applicant submits a business plan stating that the threshold can be met by a date certain.

Listed Species. The Endangered Species Act provides for listing plant and animal species into the following categories: Listed Endangered Species and Listed Threatened Species. An endangered species is an animal or plant listed by regulation as being in danger of extinction. A threatened species is any animal or plant that is likely to become endangered within the foreseeable future.

Loading Space. An off street space or berth serving a business for the temporary parking of commercial vehicles while loading or unloading, while not block driveway aisles and having an appropriate means of ingress and egress.

Lot. A portion of land shown as part of a recorded subdivision or any area of land described by metes and bounds in a recorded deed, record of survey or other appropriate document, recorded in the office of the County Recorder that complies with the provisions of the State of Oregon and this Code. Unless specifically exempted, land that is divided or re-configured without having been approved in accordance with this Code shall not be deemed a buildable lot.

Lot/Parcel, Corner. A lot/parcel abutting two or more streets at their intersection, in which the interior angle formed by the extensions of the street lines is 135 degrees or less. In the event that any street line is a curve at its point of intersection with a lot/parcel line other than a street line, the tangent of the curve at the point is considered the direction of the street line.

Lot/Parcel Depth. The distance from the midpoint of the front lot/parcel line to the midpoint of the rear lot/parcel line.

Lot/Parcel Dimension, North-South. The length of a line beginning at the midpoint of the northern lot/parcel line and extending in a southerly direction perpendicular to the northern lot/parcel line until it reaches a property boundary.

Lot/Parcel Frontage. That portion of a lot/parcel which abuts a street. For the purpose of determining yard requirements, all sides of a lot/parcel abutting a street is considered frontage.

Lot/Parcel, Interior. A lot/parcel other than a corner lot/parcel and having frontage on only one street.

Lot/Parcel Line. A line of record bounding a lot/parcel which divides one lot/parcel from another or from a public or private street or any other public space.

Lot/Parcel Line, Front. The lot/parcel line abutting a street right-of-way. Where more than one lot/parcel line abuts street right-of-way, the property address shall determine the front lot/parcel line. For purposes of the solar access standards, it is the lot/parcel line abutting a street. For corner lots/parcels, the front lot/parcel line is that with the narrowest frontage. When the lot/parcel line abutting a street is curved, the front lot/parcel line is the chord or straight line connecting the ends of the curve. For a panhandle lot/parcel, the front lot/parcel line is the lot/parcel line that is most parallel to and closest to the street, excluding the handle portion of the lot/parcel.

Lot/parcel Line, Northern. The lot/parcel line that is the smallest angle from a line drawn true east-west and intersecting the northernmost point of the lot/parcel, excluding the handle portion of a panhandle lot/parcel. If the north line adjoins an un-developable area other than a required yard area, the northern lot/parcel line is at the north edge of the un-developable area. If two lot/parcel lines have an identical angle relative to a line drawn true east-west, then the northern lot/parcel line is a line 10 feet in length within the lot/parcel parallel with and at a maximum distance from the front lot/parcel line.

Lot/Parcel Line, Rear. The lot/parcel line which is opposite and most distant from the front lot/parcel line. For a triangular shaped lot/parcel, the "rear lot/parcel line" is a line 10 feet in length entirely within the lot/parcel, connecting the side lot/parcel lines, which is parallel to the front lot/parcel line or parallel to the chord of a curved front lot/parcel line.

Lot/Parcel Line, Side. Any lot/parcel line other than a front or rear lot/parcel line.

Lot/Parcel, Minimum Area Of. The smallest lot/parcel area established by this Code on which a use or structure may be located in a particular district.

Lot/parcel, Panhandle. A lot/parcel which has access to a public right-of-way by means of a narrow strip of land, commonly known as the "panhandle" or "handle".

Lot/Parcel, Pan Portion. The portion of a panhandle lot/parcel, exclusive of the handle, on which a structure may be placed.

Lot/Parcel, Through. A lot/parcel which fronts upon two streets which do not intersect at the boundaries of the lot/parcel.

Lot/Parcel Width. The horizontal distance between the midpoints of the side lot/parcel lines. The handle of a panhandle lot/parcel is not included when computing lot/parcel width.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that the enclosure is not built to render the structure in violation of the applicable non-elevation design requirements.

Low Impact Facility. Any public or semi-public facility that has minimal olfactory, visual or auditory impacts which is permitted subject to the design standards of this Code.

Maintain. To continue in existence; to preserve and care for a development area so that it remains attractive and functional in accordance with the provisions of this Code.

Maintenance Inspection. A site inspection that identifies precisely what must be done to a development previously approved by the City in order to comply with standards and conditions in effect when the development was originally approved.

Major Electrical Transmission Line. An electrical transmission line which carries 115 KV or more of electricity.

Mall. A shopping center where stores front on both sides of a pedestrian way which may be enclosed or open.

Manufactured Dwelling.

A. Residential Trailer: a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed before January 1, 1962.

B. Mobile Home: a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy that is being used for residential purposes and was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

C. Manufactured Home: a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy that is being used for residential purposes and was constructed on or after June 15, 1976 in accordance with federal safety standards regulations in effect at the time of construction. In addition, manufactured homes sited within the jurisdictional boundaries of Springfield shall be of either Type 1 or Type 2 classification and shall comply with the following standards:

1. Type 1 Manufactured Home

a. Multi-sectional configuration enclosing a minimum floor area of 1,000 square feet

b. Siding and roofing materials similar to the materials used in residential dwellings in the community or which are comparable to the predominant materials used on surrounding dwellings

c. Minimum roof pitch of 3 feet vertical in 12 feet of width

d. Thermal efficiency equivalent to the Oregon 1 and 2 Family Dwelling Specialty Code excluding units built prior to the effective date of this Ordinance (5-1-94). These units shall meet or exceed the HUD energy standards that were in effect at the time of construction

2. Type 2 Manufactured Home

a. Single-wide unit of not less than 12 feet wide enclosing a minimum floor area of 500 square feet

b. Siding and roofing materials similar to the materials used in residential dwellings in the community or which are comparable to the predominant materials used on surrounding dwellings minimum roof pitch of 2 feet vertical in 12 feet of width

c. Thermal efficiency equivalent to the Oregon 1 and 2 Family Dwelling Specialty Code excluding units built prior to May 1, 1994. These units shall meet or exceed the HUD energy standards that were in effect at the time of construction

Note: Multi-sectional units placed on lots/parcels eligible for Type 2 units shall comply with all of the standards of a Type **I** manufactured home

D. Manufactured Dwelling Park: any place where four or more manufactured dwellings are located within 500 feet of one another on a lot/parcel or tract under the same ownership, the primary purpose of which is to rent space to any person for a charge or fee paid or to be paid for the rental use of facilities or to offer space free in connection with securing the trade or patronage of the person. Manufactured dwelling park does not include a lot located within an approved subdivision being rented or leased for occupancy by no more than one mobile home per lot if the subdivision was approved by local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.190.

Manufactured Dwelling Pad. A paved space in a manufactured dwelling park for the placement of a manufactured dwelling that includes utility connections.

Manufactured Dwelling Space. Any portion of a manufactured dwelling park which is designated or used for occupancy of one manufactured dwelling, including its accessory structures and its outdoor living areas, but exclusive of space provided for the common use of tenants for example, roadways and guest parking.

Manufactured Dwelling Space Line. A line within a manufactured dwelling park which establishes setback distances from streets, accessory buildings or structures and other manufactured dwellings.

Market Area. The geographic area from which a particular use can reasonably expect to attract customers.

Metro Plan/Eugene-Springfield Metropolitan Area General Plan. The general land use plan and policies for the Eugene/Springfield metropolitan area including any subordinate refinement plan or functional plan. The controlling land use document for urban, urbanizable and rural land under the jurisdiction of the Metro Plan.

Minerals. Includes soil, coal, stone, crushed hard rock quarry products, metallic ore and any other solid material or substance excavated for commercial, industrial or construction use from natural deposits. "Minerals" do not include loam, sand, gravel or other aggregate materials created and/or deposited by water movement

Minimum Level of Key Urban Services. The minimum level of facilities and services that are provided to an area in an orderly and efficient manner to allow urban development to occur. They consist of sanitary sewers; solid waste management; water service; fire protection; police protection; parks and recreation programs; electric service; land use controls; communications

facilities; public schools on a district-wide basis; and paved streets with adequate provision for storm-water run-off and pedestrian travel.

Mining Spoils. All waste materials, solid, rock, mineral, liquid, vegetation and other materials resulting from or displaced by quarry and mining extraction operations within the operating permit area, including all waste materials deposited in or upon lands within the operating permit area.

Mini-Warehouse. A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of a customer's goods or wares. No sales, service, or repair activities other than the rental of storage units are permitted on the premises.

Modification. A request to change a final approval of any development proposal.

Modular Home. (See also **Prefabricated Structure**).

Monopole. For purposes of siting wireless telecommunications systems facilities, a WTS support structure which consists of a single tapered steel pole and which supports antennas and related equipment for one or more WTS provider.

National Register of Historic Places. The official list, established by the National Historic Preservation Act, of sites, districts, buildings, structures and objects significant in the nation's history or whose artistic or architectural value is recognized.

Native Plants, Native Vegetation. Plant species that are indigenous to a local area and adaptable to the local climate, soils and hydrology as distinguished from plant species that have been deliberately or accidentally imported or introduced from other areas by humans or human activities.

Natural Resources. These include, but are not limited to water and geologic features, significant natural vegetation, wildlife habitats and archaeological and scenic resources as inventoried in the working papers of the Metro Plan.

Neighboring. The area in the immediate vicinity of a proposed development that would be materially affected by a proposal.

Neighborhood Park. A park, traditionally from 5 acres to 15 acres in size, which provides easily accessible recreation areas serving neighborhood citizens and providing high density active or passive use.

Noise Attenuating Barrier. A structural barrier designed and constructed with the primary function of containing sound within a specific use area.

Noise Sensitive Property. Real property normally used for sleeping, or normally used for schools, churches, hospitals or public libraries, excluding industrially related residential uses, i.e., night watchman quarters.

Non-Commercial Agricultural Uses. The raising of crops, plants or farm animals on property where allowed by this Code for the sole use of the owners or tenants of that property and not for wholesale or retail sale.

Non-Exempt Tree or Vegetation. Vegetation that is not exempt from the solar access regulations.

Notice. The announcement of a decision of the Director by mail to adjacent property owners/occupants within 300 feet of the subject property indicating the nature of the decision and the method of appeal; the announcement of a public hearing by mail to property owners/occupants within 300 feet of the subject property and advertisement in a newspaper of general circulation in the area, indicating the time, place and nature of the public hearing in compliance with ORS 197.762.

NPDES. National Pollutant Discharge Elimination System.

OAR. Oregon Administrative Rule.

Official Zoning Maps. Maps delineating the boundaries of the various zoning districts within the city limits and the City's urbanizable area that are adopted by ordinance and maintained by the Development Services Department.

Occupancy, Certificate Of. A required certificate allowing occupancy of a structure or development area after it has been determined that the requirements of this Code and other applicable Codes have been met. No structure or development area may be occupied without having first received a Certificate of Occupancy.

Open Space. Land or water essentially unimproved and set aside, dedicated, designed or reserved for public use or enjoyment, or for the use and enjoyment of owners and occupants of land abutting or neighboring the open space.

Open Space, Common. Land normally within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include recreational and other accessory structures and improvements in accordance with this Code.

Open Space, Private. Areas intended for the private use of an individual dwelling unit, normally including patios and landscaped areas; not to include off street parking, maneuvering, loading or delivery areas, and designed for outdoor living and recreation.

Open Space, Public. Areas intended for public use, either privately owned and maintained or dedicated to the City, normally including swimming pools, recreation courts, patios, open landscaped areas, and greenbelts with pedestrian, equestrian, and bicycle trails, not to include off street parking or loading areas or driveways, and designed for outdoor living and recreation or the retention of an area in its natural state.

ORS. Oregon Revised Statutes.

Outdoor Storage. The keeping in an unroofed area of any goods, junk, material, merchandise or vehicles for more than 24 hours.

Outdoor Storage Area. A primary use that occurs on property for the purpose of outdoor storage of vehicles, equipment or materials including, but not limited to: vehicle, equipment and boat sales or rental lots; commercial storage lots; mobile/manufactured home, camper and RV sales lots; fleet parking lots; and lumber, gardening, fuel and other similar building material yards.

Outdoor Storage Yard. A secondary use that occurs on any property for the purpose of the outdoor storage of associated materials and equipment, other than wrecking yards.

Outfall. The point of discharge from a river, pipe, drain or other device to a receiving watercourse.

Overburden. The soil, rock and similar materials that lie above natural deposits or minerals.

Owner. An individual, firm, association, syndicate, partnership or corporation having proprietary interest to seek development of land.

Parcel. This term includes a unit of land created by partitioning land as defined in ORS 92.010 that is in compliance with this Code and in the case of Property Line Adjustments, properties created by deed or land sales contract, if there were no applicable planning, zoning, or partitioning ordinances or regulations. A Parcel does not include a unit of land created solely to establish a separate tax account.

Parking. The temporary storage of operational motor vehicles that are not for sale, lease or rent and which are intended to be used for customers and employees of a business and industry or residents and visitors in a residential development.

Parking Bay. An extension of the width of a street that allows for the parking of motor vehicles, usually associated with hillside development.

Parking Lot. An off-street area with a permanently maintained paved surface, for the parking of motor vehicles.

Parking Space. A permanently maintained paved surface with proper access for one standard size or compact automobile.

Parking Space, Disabled. A parking space that is reserved for use by disabled persons who hold the appropriate permit issued by the Oregon Department of Motor Vehicles and/or the Springfield Police Department.

Parking Space, Off-Street. An approved space for the parking of a motor vehicle which is not located on a dedicated street right-of-way.

Partition Land. The division of land into two or three parcels within a calendar year, but does not include:

A. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots.

B. An adjustment of a property line by the relocation of boundaries where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment is not in conflict with any applicable ordinance; or

C. A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes provided that the road or right-of-way complies with the applicable comprehensive plan and ORS 215.213(2)(q) to (s) and 215.283(2)(q) to (s). However, any property divided by the sale or grant of property for

state highway, county road, city street or other right-of-way purposes shall continue to be considered a single unit of land until the property is further subdivided or partitioned;

D. The division of land resulting from the recording of a subdivision or condominium plat; or

E. A sale or grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right-of-way purposes when the sale or grant is part of a property line adjustment incorporating the excess right-of-way into adjacent property. The property line adjustment shall be approved or disapproved by the applicable local government. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

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

Party. The following persons or entities are defined as parties:

A. The applicant and all owners or contract purchasers of record, as shown in the files in the Lane County Department of Assessment and Taxation, of the property which is the subject of the application.

B. Any person who makes an appearance and/or submits testimony to the Approval Authority.

Pedestrian Trail. A surfaced path that is designed and reserved for the exclusive use of pedestrian travel.

Pedestrian Way. A paved right-of-way through a block to facilitate pedestrian access to adjacent streets and properties.

Permanent Irrigation System. An approved water piping system installed underground for the purpose of irrigating all portions of landscaped areas.

Person. An individual, corporation, governmental agency, business trust, estate, partnership, association, or any other legal entity.

Petition For Improvement. A petition submitted for construction and improvements as required by this Code.

Physical Features. These features include, but are not limited to significant clusters of trees and shrubs, watercourses shown on the Water Quality Limited Watercourse Map and their riparian areas, wetlands and rock outcroppings.

Pipeline. A line of pipe with pumps, valves and control devices for conveying liquid, gasses or finely divided solids.

Plan District. A planning tool that addresses concerns unique to an area when other zoning tools cannot achieve the desired results. An area may be unique based on natural, economic or historic attributes; be subject to problems from rapid transition in land use; or contain public facilities that require specific land use regulations for their efficient operation. Plan Districts

provide a means to modify zoning regulations for specific areas defined in special plans or studies. Each Plan District has its own nontransferable regulations. This contrasts with base zone and overlay zone provisions, which are intended to be applicable in more than one area. However, Plan Districts are not intended for small areas or individual properties.

Planning Commission. The Springfield Planning Commission.

Planted. Landscaping with living plant materials consistent with Section 4.4-100.

Plat. A map, containing all the descriptions, locations, specifications, dedications, provisions or other information concerning a Subdivision, Partition or Replat of either.

Plot Plan. A rough sketch map of a site plan or land division of sufficient accuracy to be used for the purpose of the identification of issues and development impacts.

Prefabricated Dwelling. A building or structural unit that has been in whole or substantial part manufactured at an off-site location to be wholly or partially assembled on-site, but does not include a mobile home, trailer or recreational vehicle. Prefabricated structures are regulated under the State of Oregon Structural Specialty Code.

Preferred Site. For purposes of siting wireless telecommunications systems facilities, any land planned and zoned Special Heavy Industrial, Heavy Industrial, Light Medium Industrial, Quarry and Mine Operations or Public Land and Open Space.

Preliminary Approval. The approval prior to Final Approval, after specific elements of a development or Site Plan have been approved by the Approval Authority and agreed to by the applicant.

Preliminary Plan. A clearly legible drawing of the proposed lay out of the lots/parcels involved in a property line adjustment which shall furnish a basis for the Approval Authority to approve or disapprove the application.

Primary Structure. A structure of chief importance or function on a site. In general, the primary use is carried out in a primary structure. However, in the Low Density Residential District (unless specified elsewhere in this Code), a site may have more than one primary structure. The difference between primary and accessory structure is determined by comparing the size, placement, similarity of design, use of common building materials and the orientation of the structures on the site (See also **Accessory Structure** and **Accessory Dwelling Unit**).

Private Elementary/Middle Schools. A facility operated by a person or private agency offering education in kindergarten and/or grades 1-8 or any part thereof not as defined in ORS 345.505 et. seq.

Private Park. A park available for public use owned by a non-public agency or private individual.

Properly Functioning Condition. The state of the physical, chemical, and biological aspects of watershed ecosystems that will sustain healthy salmonid populations. Properly functioning condition generally defines a range of values for several measurable criteria rather than specific, absolute values including, but not limited to hydraulic run-off, transport, channel migration, native vegetation succession.

Property Line Adjustment. The relocation of a common property line between two abutting properties.

Public Facilities Plan. A Refinement Plan of the Metro Plan addressing sanitary and storm sewers, water distribution systems and transportation. The transportation element is addressed through the TransPlan.

Public Hearing. A meeting announced and advertised in advance that is open to the public, with the public given an opportunity to provide testimony.

Public Utility Facility. Structures, facilities and equipment necessary to serve development by a government, public utility, utility cooperative, or private company.

A. Low Impact: Telephone and cable telephone lines, poles, junction boxes, exchanges and repeater stations; electric power distribution lines (less than 69 KV) and poles; sanitary sewer pipe lines, pumps or lift stations; storm sewer pipe lines, ditches and other storm-water management or water quality ponds, wetland, or swales; gas distribution pipe lines; water pipe lines, valves, well fields, pump stations and attendant facilities; water reservoirs and water storage tanks less than 300,000 gallons or 30 feet in height, and water treatment facilities, including filtration plants, less than 2.5 million gallon capacity per day.

B. High Impact: Electric power transmission lines (greater than 69 KV), poles and substations; gas pipe line valve stations; sanitary sewer treatment plants or effluent ponds; water reservoirs and water storage tanks greater than 300,000 gallons or 30 feet in height; water treatment facilities, including filtration plants greater than 2.5 million gallon capacity per day; fire/ambulance stations.

Public Works Director. The Director of Public Works or a duly authorized representative. The City Engineer, the Environmental Services Manager and the Transportation Manager routinely serve as representatives of the Public Works Director.

Quarry and Mining Operator. Any individual, public or private corporation, political subdivision, agency, board or department of this State, any municipality, partnership, association, firm, trust, estate or any other legal entity whatsoever that is engaged in quarry and extraction operations.

Quarry and Mining Owner. The person possessing legal rights to the mineral deposit being mined.

Quarry and Mining Extraction Operation. All or any part of the process of removing mineral deposits exposed by any method, including open-pit mining operations, auger mining operations, shaft mining, the construction of borrow pits, processing of extracted minerals and exploration activities. Expansion of a quarry and mining extraction operation is the enlargement of the operation requiring the modification of the Reclamation Permit specified under ORS 517.790. Quarry mining and extraction operation does not include normal road maintenance and stabilization of hillsides.

Reclamation. The employment of procedures in a quarry and mining extraction operation designed to minimize as much as practicable the impact the operations have on the environment, and to provide for the rehabilitation of land effected by the operations. Reclamation includes the rehabilitation of plant cover, soil stabilization, water resource protection and other measures appropriate to the subsequent beneficial use of the mined and reclaimed lands.

Reclamation Permit. Permission to operate a quarry and mining extraction operation (to include a plan for reclamation) granted to an operator by the State Department of Geology and Mineral Industries under the requirements of ORS 517.790, upon referral, review and approval by the Director.

Recreation Center, Community. A public, indoor facility providing for a variety of recreation/leisure-related activities, for example: swimming, meetings, court sports, arts and crafts, dancing, banquets, parties, games, day-care, classes/instruction, performances, fitness/exercise, and social referral services.

Recreational Vehicle (RV). A vacation trailer or other unit, with or without motive power, which is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes and has a gross floor space of less than 400 square feet. The term includes camping trailers, camping vehicles, motor homes, park trailers, bus conversions, van conversions, tent trailers, travel trailers, truck campers and any vehicle converted for use or partial use as a recreational vehicle. The unit shall be identified as a recreational vehicle by the manufacturer or converter.

Redevelopment. Development that requires demolition or removal of existing structures or impervious surfaces at a site and replacement with new construction. Maintenance activities such as repavement are not considered redevelopment.

Refinement Plan Diagram. A map contained in a Refinement Plan showing plan designations that are more specific than shown on the Metro Plan Diagram.

Regional Headquarters. A building or portion of a building in which persons are employed in the regional management or direction of a business consisting of a number of divisions or a regional subsidiary of a corporate headquarters. The divisions can be either geographical or located within one building. To be considered a regional headquarters, the business shall meet the applicable employee threshold specified elsewhere in this Code. Businesses that do not meet the applicable employee threshold is considered an administrative office.

Regional Park. A large area of natural quality for outdoor recreation for example, swimming, boating, camping and picnicking, and for wildlife habitat and natural resource conservation. Generally comprising 100 acres or more, where 80 percent of the land is reserved for natural open space and 20 percent is used for recreation development.

Registered Geologist. A person who is registered as a geologist by the State of Oregon.

Replat. The act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.

Relocation. A shift or rotation of a common boundary between two abutting lots or parcels.

Research and Development. The study, testing, analysis, and development of products, processes, or services, including the manufacturing of products. This use is divided into categories as follows based upon the number of employees at occupancy: large-scale means 50 or more employees; medium-scale means 20-49 employees; small scale means fewer than 20 employees per business. These thresholds are applicable at the time of new development. In the

case of redevelopment, the Director may reduce the at occupancy threshold if the applicant submits a business plan stating that the threshold can be met by a date certain.

Reserve Strip. A strip of property, usually one foot wide, controlling access to a street.

Residential Facility. A home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for 6 to 15 individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility. This definition includes the following: residential facilities, residential care facilities, residential treatment facilities and residential training facilities

Residential Home. A home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for 5 or fewer individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any other resident of the residential home. This definition includes residential treatment homes, residential training homes and adult foster homes.

Retail Sales. Establishments engaged in selling goods or services to the general public for personal or household consumption. Retail trade may include wholesale trade, but only as a secondary use.

Retaining Wall. An engineered structure constructed to hold back or support an earthen bank.

Right-of-Way. Land acquired by purchase, reservation, dedication, forced dedication, prescription or condemnation intended to be occupied by a street, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary/storm sewer and other similar facilities.

Riparian Area. A zone of transition from an aquatic to a terrestrial system, dependent upon surface or subsurface water, that reveals through the zones existing or potential soil-vegetation complex the influence of the surface or sub-surface water. A riparian area may be located adjacent to a lake, reservoir, estuary, spring, bog, wet meadow, slough, or ephemeral, intermittent or perennial stream. Riparian areas protected under this Code are limited to those along watercourses shown on the Water Quality Limited Watercourse Map.

Riparian Area Functions. These functions include, but are not limited to: maintaining temperature; maintaining channel stability; providing flood storage; providing groundwater recharge; removing sediments; reducing contaminants for example: excess nutrients; oils and grease; metals; and fecal coliform; moderating stormwater flows; and providing fish and wildlife habitat. Degraded riparian function means that one or more of the functions listed above are at risk.

Roadway. The portion of a street right-of-way used for vehicular traffic.

Rooming House. A building or portion thereof where lodging, but not meals, is provided for more than two weeks for compensation. This definition excludes bed and breakfast facilities.

Run-Off. Water that flows across the land surface rather than being absorbed.

Safe Drinking Water Act (SDWA). A federal law established in 1974, to protect drinking water and its sources (rivers, lakes, reservoirs, springs and ground water) and sets standards for drinking water quality and oversees the states, localities, and water suppliers who implement those standards.

Screen. A visual barrier obscuring an abutting or neighboring structure or use by fencing, walls, berms or densely planted vegetation.

Service Station. An establishment selling fuel and oil for vehicles which may include the following additional services: selling, servicing and installing tires, batteries, accessories and related products; furnishing minor repair and service when conducted entirely within an enclosed building, and at which incidental services are conducted. "Minor repair and service", as used in this definition, is understood to exclude activities such as: painting, body-work, steam cleaning, tire recapping and engine overhaul.

Setback. An area where buildings and certain structures cannot be constructed, measured from the property line. A setback may be referred to as "front yard", "interior side yard", "street side yard" or rear yard". This definition does not include solar setback.

Shade Point. The part of a building or non-exempt tree that casts the longest shadow onto the adjacent northern lots/parcels when the sun is at an altitude of 22.6 degrees and an azimuth ranging from 30 degrees east and west of true south; excluding a shadow caused by a narrow object, including, but not limited to: a mast or whip antenna, a dish antenna with a diameter of three feet or less, a chimney, utility pole, or wire. The height of the shade point is measured from the shade point to either the average elevation at the front lot/parcel line or the elevation at the midpoint of the front lot/parcel line. If the shade point is located at the north end of the ridgeline of a building oriented within 45 degrees of the true north-south line, the shade point computed according to the previous sentence may be reduced by three feet. If a structure has a roof oriented within 45 degrees of the true east-west line with a pitch that is flatter than 5 feet (vertical) in 12 feet (horizontal), the shade point will be the eave of the roof. If the a roof has a pitch that is 5 feet in 12 feet or steeper, the shade point will be the peak of the roof.

Shadow Pattern. A graphic representation of an area that would be shaded by the shade point of a building or vegetation when the sun is at an altitude of 22.6 degrees and an azimuth ranging between 30 degrees east and west of true south.

Shared Use Path. A bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent right-of-way. Shared use paths may also be used by pedestrians, skaters, wheelchair users, joggers, and other non-motorized users.

Shelter Home. Any dwelling or facility maintained and operated for the boarding and housing of more than 5 abused or battered persons who are not related by blood or marriage to the owner/operator of the dwelling or facility.

Shopping Center. A group of commercial establishments planned, developed and managed as a unit with off-street parking and circulation provided on the property.

Sidewalk. The portion of a street or highway right-of-way designated for preferential or exclusive use by pedestrians.

Site Plan. The development plan for a development area that meets the standards of this Code.

Slope. An inclined ground surface, the inclination of which is expressed as percent of horizontal distance to vertical distance.

Small Engine Repair. Maintenance and repair of household and non-automotive engines less than 100 cc's.

Solar Access. Unobstructed exposure to direct sunlight, excluding limited obstruction as expressly permitted by this Code.

Solar Access Height Limit. A series of contour lines establishing the maximum permitted height for non-exempt vegetation on lots/parcels affected by a Solar Access Guarantee.

Solar Access Guarantee. A document issued by the city that describes the maximum height that non-exempt vegetation is allowed to grow on lots/parcels to which a solar access permit applies.

Solar Feature. A device or combination of devices or elements that does or will use direct sunlight as a source of energy for heating or cooling of a building, heating or pumping of water, and generating electricity. Examples of a solar feature include a window oriented to within 45 degrees east and west of true south, a solar greenhouse, or a solar hot water heater. A solar feature may be used for purposes in addition to collecting solar energy, including, but not limited to: serving as a structural member or part of a roof, wall or window. A south-facing wall enclosing an unheated area, and without windows and without other features that use solar energy is not a solar feature for the purposes of this ordinance (for example, an unheated garage).

Solar Setback. The distance from the northern lot/parcel line to the shade point, measured from the mid-point of the northern lot/parcel line and extending in a southerly direction.

South or South-Facing. True south or 20 degrees east of magnetic south.

Springfield Municipal Code. Springfield Municipal Code, 1997 and any amendment thereto.

Standard. A measure of physical attributes and/or policy conformance which shall be satisfied in order to allow a proposed land use or development to be established or modified.

Standard Construction Specifications. Standards governing the construction of all public improvements within the City, adopted by the Council, dated 1981, and as may be amended.

Start of Construction. Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, for example, the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, including clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundation, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, for example garages or sheds not occupied as dwelling units or not part of the main structure.

State. The State of Oregon.

Stealth Design. A variety of techniques used to disguise or mitigate the visual presence of WTS support structures, including, but not limited to screening by mature trees (75 percent or more of pole beneath tree canopy), mimicking common features of the urban landscape (including, but not limited to: light poles, church steeples and trees), painting antennas to match the color of supporting building walls, or roof mounting behind parapets.

Stormwater. Water derived from a storm event or conveyed through a storm sewer water management system.

Storm Water Best Management Practices (BMPs).

A. Nonstructural. Strategies implemented to control stormwater run-off that focus on pollution prevention, including, but not limited to: alternative site design, zoning and ordinances, education and good housekeeping measures.

B. Structural. Engineered devices implemented to control, treat or prevent stormwater run-off pollution.

Stormwater Management System. The structures, facilities, and practices utilized by the City and/or a development to control and manage the quantity and quality of groundwater discharges and surface water run-off, including stormwater run-off, non-storm generated run-off and floodwaters.

Street. Any roadway and associated right-of-way that provides access to one or more lots/parcels and that is a part of the city-wide street system.

Street, Improved. A street that includes a fully paved surface, curb, gutter, storm drainage, sidewalk, street trees (where applicable) and street lighting, all constructed to City standards.

Street, Private. Any roadway and associated land that is functionally similar to a public street, constructed to City standards, but not dedicated to the City.

Street, Unimproved. A street that lacks any of the features of an improved street.

Strip Commercial. Commercial development set in a linear pattern along one or both sides of a street.

Structure. Anything constructed or built, any edifice or building or any kind or any piece of work artificially built up or composed of parts joined together in some definite manner. As used in Section 3.3-400 Floodplain Overlay District, a walled or roofed building including a gas or liquid storage tank that is principally above ground.

Subdivide Land. To divide an area or tract of land into four or more lots when the area or tract of land exists as a unit or contiguous units of land under single ownership at the time of subdivision.

Subdivision. Either an act of subdividing land, or an area or tract of land subdivided as defined in this Section.

Subdivision Plat. A final map and other writing containing all the descriptions, locations, dedications, provisions and information concerning a subdivision.

Sunchart. A photograph, or a scaled drawing prepared or certified by a licensed or certified architect, landscape architect, engineer, planner or utility solar technician, showing the positions of the sun during different hours of the day and months of the year, and the southern skyline. A sunchart uses as coordinates a grid of the sun's altitudes in 10 degree increments and solar azimuths in 15 degree increments.

Survey. The location of the legal boundaries of an area and the division of that area into lots or parcels, streets and other features with all necessary corners or dividing lines marked or monumented, prepared by a surveyor in accordance with State law.

Surveyor. A registered professional land surveyor in the State of Oregon.

Tentative Plan. A clearly legible drawing of the lots or parcels and other elements of a partition or subdivision which shall furnish a basis for the approval authority to approve or disapprove the general layout of the development.

Time of Travel Zone (TOTZ). The area mapped pursuant to Oregon Health Division Delineation Certification #002R which identifies the time it takes ground water to flow to a given well or wellhead.

Top of Bank. For a given watercourse, the top of bank is the same as the "bankfull stage". The "bankfull stage" is defined as the stage or elevation at which water overflows the natural banks of streams or other waters of the state and begins to inundate the upland. The ground elevations on both sides of the watercourse are examined and the lower grade break elevation; the elevation where water would leave the channel in a particular reach is used. The elevation of the lower bank controls the bank full elevation for a watercourse reach. The edge of the bankfull watercourse typically corresponds to the start of the floodplain. The start of the floodplain is often characterized by:

- A berm or other break in slope from the watercourse bank to a flat valley bottom, terrace or bench;
- A change in vegetation from bare surfaces or annual water-tolerant species to perennial water-tolerant or upland species; and
- A change in the size distribution of surface sediments (e.g., gravel to fine sand) (Figure 6.1-B).

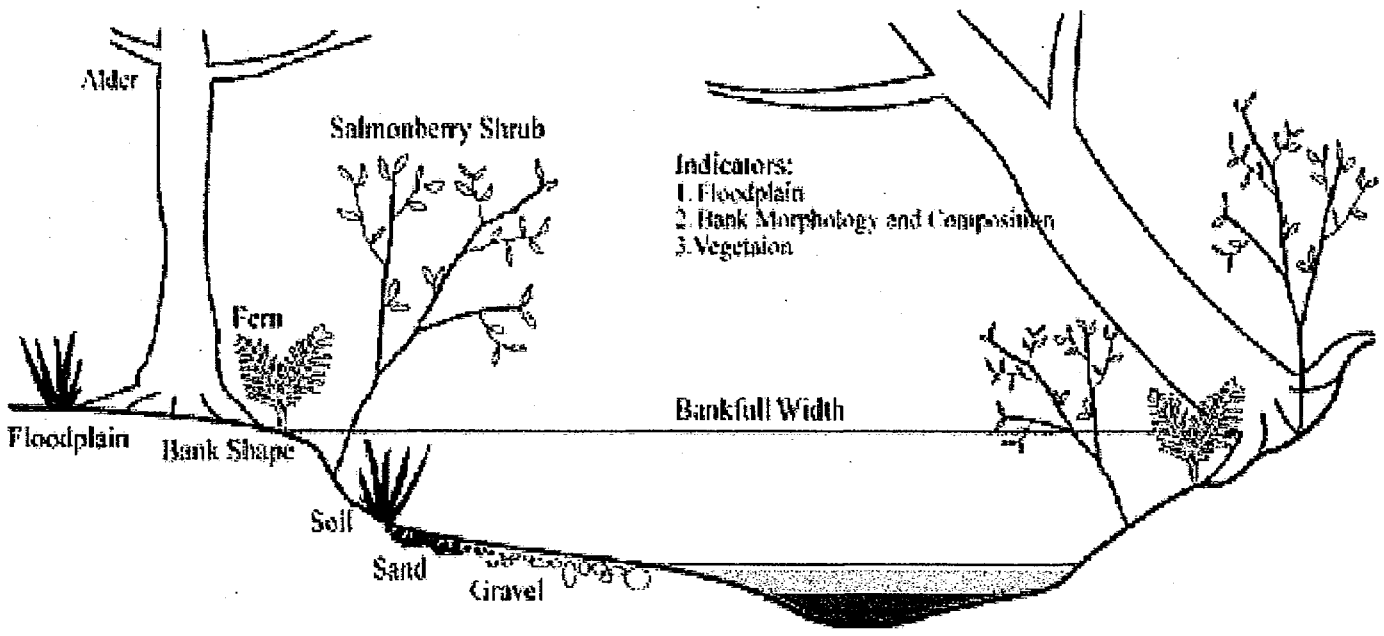

Figure 1. Indicators for determining bankfull width.

In the absence of physical evidence, the 2-year recurrence interval flood elevation may be used to approximate the bankfull stage.

Traffic Impact Study. An analysis of the effects of a proposed development on the transportation system, and of traffic impacts on neighboring properties.

Traffic Study. A limited analysis of the operational aspects and traffic safety issues of a particular development area, including, but not limited to: on-site traffic circulation and access design and operation.

Urban Growth Boundary. A site-specific line that separates urban or urbanizable land from rural land and which appears on the Metro Plan Diagram.

Urban Land. Land which is located within an incorporated City.

Urbanizable Land. All land outside the City limits but inside the Urban Growth boundary.

Use. The purpose for which land and structures are arranged, designed, intended, occupied or maintained. Any activity taking place on land or in or on structures.

Use Category. A grouping of land uses which have similar operating characteristics and land use impacts.

Use, Non-Conforming. The use of land or structures, or the size, height, location or number of structure, formerly permitted or otherwise lawful, but which currently does not comply with existing standards or provisions of this Code.

Use, Permitted. Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Use, Primary. The principal use approved in accordance with this Code which usually occupies greater than 50 percent of the gross floor area of a building or greater than 50 percent of a development area. Tree removal and timber harvesting are not primary uses within the Urban Growth Boundary.

Use, Re-Use. Any change in use, tenancy or occupancy of a building.

Use, Secondary. Any approved use of land or a structure which is incidental and subordinate to the primary use, and located on the same development area as the primary use. However, where an employee standard may be permitted for warehousing in the CI District, no secondary use shall occupy more than 50 percent of the gross floor or development area occupied by the primary use. Secondary uses shall not occur in the absence of primary uses.

Use, Special. Any use of land or a structure which due to its operating characteristics or land use impact is permitted under prescribed conditions in the applicable zoning district.

Use, Temporary. A use established for a fixed period of time that does not involve the construction or alteration of any permanent structure.

Use, Water Dependent. A use that requires access to the Willamette River for water-borne transportation, recreation, energy production, or source of water.

Use, Water Related. A use that is not directly dependent upon access to the Willamette River, but which clearly benefits from the access.

Utility Provider. Any agency or private company which provides the public with electricity, gas, heat, steam, communications, rail transportation, water, sewage collection, or other similar service.

Variance. An exception to a requirement of this Code. This definition does not include use variances; a variance cannot be used in lieu of a zone change.

Vision Clearance Area. A triangular shaped portion of land established at street intersections in which nothing over 2 1/2 feet is erected, placed, planted or allowed to grow to obstruct the sight distance of motorists entering or leaving the intersection, unless specifically exempted by this Code.

Warehousing. The storage of finished and unfinished products and materials within an entirely enclosed building. This use may include facilities for regional wholesale distribution, if permitted by the applicable zoning district.

Watercourse. Rivers, streams, sloughs, drainages including intermittent stream and seeps, ponds, lakes, aquifers, wetlands and other waters of the state. This definition also includes any channel in which a flow of water occurs, either continuously or intermittently, and if the latter with some degree of regularity. Watercourses may be either natural or artificial. Specific watercourses that are protected by this Code are those shown on the water quality Limited Watercourse Map.

Water Quality Limited Watercourses (WQLW). Those watercourses within the City and its urbanizing area that are specified on the WQLW Map.

Waters of the State. These waters include lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon, and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (excluding those private waters which do not combine or effect a junction with natural surface or underground waters), which are wholly or potentially within or bordering the state or within its jurisdiction.

Wellhead Protection. Implementation of strategies within a wellhead protection area to minimize the potential impact of containment sources on the quality of groundwater used as a drinking water source by a public water system.

Wellhead Protection Area. A Drinking Water Protection Area for a groundwater-supplied drinking water source.

Wellness Center. A facility, owned by a public agency, operated by a public or non-public agency or private individual or firm, offering wellness-related health services and/or treatment to the public, including but not limited to, diabetes and health education classes, physical, speech and occupational therapy, and fitness and nutrition services, but excluding alcohol and drug rehabilitation facilities other than prevention education.

Wetlands. Areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances to support, a prevalence of hydophitic vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marches, bogs, and similar areas excluding those constructed as water quality or quantity control facilities.

Wheel Stop. A permanent and secured device in each parking stall which blocks the front wheels of a vehicle.

Wholesale Trade. Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, the individuals or companies. Wholesale trade may include retail trade as a secondary use when wholesale trade is the primary use. Wholesale trade does not include storage and sale of bulk fuel oil, bulk fuel, explosives or other hazardous material, or live animal sales other than small domestic pets when the sales are made from the premises. Wholesale trade by brokerage only, with no display or storage of merchandise on the premises, is considered a Business Office use.

Windthrow. Trees felled by wind.

Wireless Telecommunications Facilities. The site, structures, equipment and appurtenances used to transmit, receive, distribute, provide or offer wireless telecommunications services. This includes, but is not limited to antennas, poles, towers, cables, wires, conduits, ducts, pedestals, vaults, buildings, electronics and switching equipment.

Wireless Telecommunications Systems (WTS). The sending and receiving of radio frequency transmissions and the connection and/or relaying of these signals to land lines and

other sending and receiving stations (cell sites), and including cellular radiotelephone, personal communications services, enhanced/specialized mobile radio, and commercial paging services.

Wooded Lot/parcel. A lot/parcel or parcel 10,000 square feet or larger, above 670 feet in elevation, which contains more than 5 trees eight inches or greater dbh.

Working Day. Monday through Friday, exclusive of official City holidays.

Wrecking Yard/Salvage Yard. Any lot/parcel or structure used for the storage, dismantling or sale of inoperable motor vehicles, trailers, machinery and/or building materials or parts.

Yard. (for purposes of establishing building setback)

A. Front yard:	The first 10 feet of land paralleling street right-of-way used for address purposes.
B. Side yard:	The first 5 feet of land paralleling property boundaries intersecting the front yard property boundary.
C. Rear yard:	The first 10 feet of land paralleling the property boundary most distant from and paralleling the front yard property boundary.
D. Through-lot/parcel rear yard:	The first 10 feet of land paralleling street right-of-way this is parallel to and most distant from the front yard property boundary used for address purposes.
E. Street side yard:	The first 10 feet of land paralleling street right-of-way, which intersects the front yard property boundary.

Youth Hostel. Any building designed or intended to provide temporary accommodations for traveling young people.

Zoning District. A specifically delineated area or district within the Urban Growth Boundary that implements the Metro Plan within which the use of land is regulated and development standards are applied.

ATTACHMENT 3
ORDINANCE AMENDING AND REFORMATTING THE SDC

ORDINANCE NO. 6206 (General)

AN ORDINANCE AMENDING AND REFORMATTING THE SPRINGFIELD DEVELOPMENT CODE, ADOPTING A SEVERABILITY CLAUSE AND DECLARING AN EMERGENCY.

THE CITY COUNCIL OF THE CITY OF SPRINGFIELD FINDS THAT:

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

WHEREAS, in the 21 years since the adoption of the SDC, the City has made numerous minor amendments to the SDC to implement both State and local planning mandates and local planning priorities; and

WHEREAS, over time, these SDC amendments have resulted in a document that has become cumbersome and difficult to understand for both staff and potential developers; and

WHEREAS, in order to address these issues, the City contracted with Eaton Planning Services to perform an audit of the SDC in early 2005 funded by the Oregon Department of Land Conservation and Development (DLCD) with a Technical Assistance Grant; and

WHEREAS, the results of the audit were reviewed by the Planning Commission and City Council in Spring 2005 and staff was authorized to proceed with the SDC Edit and Reformat Project in order to make the SDC more contemporary and user-friendly; and

WHEREAS, the proposed amended and reformatted SDC is generally based on a layout used for the "Model Development Code for Small Cities" and converts the current three Chapters and 44 Articles into 6 Chapters; and

WHEREAS, the proposed amended and reformatted SDC does not include any "policy" changes; and

WHEREAS, the proposed amended and reformatted SDC does not create new land use regulations that may give rise to Ballot Measure 37 claims, or claims under proposed Ballot Measure 49; and

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

WHEREAS, on June 5, 2007, the Springfield Planning Commission held a work session and conducted a public hearing on this SDC reformat and amendment application (Case Number LRP 2007-00015) voting 5 to 0, with 2 absent to recommend approval of the proposed Ordinance to the City Council based upon findings in support of adoption of these amendments to the SDC as set forth in the Staff Report and the Recommendation to the Council incorporated herein by reference; and

WHEREAS, on July 16, 2007, staff prepared and distributed a copy of the proposed amended and reformatted SDC for Council review and comment.

WHEREAS, on September 17, 2007, the Springfield Common Council held a work session and conducted a public hearing and is now ready to take action on this application based upon findings in support of adoption of these amendments to the SDC as set forth in the aforementioned Staff Report to the Council incorporated herein by reference and the evidence and testimony already in the record as well as the evidence and testimony presented at this public hearing held in the matter of adopting this Ordinance amending the SDC.

NOW THEREFORE, THE CITY OF SPRINGFIELD ORDAINS AS FOLLOWS:

Section 1: The most-recent version of the Springfield Development Code, including: the Title Page; Table of Contents; Chapter I Procedures, including Articles 1-15, Chapter II Zoning and Overlay Districts, including Articles 16-30; Chapter III Development Standards, including Articles 31-44; and the Appendix 1-3 are hereby amended and reformatted as follows: the Title Page is revised; Table of Contents which complies with the new format; Chapter 1, Introduction, which explains the relationship of the SDC to the State-wide Planning Goals and the Metro Plan; Chapter 2, General Provisions, which contains the SDC's purpose and applicability, enforcement regulations and a discussion of application fees; Chapter 3, Land Use Districts, which discusses the City's Official Zoning Map and lists all Base Zoning Districts, Overlay Districts and Plan Districts and base development standards; Chapter 4, Development Standards, which contains both development standards not listed in Chapter 3 and specific development standards for certain uses; Chapter 5, Land Use Applications, which discusses the development review, the public hearing and appeals processes, and lists the procedures for land use, limited land use and other required applications; and Chapter 6, Definitions, which contains definitions for terms used throughout the Code.

Section 2: The amended and reformatted Springfield Development Code, a true copy of which is attached hereto and incorporated herein by reference, is herby adopted.

Section 3: 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 4: Construction/Interpretation. In amending and re-formatting the Springfield Development Code it is not the intent of the City of Springfield to create new land use regulations which may give rise to "Ballot Measure 37" claims or similar claims. In the event that a land use regulation re-formatted as described herein as a result of the reformatting is capable of two interpretations, one which may give rise to a claim for compensation pursuant to Ballot Measure 37, or proposed Ballot Measure 49, or other similar claims, and one which does not, the land use regulation should be interpreted in a way which does not give rise to the Ballot Measure 37, or proposed Ballot Measure 49 claim.

Section 5: Declaration of Emergency. It is hereby found and declared that matters pertaining to this amendment of the Springfield Development Code regarding the reformat affect the public health, safety and welfare of the City of Springfield and that this Ordinance shall, therefore, take effect immediately upon its passage by the Council and approval by the Mayor.

ADOPTED by the Common Council of the City of Springfield by a vote of 6 for and 0 against, this 17th day of September, 2007.

APPROVED by the Mayor of the City of Springfield, this 17th day of September, 2007.

ATTEST:

Mayor

Amy Sowa
City Recorder

REVIEWED & APPROVED
AS TO FORM
Jeremy J Kraaitz
DATE: 9/10/07
OFFICE OF CITY ATTORNEY