



Planning Commission Agenda

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Sophie McGinley, Chair

Andrew Landen, Vice Chair

Kuri Gill

Grace Bergen

Michael Koivula

Matthew Salazar

Andrew Buck

Due to State-wide orders regarding social distancing and large gatherings, this meeting will be available via phone and internet using Zoom Meeting. Members of the public wishing to attend this meeting electronically can call in or attend virtually by following the directions below. This information can also be found on the City's website.

From your computer, tablet or smartphone

<https://zoom.us/j/92014521651?pwd=UWl1eGdpVzBISUkrZDdXcnVjdDFlZz09>

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November 16, 2021

6:00 p.m. Planning Commission Work Session

Virtual

CALL TO ORDER

ATTENDANCE: Chair McGinley____, Vice Chair Landen _____, Koivula _____, Gill_____,
Bergen _____, Salazar_____, and Buck _____.

WORK SESSION ITEM(S)

1. Development Code Update Project – Draft Code Sections

Staff: Mark Rust, Current Planning Supervisor

120 Minutes

- Commission members declaration of potential conflicts of interest

REPORT OF COUNCIL ACTION

BUSINESS FROM THE PLANNING COMMISSION

BUSINESS FROM THE DEVELOPMENT AND PUBLIC WORKS DEPARTMENT

ADJOURNMENT

AGENDA ITEM SUMMARY

Meeting Date: 11/16/2021
Meeting Type: Work Session
Staff Contact/Dept.: Mark Rust/DPW
Staff Phone No: 541-726-3654
Estimated Time: 120 minutes
Council Goals: Encourage Economic Development and Revitalization through Community Partnerships

**SPRINGFIELD
PLANNING COMMISSION**

ITEM TITLE: DEVELOPMENT CODE UPDATE PROJECT – DRAFT CODE SECTIONS

ACTION REQUESTED: Staff is asking the Planning Commission to finalize their input on the draft code sections for Phase 1 and Phase 2 of the Development Code Update Project prior to their release for the January 4, 2022 public hearing.

ISSUE STATEMENT: The Purpose of the Development Code Update Project is to change the Springfield Development Code to support efficient, timely, and clear development review. The updated Development Code will support Springfield’s economic development priorities and will honor Springfield’s hometown feel now and in the future.

At this meeting staff will be asking the Planning Commission to provide input and direction on making any final changes to the draft code sections prior to finishing the public hearing drafts.

ATTACHMENTS: Attachment 1: Briefing Memo
Attachment 2: Draft of New Code 3.2.200 Residential Zones
Attachment 3: Draft of New Code 4.7.300 Special Standards for Certain Uses
Attachment 4: Draft of New Code 6.1.100 Definitions
Attachment 5: Draft Phase 2 Code Sections

DISCUSSION: **Background**
Staff last presented to the Planning Commission on November 2, 2021 focusing on implementation of House Bill 2583 for occupancy limits based on family status and on regulating short term rentals.

Discussion
At the last meeting the Commission talked about regulating occupancy limits of residential uses, and the topic of Short-Term Rentals. Staff will report back on these topics and has developed some revised language to discuss.

This work session is planned to be the last work session prior to finalizing the public hearing drafts of the code sections for Phase 1, Housing, and Phase 2, Employment Lands. Staff is looking for final feedback and input from the Planning Commission on all the code sections at this meeting.

Next Steps
Staff plans to finalize the public hearing drafts of the code sections with the goal of completing the public hearing drafts by November 24 to allow mailing of required notices for the public hearing. The Planning Commission is scheduled to hold a joint public hearing with the Lane County Planning Commission on January 4, 2022. If helpful to the Commission, additional work sessions could be added in December to further discuss the public hearing drafts of the code sections.

MEMORANDUM

City of Springfield

Date: 11/16/2020**To:** Planning Commission**BRIEFING****From:** Mark Rust, AICP, Interim Current Planning Supervisor**MEMORANDUM****Subject:** Development Code Update Project–Phase 1, Middle Housing

ISSUE

The Purpose of the Development Code Update Project is to change the Springfield Development Code to support efficient, timely, and clear development review. The updated Development Code will support Springfield’s economic development priorities and will honor Springfield’s hometown feel now and in the future.

At this meeting staff will be asking the Planning Commission to provide input and direction on making any final changes to the draft code sections prior to finishing the public hearing drafts.

BACKGROUND

Staff last presented to the Planning Commission on November 2, 2021, focusing on implementation of House Bill 2583 for occupancy limits based on family status and on regulating short term rentals.

DISCUSSION

At the last meeting the Commission talked about regulating occupancy limits. The general feedback and direction indicated that the City should not regulate occupancy of dwellings in the Development Code. Planning Commission members suggested looking at the building code to see how occupancy is regulated. After discussions with the Springfield Building Official and other city staff including code enforcement, it seems clear that the Building Code generally does not regulate occupancy of dwellings. The only potential regulation around occupancy would be in regard to maximum design load of the structure in terms of weight, so if too many people were in a structure it might overload the design capacity of the structure. Enforcement of occupancy limits is another concern without a mechanism for enforcing occupancy limits even if they existed. The staff recommendation at this point is to not regulate occupancy of residences. Instead, it will be important to continue to use applicable code provisions, including the Municipal Code, to regulate impacts such as parking, noise, and other nuisances.

Based on the feedback from the Planning Commission at the last meeting, staff developed some revised language for how to regulate Short-Term Rentals (STR’s). The new draft code provisions for STR’s are contained in the draft code section 4.7.355 of the Springfield Development Code (SDC). Additionally, definitions are provided in draft code sections of SDC 6.1.100.

Staff has proposed two different types of STR’s. Type 1 for owner/operator occupied dwellings, and Type 2 for non-occupied units. Staff also proposed to keep the use of Boarding House that is defined as not being a single unit dwelling, used for lodging for compensation, with or without meals. This type of use would be commercial rather than residential.

The current standards for Bed and Breakfast in Springfield Development Code 4.7-120 include:

- A. Bed and breakfast facilities may be located on local, collector, or arterial streets. All bed and breakfast facilities proposed to be located on local streets are subject to Discretionary Use approval as specified in Section 5.9-100.
 - B. The facility shall be owner-occupied.
 - C. There shall be no more than 4 guest bedrooms.
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- 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% of the lot/parcel shall be landscaped.

The current standards for Rooming and Boarding Houses in Springfield Development Code 4.7-215 include:

- 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.

The existing definitions for Bed and Breakfast, Boarding and rooming houses in the Springfield Development code are:

Bed and Breakfast Facility. A structure designed for and occupied as a single-family dwelling, in which travelers are lodged for sleeping purposes for 2 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.

Rooming House. A building or portion thereof where lodging, but not meals, is provided for more than 2 weeks for compensation. This definition excludes bed and breakfast facilities.

STR specific regulations in various Oregon jurisdictions:

In evaluating other jurisdictions around Oregon for how STR's are addressed, staff finds the following list as the most commonly addressed issues including but not limited to noise, parking, maximum occupancy, and trash management, etc.

1. Land-Use Approval required – Hood River County, City of Portland, Bend, and Milwaukie. The land use approval process is likely lengthier and requires more staff time and administrative costs than a license, permit, or registration process. This could lead to higher permit costs for STR operators. Longer processing times and higher permit costs may discourage STR operators from obtaining approvals.
2. Limits on Noise/ Noise Complaints – Clackamas County (proposed not yet implemented), City of Bend, Hood River. STR quiet hours (commonly from 10 p.m. to 7 a.m.) are required by some of the reviewed jurisdictions to limit the potential impact of noise in the neighborhood.
3. Parking Requirement – City of Hood River, Bend, Clackamas County (proposed but not yet implemented). A minimum number of on-site parking is a common requirement, which can be a set number of spaces or can be based on the number of bedrooms (for example, one space per bedroom).
4. Maximum Occupancy – City of Eugene, Portland, Clackamas County. Limits on the number of allowed persons per bedroom are commonly required to promote safety and minimize noise, parking conflicts, and avoid overcrowding of STR's. Stating maximum occupancy limits could be required for the STR when advertising online or on another platform.

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5. Trash Management - City of Hood River, City of Bend.
Evidence that the property has regular garbage pickup service and/or covered garbage receptacles is a common requirement to ensure that the STR has proper trash management in place.
 6. Primary Residency - City of Portland, Milwaukie, Lake Oswego, Hood River, and Hood River County
The regulation requires an STR owner/operator to provide evidence that the dwelling in which the STR is housed is the operator's "primary residence." The "primary residence" regulation however does not require the STR operator to be present on the property when the dwelling is being rented. It is anticipated to achieve one or more of the following objectives:
 - Reduce or limit the number of pure investment properties being used as STRs.
 - Make the owner/operator more accountable to neighbors because they are living in the neighborhood at least part of the time.
 7. Group Events - City of Portland
Group events at STRs, such as weddings, luncheons, charitable fundraising, etc. are limited or prohibited by some of the reviewed jurisdictions to minimize neighborhood noise and parking conflicts.

The above examples of STR regulations are meant to provide some examples of standards. After evaluating potential standards staff is proposing as part of the Development Code Update Project using the existing standards for Bed and Breakfast, and Boarding and Rooming houses which are a type of short term rental, as a basis to apply to all STR's in the Springfield Development Code.

Staff's recommendation for Short Term Rentals is to define the Type 1 and Type 2 STR's and to provide regulations for each type as proposed in SDC 4.7.355.

Lastly staff is seeking additional input from Planning Commissioners regarding any other provisions of the codes sections for adjustment prior to finalizing the public hearing draft of the code sections. Not all the input from the public and Planning Commission has been incorporated into the draft code sections at this point. Staff is working on updating the code section prior to finalizing the public hearing drafts.

RECOMMENDED ACTION

This meeting is an opportunity for the Planning Commission to provide input and direction on the draft code sections to inform the development of the public hearing drafts of the code sections.

NEXT STEPS

Staff plans to finalize the public hearing drafts of the code sections with the goal of completing the public hearing drafts by November 24 to allow mailing of required notices for the public hearing. The Planning Commission is scheduled to hold a joint public hearing with the Lane County Planning Commission on January 4, 2022. If helpful to the Commission, additional work sessions could be added in December to further discuss the public hearing drafts of the code sections.

**Section 3.2.200 – Residential Districts
(R-1, R-2, R-3)**

Subsections:

- 3.2.205 Purpose, Applicability, and Location**
- 3.2.210 Permitted Land Use**
- 3.2.215 Lot Area and Dimensions**
- 3.2.220 Setbacks**
- 3.2.225 Impervious Surface Coverage Standards**
- 3.2.230 Height**
- 3.2.235 Density**
- 3.2.240 Panhandle Lot or Parcel Development Standards**
- [3.2.245 Duplex](#)
- [3.2.250 Middle Housing](#)
- [3.2.255 Triplex or Fourplex](#)
- [3.2.260 Cottage Cluster Housing](#)
- [3.2.265 Townhomes](#)
- [3.2.270 Courtyard Housing](#)
- [3.2.275 Accessory Dwelling Units \(ADU's\)](#)

3.2.205 Purpose, Applicability, and Location

(A) Purpose. The purposes of the Residential Land Use Districts are to:

- (1) Accommodate a full range of housing types.
- (2) Implement the policies of the Springfield Comprehensive Plan and Metro Plan.
- (3) Make efficient use of land and public services.
- (4) Reduce reliance on the automobile for neighborhood travel and provide options for walking and bicycling.
- (5) Provide convenient access to Neighborhood Activity Centers.

(B) Applicability. The standards in this section apply to development in the R-1, R-2, and R-3 Land Use Districts. These districts are identified on the City's official Zoning Map.

Where there is a conflict between the Special Use Standards SDC 4.7.300 - 4.7.400 and the development standards in this SDC 3.3.200, the Special Use Standards prevail.

3.2.210 Permitted Land Uses

(A) Permitted Uses. The land uses listed in Table 3.2.210 are permitted in the Residential Districts, subject to the provisions of this chapter. Only land uses that are specifically listed in Table 3.2.210, land uses that are incidental and subordinate to a permitted use, and land uses that are approved as "similar" to those in Table 3.2.210 are permitted.

(B) Determination of Similar Land Use. Similar use determinations must be made in conformance with the procedures in SDC 5.11.100, Interpretations.

(C) Exceptions. Existing uses and buildings lawfully established under previously effective land use regulations can continue subject to SDC 5.8.100, Non-Conforming Uses –

Determination, Continuance, Expansion and Modification, except as otherwise specified in this section.

Table 3.2.210 Permitted Uses				
Uses	Districts			Special Use Standards
	R-1	R-2	R-3	
Residential				
Single-unit Dwelling; detached (SD-D)	P	N	N	
Duplex	P*	P*	N	SDC 3.2.245
Triplex/Fourplex	P*	P*	P*	SDC 3.2.250 and 3.2.255
Townhomes (Single Dwelling attached; e.g., row houses, etc.)	P*	P*	P*	SDC 3.2.250 and 3.2.265
Cottage Cluster Housing	P*	P*	P*	SDC 3.2.250 and 3.2.260
<u>Courtyard Housing</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>SDC 3.2.335</u>
Recreational Vehicle for an <u>Emergency Medical Hardship</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>	SDC 4.7.400
Accessory Dwelling Units (ADUs)	P*	P*	P*	SDC 3.2.275
Single Room Occupancy (SROs)	P	P	P	See def???
<u>Short Term Rental</u>				
<u>Type 1</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>SDC 4.7.355</u>
<u>Type 2</u>	<u>D*</u>	<u>D*</u>	<u>D*</u>	<u>SDC 4.7.355</u>
Manufactured Dwelling Park	P, S*	P, S*	N	SDC 4.7.345
Multiple Unit Housing on one lot or parcel, 5 units or more	N	P*	P*	SDC 4.7.375 thru 4.7.385
<u>Family Child Care Home</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>SDC 4.7.405</u>
<u>Child Care Center</u>	<u>D, S*</u>	<u>D, S*</u>	<u>D, S*</u>	<u>SDC 4.7.125</u>
Residential Care Facility; 5 or fewer people	P*	P*	P*	SDC 4.7.350
Residential Care Facility; 6 or more people	P, S*	P, S*	P, S*	SDC 4.7.350
Public and Institutional* (Sec. 4.7.380)				
Automobile Parking, Public Off-street Parking	N	D	D	
Club (see definition 6.1.110(F))	N	N	N	
Community Service; includes Governmental Offices	N	D	D	
Community Garden	D	D	D	
Educational facilities: elementary and middle schools	D*	D*	D*	SDC 4.7-195 and 5.9.110

Commented [KK1]: I think these references need to be updated? They seem off the current draft of 4.7. Let me know if you want me to go through and update these.

Commented [RM2R1]: @KRAAZ Kristina yes these are old and need to be updated. If you could go through that would be great. Thanks.

Commented [KK3R1]: @RUST Mark Done.

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Commented [BS4]: I think adding RV to this would be helpful = "RVs as emergency medical hardship" unless you're wanting to allow things other than RVs for this purpose.

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SDC 4.7.395

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Commented [RM6]: These need to be allowed as an outright permitted use in all residential and commercial zones? Specified in ORS 329A.440

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Commented [RM9]: Add back in with Site Plan required.

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Commented [BS10]: As I recall, typically we've allowed ... [10]

Commented [BS11R10]: I had time to check, and the ... [11]

Uses	Districts			Special Use Standards
	R-1	R-2	R-3	
Emergency Services; Police, Fire, Ambulance	D, S	D, S	D, S	
Parks and Open Space, including Playgrounds, Trails, Nature Preserves, Athletic Fields, Courts, Swim Pools, and similar uses	P/D*	P/D*	P/D*	SDC 4.7.200
Place of worship	D, S*	D, S*	D, S*	SDC 4.7.370
Commercial				
<u>Boarding House</u>	S*	S*	S*	SDC 4.7.395
Home Business	P*	P*	P*	SDC 4.7.365
Professional Office	S*	S*	S*	SDC 4.7.190
Mixed Use Buildings	S*	S*	S*	SDC 4.7.375

P = Permitted Use; S = Site Plan Required; D = Discretionary Use permit required; N = Not Allowed; * = Permitted subject to Standards and Regulations for Certain Uses.

3.2.215 Lot Area and Dimensions

(A) In addition to applicable provisions contained elsewhere in this code, the development standards listed in this section apply to all development in residential districts. In cases of conflicts, standards specifically applicable in the residential land use district apply. In cases of conflicts in this section between the general standards and the area-specific standards, the area-specific standards apply.

Lot area and lot dimension standards for residential uses are listed in Table 3.2.215. For other residential uses listed in Table 3.2.210, the lot area and dimensions are subject to the type of residential structure being occupied. Lot development must be in conformance with SDC 3.2.235, Density.

The following Table 3.2.215 sets forth residential land use district development standards, subject to the special development standards in SDC 4.7.300-4.7.400.

Density (see 3.2.235 below)	R-1	R-2	R-3
Single unit dwelling, detached	6 units per net acre minimum 14 units per net acre maximum	N/A	
Duplex	6 units per net acre minimum No maximum density	14 units per net acre minimum 28 units per net acre maximum	

Commented [KK1]: I think these references need to be updated? They seem off the current draft of 4.7. Let me know if you want me to go through and update these.

Commented [RM2R1]: @KRAAZ Kristina yes these are old and need to be updated. If you could go through that would be great. Thanks.

Commented [KK3R1]: @RUST Mark Done.

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Deleted: Bed and Breakfast/Rooming House

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Commented [BS14]: Do we really require a site plan for all home businesses? What if it's entirely contained within the home – is that a home occupation rather than a home business? Again, I'm just speaking without having looked at the definitions or standards, just my initial reactions.

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Commented [BS15]: My understanding is that middle housing is to be allowed similar to the single-unit dwelling. If that's true, why are there special use standards for the middle housing types? Instead of including this with an asterisk, maybe you just have the column with the standards (no special use).

Commented [RM16R15]: We can have standards for middle housing types, we just have to allow duplexes everywhere that SFD's are allowed. The duplex standard is just reflecting state allowances/requirements. I would rather reference the special standards section rather than add footnotes to this table.

Commented [BS17R15]: OK, makes sense.

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42 units per net acre maximum

Density (see 3.2.235 below)	R-1	R-2	R-3
Triplex and fourplex	6 units per net acre minimum No maximum density	14 units per net acre minimum 28 units per net acre maximum	28 units per net acre minimum 42 units per net acre maximum
Townhome	6 units per net acre minimum 25 units per net acre maximum	14 units per net acre minimum 28 units per net acre maximum	28 units per net acre minimum 42 units per net acre maximum
Cottage cluster	4 units per net acre minimum No maximum density	14 units per net acre minimum 28 units per net acre maximum	28 units per net acre minimum 42 units per net acre maximum
Multiple unit housing	N/A	14 units per net acre minimum 28 units per net acre maximum	28 units per net acre minimum 42 units per net acre maximum

Density fractions will be rounded up to the next whole number.

Commented [RM19]:
Since we aren't required to allow middle housing provisions here since we aren't allowing SFD's in R-2 and R-3 any longer we can have a max density. We could consider a higher density threshold to incentivize affordable housing or for alley loaded development, or along transit corridors, or???

Commented [BS20R19]: I think given the density policy in the Metro Plan, we leave this as is now. When we update policies, we can consider some "bonuses" or changes to the approach.

Lot or Parcel Area			
Minimum lot or parcel area for single unit dwellings, detached, is based on meeting the maximum net density in the zoning district. Approximate example lot sizes are shown below.			
Maximum lot or parcel area is based on meeting the minimum net density in the zoning district. Some approximate example lots sizes are shown below.			
Lot or parcel areas for some uses/housing types are not reflective of the density range above due to density not being applicable to certain middle housing types.			
Where the density standards and these lot or parcel area examples conflict, the density standards prevail.			
Housing type	R-1	R-2	R-3
Single unit dwelling, detached	3,000 sq. ft. minimum 7,260 sq. ft. maximum	N/A	
Duplex	3,000 sq. ft. minimum 7,260 sq. ft. maximum	3,000 sq. ft. minimum 6,000 sq. ft. maximum	2,000 sq. ft. minimum 4,000 sq. ft. maximum
Triplex	5,000 sq. ft. minimum 21,000 sq. ft. maximum	4,500 sq. ft. minimum 9,000 sq. ft. maximum	3,000 sq. ft. minimum 4,500 sq. ft. maximum
Fourplex	7,000 sq. ft. minimum 29,000 sq. ft. maximum	6,000 sq. ft. minimum 12,000 sq. ft. maximum	4,000 sq. ft. minimum 6,000 sq. ft. maximum

Commented [RM21]: Do these have some regulatory impact? Min. lot size? Clarify. Based on email from ED.

Commented [RM22]: Double check these example lots sizes. Based on ED email, not sure they are correct.

Commented [RM23]: Comment from MK, except where abutting R-1, should meet R-1 lots sizes. Response: Wouldn't allow the city to meet density requirements.

Townhome	1,000 sq. ft. minimum 7,260 sq. ft. maximum		
Cottage Cluster	5,000 sq. ft. minimum Maximum based on number of units and density		
Multiple Unit Housing	N/A	1,500 sq. ft. per unit minimum 3,000 sq. ft. per unit maximum	1,000 sq. ft. per unit minimum 1,500 sq. ft. per unit maximum

Commented [RM24]:
Should we limit the minimum size of the lots that a cottage cluster can be developed on?

Staff is recommending allowing cottages to be in individual lots within a cottage cluster development. Staff is envisioning that the individual lots for each unit could be as small as the footprint of the cottage. The 7,000 square feet is from the OAR's, should be limit the overall size of the property for a Cottage Cluster development to a minimum of 7,000?

3.2.220 Setbacks

(A) Setback Standards. The following table summarized the minimum setback standards. The setback standards of this section apply to all structures, except as otherwise provided by this section.

	R-1	R-2	R-3
Front	10 feet, except for a garage or carport		
Garage or carport	18 feet from any property line or back of sidewalk, whichever is closer		
Side	5 feet	10 feet when abutting an R-1 district 5 feet when not abutting an R-1 district	
Rear	5 feet	10 feet when abutting an R-1 district 5 feet when not abutting an R-1 district	
Notes: Setbacks for certain housing types or uses are reduced as specified in SDC 4.7.300-4.7.400. (Ex. Zero-foot side setback for property line where townhome units attach.)			

Commented [RM25]: Comment from MK. Increase side setbacks to 7 feet and rear to 10. Response. Increasing side setbacks from the existing 5 feet would create measure 49 claims. We could leave the rear yard setback at the existing 10 feet.

(B) Front Setbacks

- (1) **R-1, R-2, and R-3 Districts.** The front setback requirement is a minimum of ten feet from the property line abutting the street used for address purposes or the back of sidewalk, whichever is closer, or for a panhandle lot, from the property line forming the pan portion of the lot.
- (2) **Garage or carport.** The front of a garage or carport must be set back a minimum of 18 feet from any property line or the back of sidewalk, whichever is closer.
- (3) **Special setbacks.** The Special Street Setbacks apply in conformance with SDC 4.2.105(M).

Commented [RM26]:
Setback for garage from any property line, not just front.

(C) Side Setbacks

- (1) **R-1 District.** The side setback requirement is a minimum of five feet.
- (2) **R-2 and R-3 Districts**

- (a) The side setback requirement is a minimum of ten feet from any property line abutting the R-1 district.
- (b) The side setback requirement is a minimum of five feet from any property line not abutting the R-1 district, or the edge of sidewalk for a corner lot or parcel, whichever is closer.

(3) For courtyard housing, side setbacks must be in conformance with SDC 4.7.335.

(D) Rear Setbacks

- (1) **R-1, R-2, and R-3 Districts.** The rear setback requirement is a minimum of five feet from any property line.

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Commented [RM27]: MK comment. Should be 10. Response. Could leave at 10.

(E) Special Setback Requirements

- (1) **Alley.** Where an existing alley is less than 20 feet in width, the setback requirement is 20 feet from the property line abutting the alley, notwithstanding any other setback requirement that is less.

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Commented [RM28]: MK comment. Shouldn't alley setback be zero or 6 feet? Potentially wouldn't provide adequate backing distance. But could be reduced.

- (2) **Townhomes.** Common wall setbacks where units are attached is zero feet from the property line abutting the next attached unit, in conformance with SDC 4.7.330.

- (3) **Vision Clearance Areas.** All structures must comply with SDC 4.2.130, Vision Clearance, notwithstanding any other setback requirement that.

- (4) **Bridges.** Bridges that form a driveway or pedestrian access from the abutting street or alley are permitted within the setbacks.

- (5) **Setback Encroachments.** An encroachment into a setback that meets the following standards is permitted in the R-1, R-2, and R-3 Districts. No portion of the structures and architectural features listed in this section can encroach closer than size feet to the front property line or edge of sidewalk, whichever is closer. No other encroachments into a setback are permitted unless approved through a variance.

Commented [RM29]: Still allow a variance?

- (a) **Architectural Features.** Eaves, chimneys including fireplace enclosures and chimney chases, bay windows up to eight feet in width, and window wells are allowed to encroach into the front, side, and rear setbacks by no more than two feet, provided there is a minimum setback of three feet from the property line.
- (b) **Front Porches.** An unenclosed covered or uncovered porch, patio, deck, or stoop with a maximum floor height not exceeding 18 inches is allowed to be set back a minimum of six feet from the front property line, as long as it does not encroach into a public utility easement.
- (c) An uncovered and unenclosed porch, patio, deck, or stoop located above finished grade with a maximum floor height not exceeding 18 inches must be set back a minimum of 18 inches from the side and rear property lines. Additionally, it must not encroach into a public utility easement.

- (d) Uncovered patios at finished grade are exempt from setbacks as long as it does not encroach into a public utility easement.
- (e) Stairs, ramps, and landings that are uncovered may be in the front setback.

(6) Garage and Carport Setback

- (a) The 18-foot setback requirement for the front of a garage or carport is measured along the centerline of the driveway from the property line or back of sidewalk, whichever is closer, to either the garage door or to the support post at the vehicle entry of a carport closest to the property line.
- (b) For a garage on a corner lot or parcel that is accessed from an alley, or a garage where the side or rear wall of the garage faces the street, the setback for the garage side or rear wall is a minimum of ten feet from the property line. In this case, the garage must have at least one window in the side or rear wall facing the street that is a minimum of six square feet. A side entry garage must have a driveway with a minimum length of 18 feet from the front property lines as measured along the centerline of the driveway to the face of the garage.

(G) Prohibited in Setbacks. In addition to structures, the following are prohibited within the following setbacks:

- (1) **Front Setbacks.** Satellite dishes greater than 18 inches in diameter, and other similar above ground objects except heat pumps which are allowed.
- (2) **Side and Rear Setbacks.** Satellite dishes greater than 18 inches in diameter, and other similar objects, unless screened for visual and noise abatement by a solid enclosure two feet higher than the object/use being screened, except heat pumps which are allowed.
- (3) **All Setbacks.** Balconies.

3.2.225 Impervious Surface Coverage Standards

- (A) The amount of impervious surface may not exceed the standards listed in this section 3.2.225. Stormwater treatment facilities required under SDC 4.3.110 or other development standards may result in less impervious surface area than these maximums.
- (B) The following Impervious Surface standards apply to all development in Residential Districts. However, Cottage Cluster Housing is not subject to this standard.
 - (1) On lots or parcels with more than average 15 percent slope or above 670 feet in elevation, as determined in SDC 3.3.500, the impervious surface area must not exceed 35 percent.
 - (2) On lots or parcels of less than 4,500 square feet in size, the impervious surface area must not exceed 60 percent of the lot or parcel area.

Commented [RM30]: MK comment. Should not be allowed in setbacks. Response, many of these are allowed in current code. Would allow for more design flexibility and to address slope issues etc.

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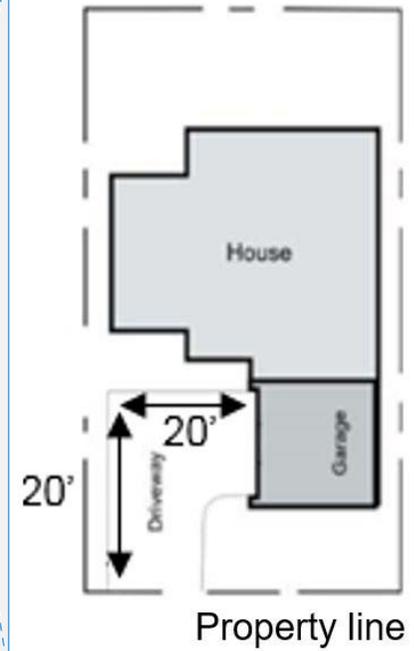
Commented [RM31]: Should this be five?

Deleted: As shown in Figure 3.2-A, a

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Figure 3.2-A Garage or Carport Setback¶



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Commented [RM34]: Standards for this??? Refer screening and fencing section of code??

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Commented [RM35]: See OAR 66-046-0220(4)(g)

Commented [RM36]: KSK comment. Is this an average slope across the lot/parcel or any portion of the lot that has more than 15% slope?

Commented [RM37]: These are existing standards in 3.2.215, footnote (3). Keep? Or modify amounts? Should lot coverage in general be switched to a total impervious surface area standard?

- (3) On lots or parcels of 4,500 square feet or larger in size, the impervious surface area must not exceed 65 percent of the lot or parcel area.

Table 3.2.225 Impervious Surface Coverage	R-1	R-2	R-3
Lots or parcels with more than 15% slope or above 670 feet in elevation	35% maximum		
Lots or parcels of less than 4,500 square feet in size	60% maximum		
Lots or parcels of 4,500 square feet or larger in size	65% maximum		

Commented [RM38]: MK comment. Too large. Should be 10-15% less. Response. These are propose to be calculated differently than existing. regulate all impervious rather than just structures. Will likely be limited by stormwater requirements anyway.

Commented [RM39R38]: Existing is 45% for just structures, not including other impervious surfaces. Would now count driveways, patios, etc.

3.2.230 Height

- (A) The following building height standards are intended to facilitate allowed residential densities while promoting land use compatibility.

Table 3.2.230 Height	R-1	R-2	R-3
All Lots, except where specifically addressed below	35 feet	50 feet	none

Commented [RM40]: MK comment. Too high. Should be 40' for R-2, and 75' for R-3. Response, not sure 75 would allow meeting R-3 density.

- (B) Incidental equipment, as defined in SDC 6.1.110 may exceed the height standard.
- (C) Within the Hillside Development Overlay District, the maximum Building Height, as defined and calculated in SDC 6.1.110, is 45 feet.

3.2.235 Density

- (A) The following net density standards apply to all new development in the R-1, R-2, and R-3 districts, except as specified in subsection (B) of this section. The net density standards shown in Table 3.2.215 are intended to ensure efficient use of buildable lands and provide for a range of needed housing, in conformance with the Springfield Comprehensive Plan. Where the density standard apply, the net density must be within the density range for the respective zoning district, except that density fractions 0.5 units per net acre or greater will be rounded up to the next whole number, and less than 0.5 unit per net acre will be rounded down to the preceding whole number.

The density standards may be averaged over more than one development phase (i.e., as in a subdivision or Master Planned Development).

- (B) The net density requirements specified in Table 3.2.215 do not apply as follows:
 - (1) Residential care homes/facilities.
 - (2) Accessory dwelling units (ADUs).
 - (3) Duplexes when developed on a lot or parcel that is in a residential land use district and allows a detached single unit dwelling.
 - (4) Bed and breakfast inns.

Commented [RM41]: Does this exemption need to be included since we have a duplex density standard in table 3.2.215.A?

- (5) Nonresidential uses, including neighborhood commercial uses, public and institutional uses, and miscellaneous uses that do not include a dwelling unit.
 - (6) Buildings that are listed in the Inventory of Historic Sites within the Springfield Area Comprehensive Plan Exhibit "A" or buildings designated on the Historic National Landmarks Register.
 - (7) Manufactured home parks within the R-1 district are exempt from the maximum density standards of the district; as long as the standards of SDC 4.7.355 are met.
 - (8) Residential infill, as defined in SDC 6.1.100, is exempt from minimum density standards.
 - (9) Partitions on properties that are large enough to be divided into five or more lots are exempt from minimum density standards as long as the size of the resulting parcels and siting of dwellings allow future development on these parcels at minimum densities.
- (C) Net density is defined in SDC 6.1.100 as the number of dwelling units for each acre of land in residential use, excluding: dedicated streets; dedicated parks; dedicated sidewalks; and other public facilities.
- (D) For the purpose of calculating residential net density:
- (1) Where a property is within multiple zoning districts, the minimum and maximum number of units is calculated based on the acreage in each residential district that is subject to the density standard as specified above multiplied by the applicable minimum and maximum density standards. Areas with nonresidential districts are excluded from the density calculation.
 - (2) Except as provided in subsection (D)(3) of this section, the following areas are subtracted from the gross area of the property:
 - (a) Area not in residential use as provided in subsection (D)(4) of this section;
 - (b) Area for dedicated streets;
 - (c) Area for dedicated sidewalks;
 - (d) Area for dedicated parks;
 - (e) Area for other public facilities.

After subtracting these areas from the gross area, then the remaining area is the net area used to calculate the net density.
 - (3) The following areas are not subtracted from the gross area to calculate net density:
 - (a) Area within a public easement less than ten feet in width;
 - (b) Area within a private street;
 - (c) Area within a private park; and
 - (d) Area for other private facilities.
 - (4) **Residential use** – Any area not in residential use is subtracted from the gross area. The term "residential use" is considered to mean "of, relating to, or connected with a residence or residences". Examples of residential use include the following: off street parking and vehicle circulation areas, maintenance or storage areas, and residential leasing offices, if these uses are related to or connected with a residence or residences.

Commented [RM42]:
Redundant with (D)(3) below.

Commented [RM43]:
Redundant with (C) above.

Examples of uses that would not be considered to be in residential use include the following: any commercial uses, accessory uses that are not related to or connected with a residence or residences, and unbuildable areas as described below.

(a) **Unbuildable.** This category includes land that is undevelopable. It includes tax lots or areas within tax lots with one or more of the following attributes:

- (i) Slopes greater than 25 percent as calculated in SDC 3.3.520(A);
- (ii) Within the floodway, as designated by the FP Overlay District;
- (iii) In areas with severe landslide potential as shown on an adopted City of Springfield inventory or map;
- (iv) Within locally significant wetlands and locally significant riparian areas and their setbacks as specified in SDC 4.3.117;
- (v) Within the riparian area boundary of a Water Quality Limited Watercourse as specified in SDC 4.3.115;
- (vi) Within the easement area of a 230 kV or greater transmission line;
- (vii) Small irregularly shaped lots¹; and
- (viii) Publicly-owned land as described in (5), (6), (7), and (8) below.

(5) **Streets** - Any street or roadway dedicated as public right of way is subtracted from the gross area to calculate net density. The area does not take into account to what degree the street or roadway area is improved. This does not include private streets or driveways. The area for any private street would remain in the net area considered to be in residential use.

(6) **Sidewalks** - Any sidewalk dedicated as public right of way is subtracted from the gross area to calculate net density. A public sidewalk located in an easement is not subtracted from the gross area. Private sidewalks (e.g. for multifamily housing developments, etc.) are not subtracted from the gross area.

(7) **Parks** - Any public park area including a publicly-owned Regional Park, Community Park, Neighborhood Park, or Linear Park is subtracted from the gross area to calculate the net density. Any Private Park, or private open space, if not dedicated would remain in the net area.

(8) **Other public facilities** - Any area for a public facility dedicated to the City of Springfield or other public agency is subtracted from the gross area to calculate net density. This includes storm water tracts dedicated to the City; however, it does not include private storm water facilities.

Additionally, any area, including easement areas, for a public facility that is adopted into the Eugene-Springfield Metropolitan Area Public Facilities and Services Plan (PFSP) is subtracted from the gross area. Any other public utility easement (PUE) that contains public utilities that are not adopted into the PFSP are not subtracted from the gross area (except as provided above under unbuildable land for 230 kV transmission lines).

“Public facility projects” adopted in the PFSP include:

¹ Only lots that were counted as unbuildable in an adopted Housing Needs Analysis, can be subtracted from the gross density as “small irregularly shaped lots”.

Commented [RM44]:
Michael and Emma both commented and have concern. Discuss with Michael, Kristina, Emma, and possibly Jim D.

Commented [RM45]:
Michael comment.

Would this cover accessways and other transportation facilities not specifically labeled as sidewalk?

Commented [RM46]:
Michael comment.

Would this cover a tract.

Commented [RM47]:
Dennis Covert on the Res. TAC asked about density related to storm water retention areas. Does this answer the question? Or address the concern?

- (a) Water: Source, reservoirs, pump stations, and primary distribution systems. Primary distribution systems are transmission lines 12 inches or larger for Springfield Utility Board (SUB) and 24 inches or larger for Eugene Water & Electric Board (EWEB).
- (b) Wastewater: Pump stations and wastewater lines 24 inches or larger.
- (c) Stormwater: Drainage/channel improvements and/or piping systems 36 inches or larger; stormwater detention and/or treatment facilities; outfalls; water quality projects; and waterways and open systems.
- (d) Specific projects adopted as part of the Metro Plan are described in the project lists and their general location is identified in the planned facilities maps in Chapter II of the Eugene-Springfield Metropolitan Public Facilities and Services Plan (Public Facilities and Services Plan).

3.2.240 Panhandle Lot or 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 not required to meet the Street Network Standards contained in SDC 4.2.105(D) or (E) or to comply with the density standards in the applicable zoning district. Panhandle driveways are not permitted in lieu of a public street required to meet the Street Network Standards contained in SDC 4.2.105(D) or (E).
- (2) The area of the pan portion does not include the area in the “panhandle” driveway.

(3) The minimum paving standards for panhandle driveways are:

- (a) Twelve 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 or parcel, where there is an improved street; and
- (b) Eighteen feet wide for a multiple panhandle driveway from the front property line to the pan of the last lot or parcel. This latter standard takes precedence over the driveway width standard for multiple unit dwelling driveways specified in Table 4.2.2.

(4) Panhandle lots must meet fire code access requirements based on the number of units.

(5) Townhomes are not allowed on panhandle lots.

(B) Buildable lots/parcels do not need to 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 SDC 4.2.120(A). In the residential districts, when a proposed land division includes single or multiple panhandle lots/parcels and the front lot or parcel

Commented [RM48]: Michael comment

A diagram explaining showing the general dimensional elements of panhandle for paving and area assumptions for easement and etc. may be helpful.

Commented [RM49]: See OAR 660-046-0220(3)(b).

contains an existing primary or secondary structure, an irrevocable joint use/access easement is allowed in lieu of the panhandles when the required areas to meet both the applicable panhandle street frontage standard and the required five foot wide side yard setback standard for the existing structure is available. In this case, the irrevocable access easement width standard is as follows:

- (1) Fourteen feet wide for a single panhandle lot or parcel in the R-1 District; or
- (2) Twenty feet wide for a single panhandle in the R-2 and R-3 District, or where multiple panhandles are proposed in any residential district.

3.2.245 Duplex

(A) In instances where a development can meet the definition of a duplex and also meets the definition of a primary single unit dwelling with an Accessory Dwelling Unit (ADU), the applicant must specify at the time of application whether the development is a duplex or a primary single unit dwelling with an ADU. The application will be reviewed according to the standards and criteria applicable to the applicant's election.

(B) Additions to or conversion of an existing detached single-unit dwelling to a duplex is allowed provided that the conversion does not increase nonconformance with applicable clear and objective standards.

(C) A duplex in the R-2 must be within the minimum and maximum density range for the applicable district.

3.2.250 Middle Housing

(A) Relationship to Other Code Standards

(1) Conflicts. In the event of a conflict between middle housing code provisions in this section and other code standards applicable to middle housing, the standards in this section prevail.

(2) Public Works Standards. Clear and objective exceptions to public works standards granted to detached single-unit dwellings (SD-Ds) must also be granted to duplexes.

(B) Sufficient Infrastructure. For all middle housing types (except duplexes) in the R-1, R-2, and R-3 districts applicants must demonstrate that Sufficient Infrastructure is provided or will be provided. The applicant must provide the information to demonstrate that Sufficient Infrastructure will be provided with the submittal of the development application for the proposed middle housing. The sufficient infrastructure must be provided prior to occupancy of the proposed middle housing. Sufficient Infrastructure must meet the established service levels as specified below.

(a) Sanitary Sewer. The subject property and any existing and proposed dwellings must be connected to sanitary sewer. The sanitary sewer must be designed and constructed in conformance with SDC 4.3.105, and Chapter 2 of the *Engineering Design Standards and Procedures Manual (EDSPM)*.

(b) Stormwater. The subject property and any existing and proposed dwellings must have a Stormwater management system that is sufficient to detain, on the lot or parcel of origin,

any increase in on-site surface water drainage, including roof drainage or other impervious surface drainage, to not increase flows from the lot or parcel above the flow levels that existed from the lot or parcel prior to the development of new middle housing.

(c) Water. The subject property as well as any existing and proposed dwellings must be connected to a public water system. The public water system must be capable of meeting established service levels as determined by the Springfield Utility Board (SUB). Documentation must be submitted from SUB with the development application demonstrating that the water system meets the established service levels or what improvements must be completed by the applicant prior to occupancy of the proposed middle housing to ensure established service levels are met.

(d) Streets. The subject property must have access via public or private streets that meet the fire apparatus access road standards as required by and in compliance with the Oregon Fire Code.

(C) Master Planned Areas. Middle housing may be regulated or limited within development areas greater than 20 acres in size that are subject to an adopted Master Plan, as follows:

(1) If a Master Plan has been adopted by the city after January 1, 2021, all middle housing types must be allowed as provided in this code.

(a) The City must plan to provide urban water, sanitary sewer, stormwater, and transportation systems that accommodate at least 15 dwelling units per net acre.

(b) If proposed middle housing development exceeds the planned public service capacity of a master plan, the City may require the applicant to demonstrate, through amended public plan or similar mechanism, the sufficient provision of public services needed to serve the proposed development.

(c) The city may require a mix of two or more middle housing types within a master plan or portions of a master plan.

(d) The city may designate areas within the master plan exclusively for other types of housing, such as multiple unit housing residential structures or manufactured dwelling parks.

(2) If a master plan has been adopted by the city before January 1, 2021, it may limit the development of middle housing other than duplexes provided that the Master Plan authorizes in the entire master plan area a net residential density of at least eight dwelling

Commented [KK50]: I don't know how to fix this formatting that changed when I eliminated (a). I didn't intend to remove the (2).

Commented [KK51]: I don't know how to fix this formatting that changed when I eliminated (a). I didn't intend to remove the (2).

Commented [RM52]: Are these all clear and objective standards that can be approved through a type 1 process? Sufficient infrastructure? What is the established service level?

Can we reference the EDSPM? Ask Kristina.

Commented [KK53R52]: SDC 4.3.110 is highly discretionary/unclear - I would combine so that (a) is the only standard. We can use the EDSPM to provide an option/guidance on how to meet the standard.

Commented [KK54]: I have tried to revise this language so that it just states that you compare the on-site surface water drainage before the development and after the development. I think the "associated with new middle housing" raises unclear questions about whether other site improvements have to detain runoff. For example, parking spaces not required but built at the developer's option should be included in the stormwater calcs but someone might argue it isn't "associated with" the housing units themselves.

Commented [RM55]: Michael comment

Assuming private streets include access easements? Do we need to better match similar language in the driveway section of the code? SDC 4.2-120 A

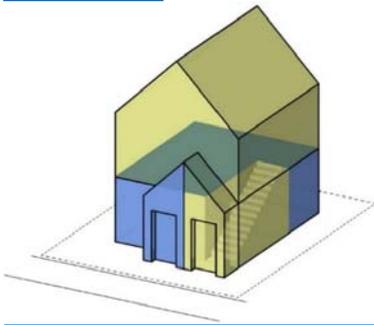
Commented [KK56]: Added definitional language for "Master Planned Communities" from OAR 660-046-0020.

units per net acre and allows all dwelling units, at minimum, to be detached single-unit dwellings or duplexes. This restriction applies to portions of the area not developed as of January 1, 2021.

(D) Examples of Duplex, Triplex, and Fourplex configurations. The following figures illustrate examples of possible configurations for duplexes, triplexes, and fourplexes. Other configurations are also possible and acceptable, provided the development meets the definitions and development standards for middle housing.

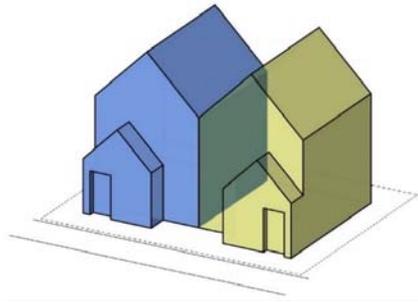
Commented [KK57]: This explains what we are preempted from doing, and so it doesn't need to be included in our standards/code language directly.

Stacked duplex



Detached duplex units side-by-side

Side-by-side duplex

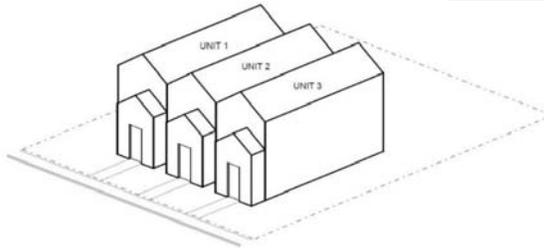
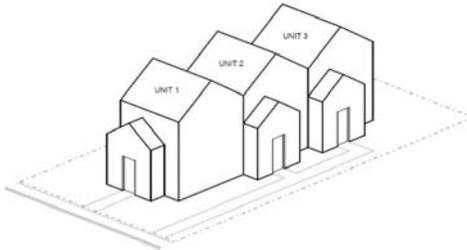


Duplex attached by garage wall

Duplex attached by breezeway

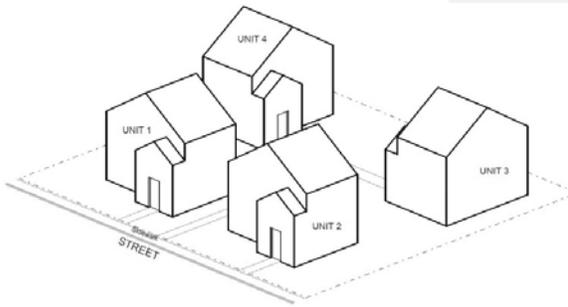
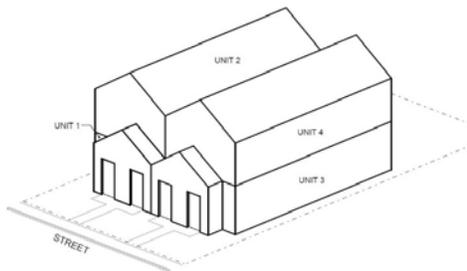


Attached triplex front and back

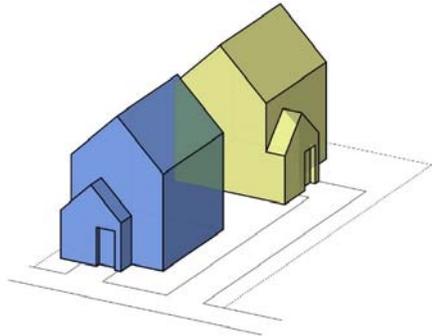


Detached fourplex

Stacked fourplex



Detached duplex units front and back



Attached triplex side-by-side

3.2.255 Triplex and Fourplex

New triplexes and fourplexes, including those created by adding building square footage on a site occupied by an existing dwelling, must comply with the standards listed below. These standards do not apply to creation of a triplex or fourplex through conversion of a detached single-unit dwelling.

Commented [RM58]: OAR 660-046-0225(2)

(A) Entry Orientation. At least one main entrance for each triplex or fourplex structure must meet the standards in subsections (1) and (2) below. Any detached structure for which more than 50 percent of its street-facing façade is separated from the street property line by a dwelling is exempt from meeting these standards.

(1) The main entrance must be within eight feet of the longest street-facing wall of the dwelling unit; and

(2) The main entrance must either:

(a) Face the street. See Figure 3.2-A;

(b) Be at an angle of up to 45 degrees from the street. See Figure 3.2-B;

(c) Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides. See Figure 3.2-C; or

(d) Open onto a porch (see Figure 3.2-D). The porch must:

(i) Be at least 25 square feet in area; and

(ii) Have at least one entrance facing the street or have a roof.

Figure 3.2-A. Main Entrance Facing the Street

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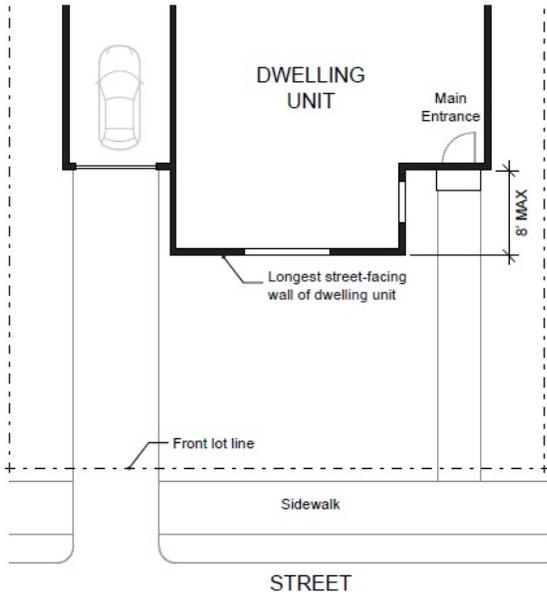


Figure 3.2-B. Main Entrance at 45 Degree Angle from the Street

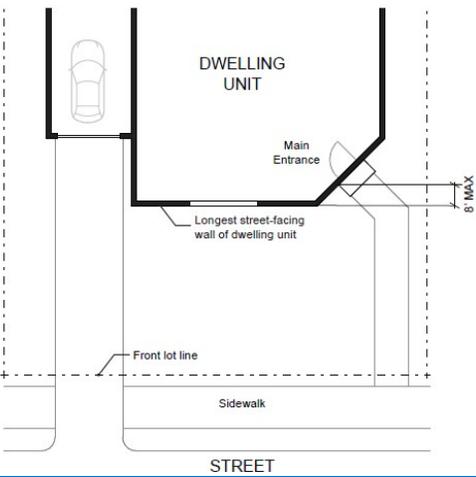


Figure 3.2-C. Main Entrance Facing Common Open Space

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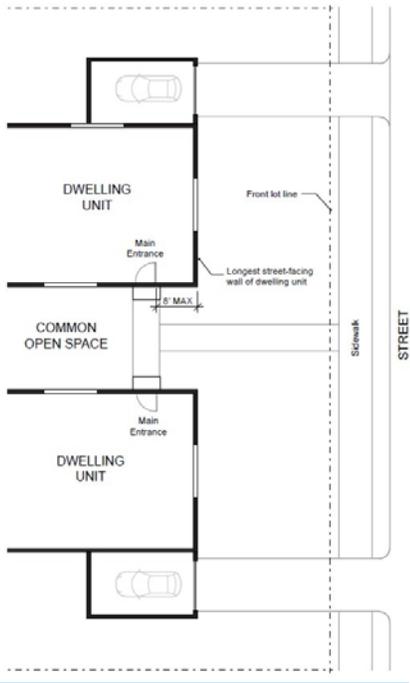
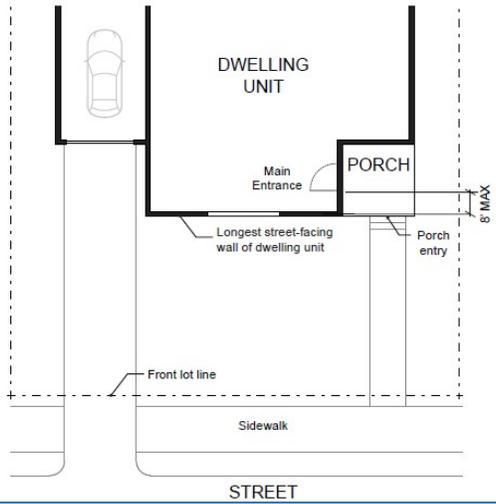


Figure 3.2-D. Main Entrance Opening onto a Porch



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November 4, 2021

(B) Window and Door Coverage. A minimum of 15 percent of the area of all street-facing elevations must include windows or entrance door. Elevations separated from the street property line by a dwelling are exempt from meeting this standard. See Figure 3.2-E.

Figure 3.2-E. Window and Door Coverage

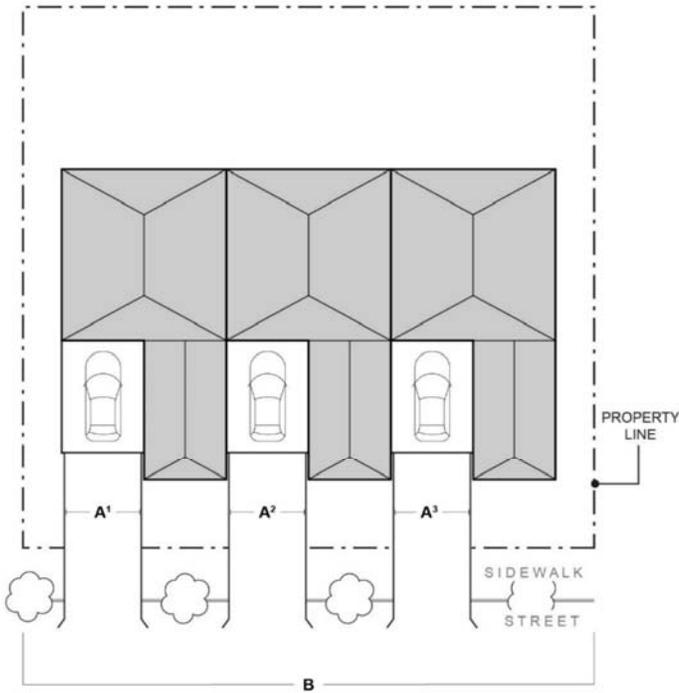


(C) Garages and Off-Street Parking Areas. Garages and off-street parking areas must not be located between a building and a public street (other than an alley), except in compliance with the standards in subsection (1) and (2) of this subsection.

- (1) The garage of off-street parking area is separated from the street property line by a dwelling; or
- (2) The combined width of all garages and outdoor on-site parking and maneuvering areas does not exceed a total of 50 percent of the street frontage. See Figure 3.2-F.

Figure 3.2-F. Width of Garages and Off-Street Parking Areas

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- (A) Garage and on-site parking and maneuvering areas
- (B) Total street frontage

$$\frac{A^1 + A^2 + A^3}{B} \leq 50\%$$

(D) Driveway Approach. Driveway approaches must comply with the following standards.

- (1) The total width of all driveway approaches must not exceed 32 feet per frontage, as measured at the property line. See Figure 3.2-G. For lots or parcels with more than one frontage, see (3) below of this subsection.
- (2) Driveway approaches may be separated when located on a local street. See Figure 3.2-G. If approaches are separated, they must meet the driveway spacing standards of SDC 4.2.120.

Figure 3.2-G. Driveway Approach Width and Separation on Local Street

November 4, 2021

Commented [RM59]: MK comment. Should encourage or require shared driveways. Response, we have to allow individual driveways.

Commented [RM60R59]: We could look for ways to "encourage" shared driveways.

Commented [RM61]: Comment from Michael L.

Let talk about how we go to this access density standard. I think the figure that is implied would help.

Commented [RM62]: Ask Michael L. about this.

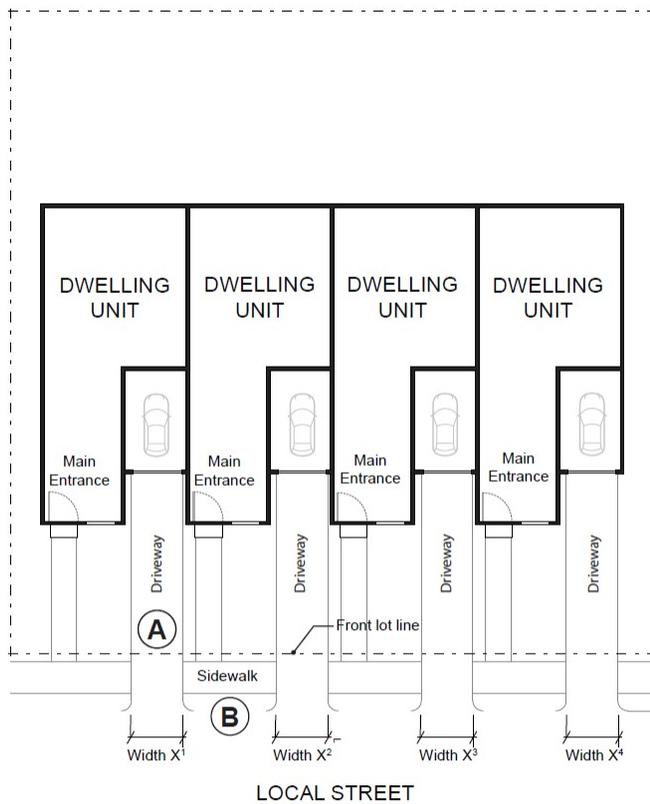
His comment.

Requiring combined driveways on collectors and arterials to minimize conflicts is loosely covered in the code, but we also have issues with these developments getting street trees, streetlights, and other frontage amenities without combining driveways.

Commented [RM63R62]: My read is that we can't require street trees etc. for middle housing types. The emphasis on equity and providing housing for all is overriding livability when it comes things that are nice to have such as street trees, as mandated by the state.

Commented [KK64]: Table 4.2-4 has the driveway spacing standards.

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(A) $X^1 + X^2 + X^3 + X^4$ must not exceed 32 feet per frontage,

(B) Driveway approaches may be separated when located on a local street

(3) In addition, lots or parcels with more than one frontage must comply with the following:

(a) Lots or parcels must access the street with the lowest transportation classification for vehicle traffic.

(b) For lots or parcels abutting an improved alley as specified in SDC 4.2.105, access must be taken from the alley. See Figure 3.2-H.

Commented [RM65]: Michael L comment

Let's chat about issues with our existing alley width standard as it relates to parking dimensions.

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(c) Lots or parcels with frontage only on collector and/or arterial streets must meet the Site Access and Driveway Standards in SDC 4.2.120 applicable to collectors and/or arterials.

(d) Triplexes and fourplexes on lots or parcels with frontages only on local streets may have either:

(i) Two driveway approaches not exceeding 32 feet in total width on one frontage; or

(ii) One maximum 16-foot wide driveway approach per frontage. See Figure 3.2-I.

Commented [RM66]: Are there other standards that should be sited here also?

Commented [RM67]: Cite the code section for this.

Commented [RM68]: Comment from Michael.

Code Section 4.2-120 calls out minimizing conflicts when having to take access from arterials or collectors, but we do not have specific access density standards for arterials and collectors.

Commented [RM69]: Comment from Michael

Our current for Duplex is 24 with and Ove width application you can go up to 30. Figure below essentially shows a duplex.

Figure 3.2-H. Alley Access

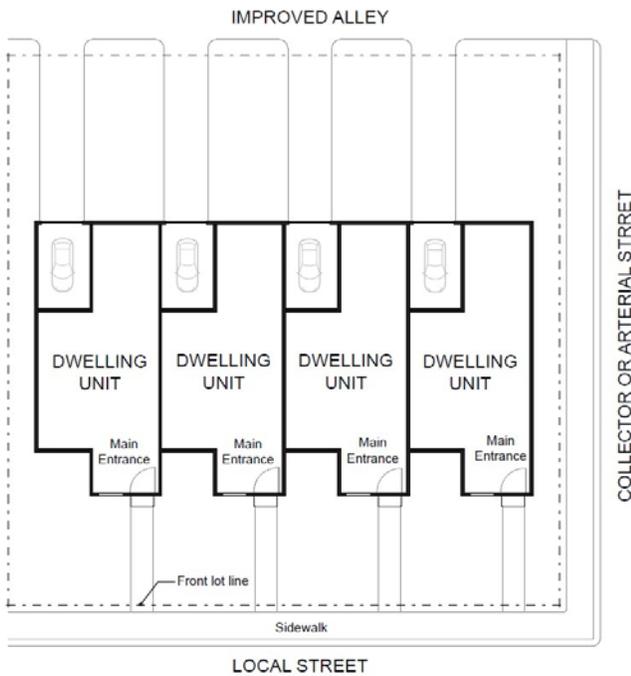
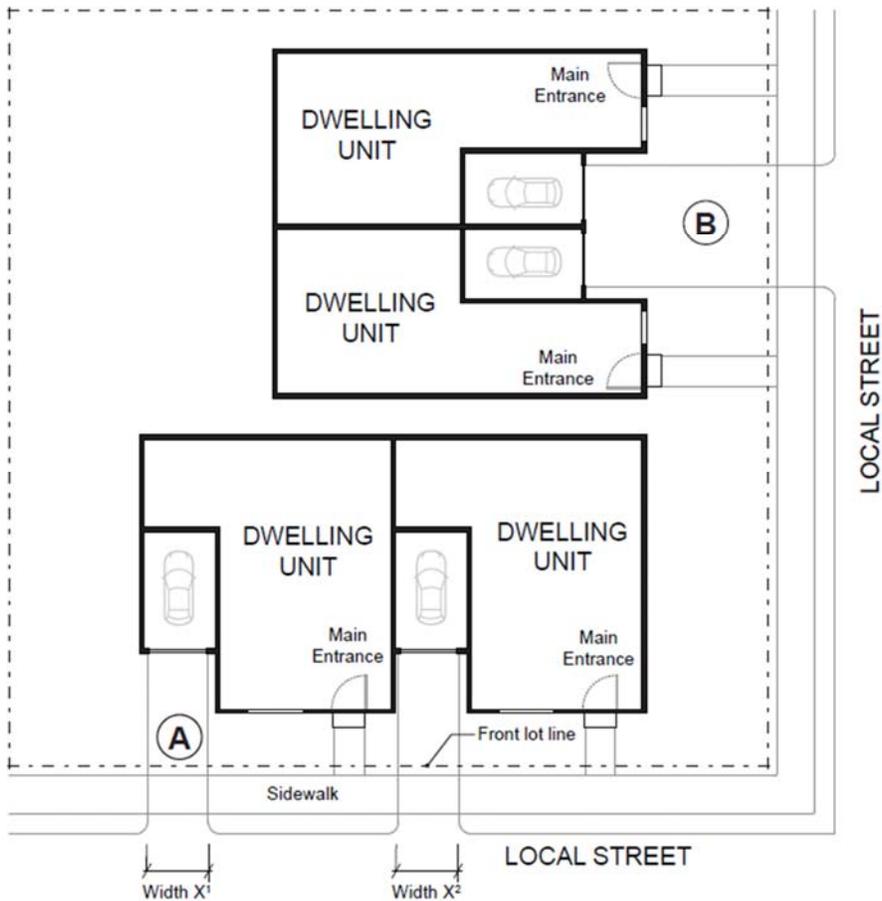


Figure 3.2-I. Driveway Approach Options for Multiple Local Street Frontages

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Options for site with more than one frontage on local streets:

- (A)** Two driveway approaches not exceeding 32 feet in total width on one frontage (as measured $X1 + X2$); or
- (B)** One maximum 16-foot-wide driveway approach per frontage.

(Note: Both options are depicted here for illustrative purposes only. The standards do not allow both Options A and B on the same site.)

(E) Conversions to Triplex and Fourplex. Internal conversion of an existing detached single unit structure or duplex to a triplex or fourplex is allowed provided that the

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conversion does not increase nonconformance with applicable clear and objective standards, unless increasing nonconformance is otherwise permitted according to SDC 5.8.125.

Commented [KK70]: This section deals with expansion or modification of nonconforming buildings.

3.2.260 Cottage Cluster Housing

(A) Purpose and Title

Cottage Cluster Housing is a type of flexible site development or subdivision that allows four or more small-scale dwelling units, either attached or detached, grouped together around shared open space.

The Cottage Cluster provisions allow the use as an outright permitted use through a Type 1 ministerial process in all the residential land use districts if the development meets the following standards in (B) below. However, if the cottage cluster proposes a land division, the land division must also go through the land division process as specified in SDC 5.12.100.

Commented [KK71]: Specify R-1, R-2, and R-3 to remove ambiguity about mixed use zones?

Commented [KK72]: Flagging that we will need to change this for the middle housing land division bill.

(B) Density

- a. Minimum density of at least four units per net acre must be met.
- b. There is no maximum density for a cottage cluster housing project.

(C) Number of Dwelling Units

- (1) A Cottage Cluster development must include a minimum of four dwelling units.

(D) Lot Size and Dimensions

- a. The minimum lot or parcel size for a cottage cluster housing development is 5,000 square feet for the entire development area.
- b. The minimum lot or parcel size for individual cottages in a cottage cluster housing project, when a land division divides the cottages onto their own lots or parcels, may be as small as the footprint of the cottage.
- c. There are no minimum dimensions for individual cottage lots or parcels.

Commented [RM73]: Could require up to 7,000 square feet.

(E) Dwelling Unit Size

- a. The maximum building footprint size for each dwelling unit is 900 square feet. For each dwelling unit, 200 square feet for an attached garage or carport is exempt from the 900 square foot maximum.
- b. Detached garages, carports, or other accessory structures are exempt from the 900 square foot maximum footprint.

Commented [KK74]: Is some of this duplicated in the R-1, R-2 and R-3 district standards?

(F) Accessory Structures. Accessory structures must not exceed 400 square feet in floor area.

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(G) Setbacks. The following perimeter setbacks apply to the perimeter of a Cottage Cluster development area.

a. **Front setbacks:** Ten feet.

b. **Side setbacks:** Five feet.

c. **Rear setbacks:** Five feet.

Commented [RM75]: Could be a max of 10 feet.

(H) Building Separation. The minimum distance between structures must be in accordance with the building code requirements.

Commented [RM76]: Needed? Regulated by building code. Not checked through planning?

(I) Building Height. The maximum height of structures in a Cottage Cluster Project is 35 feet.

Commented [RM77]: Could be lower. Rules are silent on this. We have to allow at least 25 feet or two story (from model code).

(J) Orientation. Cottages must be clustered around a common courtyard, meaning they abut the associated common courtyard or are directly connected to it by a pedestrian path, and must meet the following standards. See Figure 3.2-J.

Commented [KK78]: Same comment as above - duplicative?

(1) Each cottage within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path.

(2) A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard by meeting the following:

a. Have a main entrance facing the common courtyard;

b. Be within ten feet from the common courtyard, measured from the elevation of the cottage nearest the courtyard to the nearest edge of the common courtyard; and

c. Be connected to the common courtyard by a pedestrian path.

Commented [KK79]: Changed to be consistent with your change from "facade" to "elevation" for triplexes and quadplexes

(3) Cottages within 20 feet of a street property line may have their entrances facing the street.

(4) Cottages not facing the common courtyard, or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.

(K) Common Courtyard Design Standards. Each cottage cluster must share a common courtyard to provide a sense of openness and community of residents. Common courtyards must meet the following standards. See Figure 3.2-J.

a. The common courtyard must be a single, contiguous piece.

b. Cottages must abut the common courtyard on at least two sides of the courtyard.

c. The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster.

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d. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.

e. The common courtyard must be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard must not exceed 75 percent of the total common courtyard area.

f. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard count toward the courtyard's minimum dimension and area. Parking areas, and driveways do not qualify as part of a common courtyard.

(L) Community Buildings. Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day cares, or community eating areas. If community buildings are provided, they must meet the following standards.

a. Each cottage cluster is permitted one community building.

b. A community building that meets the development code's definition of a dwelling unit must meet the maximum 900 square foot footprint limitation that applies to cottages, unless a covenant is recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a dwelling.

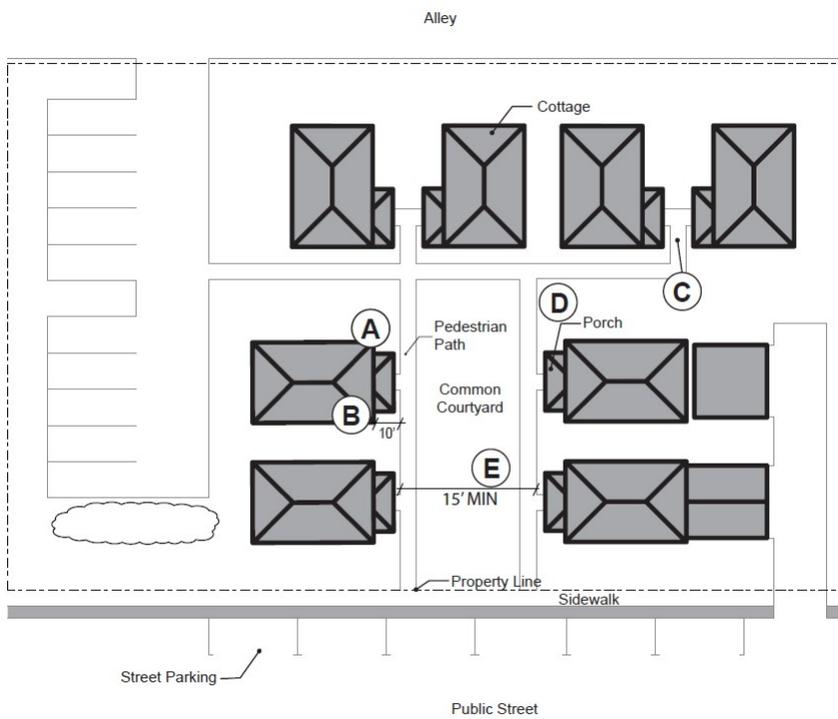
Commented [KK80]: Removed "primary" because implies that it could be used as an ADU, which I don't think is intended that we have to allow, even though the model code uses "primary" here.

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Figure 3.2-J. Cottage Cluster Orientation and Common Courtyard Standards



- (A)** A minimum of 50% of cottages must be oriented to the common courtyard.
- (B)** Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
- (C)** Cottages must be connected to the common courtyard by a pedestrian path.
- (D)** Cottages must abut the courtyard on at least two sides of the courtyard.
- (E)** The common courtyard must be at least 15 feet wide at its narrowest width.

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(M) Pedestrian Access

a. An ADA accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:

- i.** The common courtyard;
- ii.** Shared parking areas;
- iii.** Community buildings; and
- iv.** Sidewalks in public rights-of-way abutting the site or rights-of-way if there are not sidewalks.

b. The pedestrian path must be hard-surfaced and a minimum of four feet wide.

(N) Windows. Cottages within 20 feet of a street property line must meet any window coverage requirement that applies to detached single-unit dwellings in the same residential land use district.

(O) Parking

- a.** The minimum number of required off-street parking spaces for a cottage cluster project is one space per dwelling unit.
- b.** Off street parking spaces may be provided in a garage or carport.
- c.** Off street parking space credits are allowed in conformance with the standards of SDC 4.6.110.

(P) Parking Design. See Figure 3.2-K.

(1) Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards.

- (a)** A cottage cluster project with fewer than 16 cottages is permitted to have parking clusters of not more than five contiguous spaces in each parking cluster.
- (b)** A cottage cluster projects with 16 cottages or more is permitted to have parking clusters of not more than eight contiguous spaces in each parking cluster.
- (c)** Parking clusters must be separated from other spaces and other parking clusters by at least four feet of landscaping.
- (d)** Clustered parking areas may be covered.

(2) Parking location and access.

- (a)** Off-street parking spaces and vehicle maneuvering areas must not be located:

Commented [RM81]: Question from Emma.

ADA accessible?

Commented [KK82R81]: Yes, I think this is intended to mean ADA accessible.

Add definition to 6.1.110: "ADA accessible" means (1) a site, building, facility, or portion thereof that complies with the 2010 ADA Standards for Accessible Design, or (2) a facility within a public right of way that complies with the Public Rights-of-Way Accessibility Guidelines.

Commented [RM83]: ADA?

Commented [RM84]: MK comment. Zero parking for 4 cottages or less, then 3 for 6 units, 4 for 8 etc. Response, could consider reduced parking for cottage clusters.

Commented [RM85]: Emma asked about editing this language. To what? We can be more permissive but not more restrictive. We can reword if the requirement stays the same.

Commented [RM86]:
Clayton comment

This can cause some difficulties with stormwater treatment since a bunch of widely dispersed parking areas are much more expensive to treat than a single larger area-and more expensive to build also. It can result in a much larger paved area as the driveways between these dispersed parking areas also take up a lot of space.

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(i) Within five feet from any street property line, except alley property lines; or

(ii) Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.

(b) Off-street parking spaces must not be located within five feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within ten feet of other property lines.

(3) Screening. Landscaping, fencing, or walls at least three feet tall must separate clustered parking areas and parking structures from common courtyards and public streets.

(4) Garages and carports

(a) Garages and carports (whether shared or individual) must not abut common courtyards.

(b) Individual attached garages up to 200 square feet in size are exempt from the calculation of maximum building footprint for cottages.

(c) Individual detached garages must not exceed 400 square feet in floor area.

(d) Garage doors for attached and detached individual garages must not exceed 20 feet in width.

(Q) Existing Structures. On a lot or parcel to be used for a cottage cluster project, an existing detached single unit dwelling on the same lot or parcel at the time of proposed development of the cottage cluster may remain within the cottage cluster project area under the following conditions:

a. The existing dwelling may be nonconforming with respect to the requirements of this code.

b. The existing dwelling may be expanded up to the maximum height in (I) above or the maximum building footprint in (E) above; however, existing dwellings that exceed the maximum height and/or footprint of this code cannot be expanded.

c. The floor area of the existing dwelling does not count towards the maximum average floor area of a cottage cluster.

d. The existing dwelling is excluded from the calculation of orientation toward the common courtyard.

Commented [RM87]:

This seems excessive. Parking in a driveway should be allowed similar to a SFD??? We could reduce this dimension.

Comment from Michael

Is this driveway throat depth. Should it match our Table 4.2-2 language and dimension?

Commented [RM88]:

Comment from Michael

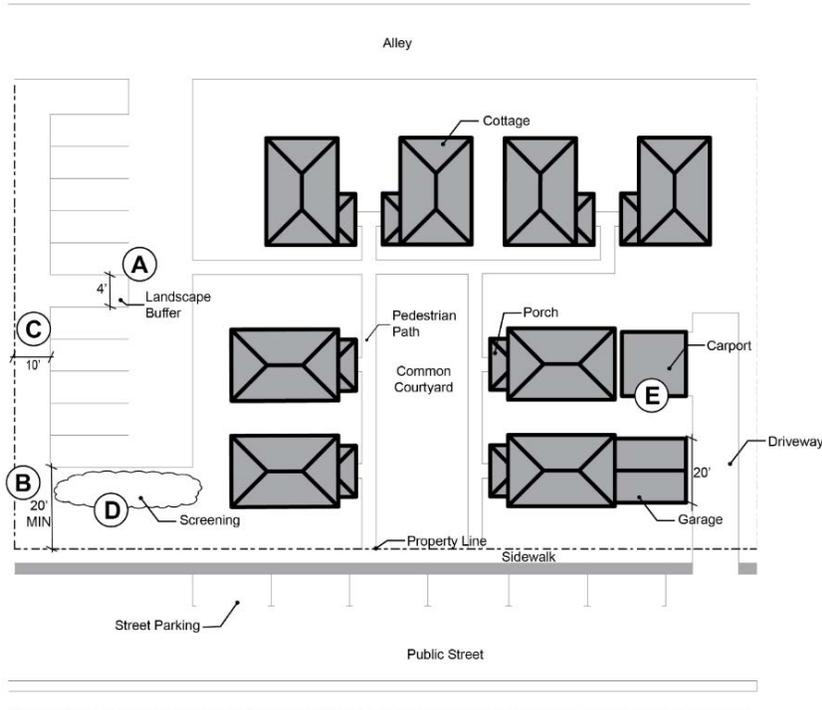
Are we okay on corners having parking between the street and a Side Façade? Looks like we account for that with the screening requirement below?

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Figure 3.2-K. Cottage Cluster Parking Design Standards



- (A)** Parking allowed in clusters of up to 5 spaces. Clusters separated by minimum 4 feet of landscaping.
- (B)** No parking or vehicle area within 20 feet from street property line (except alley).
- (C)** No parking within 10 feet from other property lines (except alley). Driveways and drive aisles permitted within 10 feet.
- (D)** Screening required between clustered parking areas or parking structures and public streets or common courtyards.
- (E)** Garages and carports must not abut common courtyards. Garage doors for individual garages must not exceed 20 feet in width.

(R) Accessory Structures. Accessory Structures must not exceed 400 square feet in floor area.

(S) Home Types

Commented [RM89]: This is optional. Could limit size of detached garage.

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- (1) Detached or attached dwelling unit types containing one to four dwelling units are allowed.
- (2) Accessory dwelling units (ADUs) (either within, attached, or detached) are allowed for any detached or attached dwelling in a cluster housing development.

3.2.265 Townhomes

- (A) New townhome units must comply with the requirements in subsections (A)(1) through (4) of this section.

For purpose of this section, a “Townhome” means (as defined in SDC 6.1.100) a dwelling unit that is part of a row of two or more attached dwelling units, where each unit is located on an individual Lot or Parcel and shares at least one common wall with an adjacent dwelling unit. Single unit attached homes may have detached garages or ADUs that share a common wall between the two lots or parcels.

- (1) **Areas Owned in Common.** Common areas must be maintained by a homeowner’s association or other legal entity. A homeowner’s association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions, and conditions must be recorded and provided to the City prior to issuance of building permits.

- (2) **Entry Orientation.** The main entrance of each townhouse must:

- (a) Be within eight feet of the longest street-facing wall of the dwelling unit, if the lot has public street frontage; and

- (b) Either:

- (i) Face the street. See Figure 3.2-A;

- (ii) Be at an angle of up to 45 degrees from the street. See Figure 3.2-B;

- (iii) Face a common open space or private access or driveway that is abutted by dwellings on at least two sides; or

- (iv) Open onto a porch. See Figure 3.2-C. The porch must:

- (aa) Be at least 25 square feet in area; and

- (bb) Have at least one entrance facing the street or have a roof.

- (3) **Windows.** A minimum of 15 percent of the area of all street-facing elevations on each individual unit must include windows or entrance doors. Half of the window area in the door of an attached garage may count toward meeting this standard. See Figure 3.2-E.

Commented [RM90]: Proposed to delete for public hearing draft based on survey results and PC WS conversation on 10/19/21. Due to SB 458, this would allow standards for fourplexes more similar to townhomes since fourplexes can now be divided.

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(4) Driveway Access and Parking. Townhouses with frontage on a public street must meet the following standards:

(a) Garage on the front façade of a townhouse, off-street parking areas in the front yard, and driveways in front of a townhouse are allowed if they meet the following standards. See Figure 3.2-M.

(i) Each townhouse lot has a street frontage of at least 15 feet on a local street.

(ii) A maximum of one driveway approach is allowed for each townhouse. Driveway approaches and/or driveways may be shared.

(iii) Outdoor on-site parking and maneuvering areas do not exceed 12 feet wide on any lot.

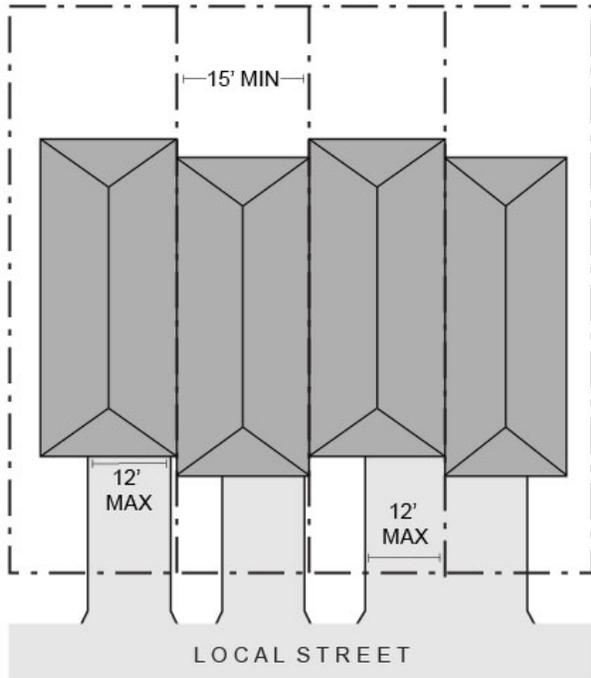
(iv) The garage width must not exceed 12 feet, as measured from the inside of the garage door frame.

Figure 3.2-M. Townhouses with Parking in Front Yard

Commented [RM91]:
Michaels comment
Need to show on a corner for driveway setback from curb return.

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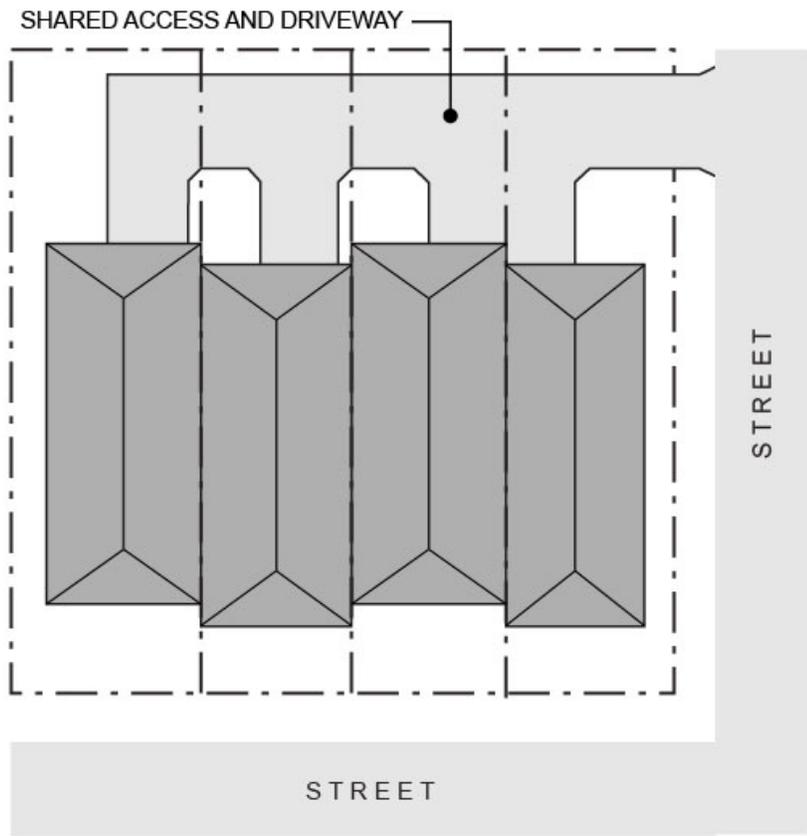
(b) The following standards apply to driveways and parking areas for townhouse projects that do not meet all the standards in subsection (a) in this section.

(i) Off-street parking areas must be accessed on the back façade or located in the rear yard. No off-street parking is allowed in the front yard or side yard of a townhouse.

(ii) A townhouse project that includes a corner lot must take access from a single driveway approach on the side of the corner lot. See Figure 3.2-N.

Figure 3.2-N. Townhouses on Corner Lot with Shared Access

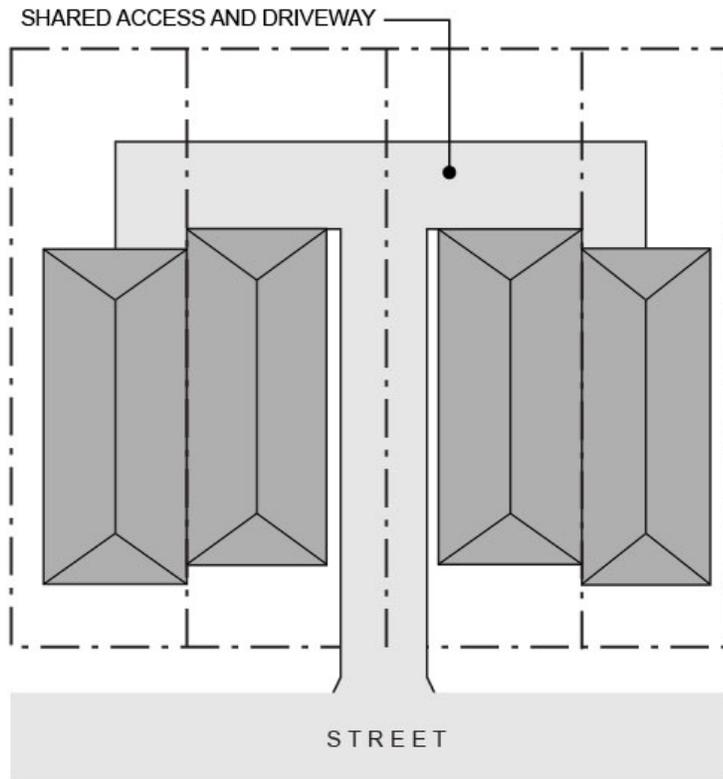
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[\(iii\) Townhouse projects that do not include a corner lot must consolidate access for all lots into a single driveway. The driveway and approach are not allowed in the area directly between the front façade and front lot line of any of the townhouses. See Figure 3.2-O.](#)

Figure 3.2-O. Townhouses with Consolidated Access

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[\(iv\) A townhouse project that includes consolidated access or shared driveways must grant access easements to allow normal vehicular access and emergency access.](#)

[\(c\) Townhouse projects in which all units take exclusive access from a rear alley are exempt from compliance with subsection \(b\) of this section.](#)

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3.2.270 Courtyard Housing

(A) Detached courtyard houses on individual lots are subject to the same standards as single unit detached housing, except that a three-foot minimum side yard setback is allowed on one side of a typical lot and a seven-foot setback is required on the other side of the lot. As shown in Figure 3.2-P, this type of housing is permitted to allow development on narrow lots and still provide usable outdoor living area in side-oriented courtyards. The following standards are intended to promote compatibility and privacy between adjacent buildings and allow for building maintenance.

(1) Setbacks Adjacent to Non-Courtyard Housing Development. When a courtyard house shares a side property line with a non-courtyard development (including vacant lots), the courtyard building must be set back from the common property line by a minimum of seven feet.

(2) Construction and Maintenance Easement. Prior to building permit approval, the applicant must submit a copy of a recorded easement for every courtyard house that guarantees rights for the purpose of construction and maintenance of structures and yards. The easement must stipulate that no fence or other obstruction can be placed in a manner that would prevent maintenance of structures on the subject lot.

(3) Buffering. The building placement and design of windows must provide a buffer for the occupants of abutting courtyard lots. This standard is met by:

(a) Placing ground-floor windows along the courtyard side of the house where views are directed into the yard(s) for the subject house;

(b) By directing views away from neighboring lots yards (e.g., bay window); or

(c) By using frosted glass or other permanent window covering that obscures any view to the exterior but allows light into the interior.

These standards do not apply to adjoining non-zero lot line lots.

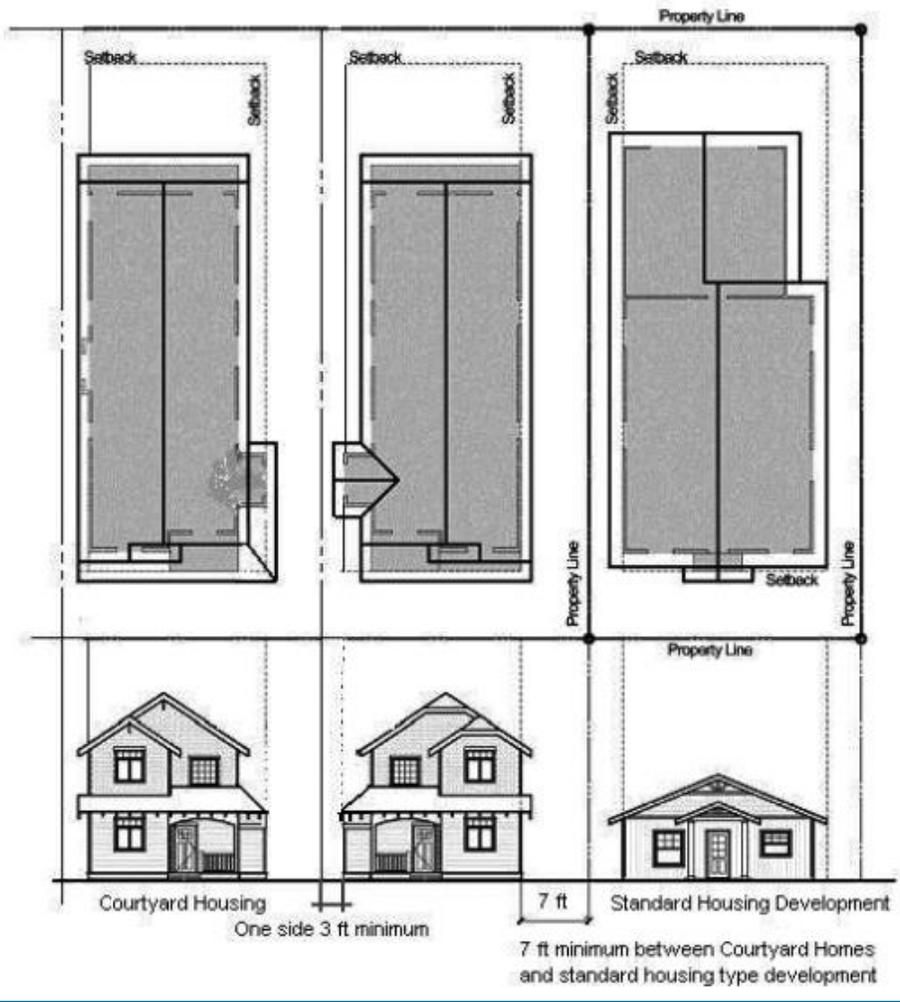
Commented [RM92]: MK comment. 10 feet instead of 7 feet.

Commented [RM93R92]: Response. Typical would be 5, so requiring 7 is larger than the typical 5 foot side already.

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Figure 3.2-P – Courtyard Housing



3.2.275 Accessory Dwelling Unit (ADU)

(A) Purpose. An accessory dwelling unit is intended to:

- (a) Provide the opportunity to add accessible and affordable units to existing neighborhoods and new residential areas;

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(b) Provide flexibility to accommodate changes in household size or composition over the course of time, allowing for intergenerational living and on-site caretakers or assistants;

(c) Make efficient use of residential land; and

(d) Fit into the neighborhood while maintaining stability, property values.

(B) An accessory dwelling unit may be established by:

(1) Converting 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;

(3) Constructing a detached accessory dwelling unit on a lot or parcel with a primary single unit dwelling; or

(4) Converting an existing dwelling unit to the accessory dwelling unit (if it is less than 800 square feet) and building a primary dwelling unit.

(C) Applicability

(1) Accessory dwelling units are permitted on R-1 properties with a primary dwelling.

(a) In instances where a development can meet the definition of a duplex and also meets the definition of a primary single unit dwelling with an Accessory Dwelling Unit (ADU), the applicant must specify at the time of application whether the development is a duplex or a primary single unit dwelling with an ADU.

(2) Accessory dwelling units are permitted on R-2 properties with a primary dwelling, according to the following standards.

(a) On a lot or parcel with area 6,650 square feet or less, one or two accessory dwelling units are permitted.

(b) On a lot or parcel with area greater than 6,650 square feet but not greater than 10,000 square feet, a minimum of two accessory dwelling units must be constructed.

(c) An accessory dwelling unit is not permitted on a lot or parcel with area greater than 10,000 square feet.

(d) If two accessory dwellings are constructed, at least one must be detached from the primary dwelling.

Commented [RM94]: MK comment. Could ADU be allowed as primary? Response, addressed by SB in email.

Commented [RM95R94]: No. See email from SB.

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(3) Accessory dwelling units are permitted on R-3 properties with a primary dwelling, according to the following standards.

(a) On a lot or parcel with area 3,200 square feet or less, one or two accessory dwelling units are permitted.

(b) On a lot or parcel with area greater than 3,200 square feet but not greater than 4,800 square feet, a minimum of two accessory dwelling units are permitted.

(c) An accessory dwelling unit is not permitted on a lot or parcel with area greater than 4,800 square feet.

(d) If two accessory dwellings units are constructed, at least one must be detached from the primary dwelling.

(4) Accessory dwelling units are permitted within the Historic Overlay District subject to the provisions of SDC 3.3.910 through SDC 3.3.945.

(D) Review

(1) An accessory dwelling unit is reviewed under Type 1 procedure except in the Historic Overlay District or except as provided in SDC 3.2.275(F) and SDC 3.2.275(H)(3) when the accessory dwelling unit is reviewed under a Type 2 procedure.

(E) Submittal Requirements

(1) A plan drawn to scale and dimensioned showing:

(a) The proposed accessory dwelling unit and its relation to the property lines;

(b) The primary dwelling and other structures on the lot or parcel including fences and walls;

(c) Existing and proposed trees and landscaping;

(d) Lot or parcel area and dimensions, percent of lot or parcel coverage, building height, entrance locations; location of utilities and meters, curb cuts, sidewalks (public and private) and off-street parking area;

(e) Stormwater destination and/or facility;

(f) A detailed floor plan of the accessory dwelling unit, drawn to scale with labels on rooms indicating uses or proposed uses; and

(g) A separate written response demonstrating how the required development standards listed in SDC 3.2-275(G) can be met.

Commented [RM96]: See same comment above. Must be provided/constructed????

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(F) Development Standards. An accessory dwelling unit must meet the following standards:

- (1) The accessory dwelling unit must meet all applicable clear and objective standards in this Code that apply to the primary dwelling including, but not limited to setbacks, height, lot or parcel coverage.
- (2) The accessory dwelling unit must contain a kitchen, bathroom, living, and sleeping area that are completely independent from the primary dwelling.
- (3) The accessory dwelling unit must not exceed 800 square feet or the square footage of the primary dwelling (exclusive of the garage for the primary dwelling), whichever is less.
- (4) The accessory dwelling unit must have an outside entrance that is separate from the entrance to the primary dwelling.
- (5) A hard surface walkway, a minimum of three feet wide, must be provided from the primary entrance of the accessory dwelling unit to the street or walkway serving the primary dwelling.
- (6) Each dwelling unit must have its own address.
- (7) Outdoor storage and garbage areas must be screened from view from adjacent properties and those across the street or alley with a minimum 42-inch tall 100-percent sight obscuring fence or enclosure on at least three (3) sides.
- (8) If a Type 2 manufactured home or a towable structure (that is permitted, inspected and approved by the local authority having jurisdiction) is brought to the site as an accessory dwelling unit, it must have its tongue and towing apparatus removed.

(G) Design Standards. An accessory dwelling unit within or attached to the main dwelling must either match the primary dwelling or meet the alternative standards. A newly constructed detached accessory dwelling unit must match the primary dwelling, meet clear and objective standards, or meet the alternative standards. Conversion of a structure permitted under SDC 4.7.105(A) to an accessory dwelling unit is not required to meet the design standards and may be approved under a Type 1 procedure; however, exterior alterations such as those necessary to meet building codes must meet relevant design standards below (match primary dwelling or meet clear and objective standards).

- (1) **Match Primary Dwelling.** An accessory dwelling unit may be approved under Type 1 procedure if it meets the following design standards except that these standards may be altered when necessary to meet current fire or building codes:

Commented [KK97]: This is an independent requirement that applies to everything - we don't need to state it separately here just like we don't state it anywhere else for other development.

Commented [RM98]:
This is an existing standard for ADU's in 5.5.125(D).

What if there was one main shared entrance into a "lobby" and then two internal entrances, one to each unit. Why prohibit that flexibility.

Commented [RM99R98]: MK had comment in support of this. Could revise language to address.

Commented [RM100]: MK comment. Remove design standards for ADU's. Allow more flexibility. Response. Trying to stay "policy neutral", not making changes to existing code standards. These are fairly recent. But staff supports reducing design standards.

Commented [RM101]: Check this reference.

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- (a) Exterior finish materials must be the same as or visually match those of the primary dwelling in terms of type, size, and placement.
- (b) Roof pitch must be the same as the predominant roof pitch of the primary dwelling.
- (c) The trim around the doors and windows must be the same type and finish as the primary dwelling.
- (d) Windows must match those of the primary dwelling in terms of proportion (height and width ratio) and orientation (vertical vs. horizontal).
- (e) Eaves must project from the accessory dwelling unit addition the same distance as the eaves on the primary dwelling.

(2) Meet Clear and Objective Standards. A detached accessory dwelling unit may be approved under Type 1 procedure if it meets the following design standards:

- (a) Only non-reflective siding and roofing materials are allowed.
- (b) Minimum roof pitch is 3 in 12.
- (c) Eaves must project from the accessory dwelling unit at least one foot on all elevations.
- (d) The primary entry must have a covered or roofed entrance with a minimum depth and width of three feet.

(3) Meet Alternative Standards. An accessory dwelling may be approved under Type 2 procedure if it meets the following design standards:

- (a) Siding, roofing materials, and windows must be similar to those used on residential dwellings in the surrounding neighborhood.
- (b) Entrances, windows, and balconies must be designed and located with consideration of the privacy of residential neighbors.

(H) Non-Conforming Lot or Parcel Sizes

(1) Accessory dwelling units are not permitted on lots/parcels that do not meet the applicable minimum lot or parcel size stated in SDC 3.2.215.

(I) Prohibited Use

(1) Mobile homes, recreational vehicles, motor vehicles, and travel trailers cannot be used as an accessory dwelling unit. Type 2 Manufactured Homes and towable structures that are

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[permitted, inspected, and approved by the local authority having jurisdiction are allowed.](#)

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Page 2: [10] Commented [BS10] **BELSON Sandy** **5/7/2021 4:07:00 PM**

As I recall, typically we've allowed elementary schools in residential zones, but the middle and high schools are generally on public land. Are you intending to change that?

▼
Page 2: [11] Commented [BS11R10] **BELSON Sandy** **5/10/2021 9:47:00 AM**

I had time to check, and the Metro Plan calls out residential land as being available for elementary and junior high schools. Education as a category of public and semi-public is for high schools and colleges. In order to maintain that distinction in the policy, I think you need to be more specific in the types of educational facilities (schools) that are allowed in residential zones.

Section 4.7.300 – 4.7.400 - Standards and Regulations for Certain Uses in Residential Districts

Subsections:

- 4.7.345 Manufactured Dwelling Parks
- 4.7.350 Residential Facility
- 4.7.355 Short Term Rentals
- 4.7.360 Accessory Structures and Uses
- 4.7.365 Home Business
- 4.7.370 Place of Worship
- 4.7.375 Architectural Design Standards
- 4.7.380 Multiple unit housing (Clear and Objective Standards)
- 4.7.385 Multiple unit housing (Discretionary option)
- 4.7.390 Multiple unit housing Variances
- 4.7.395 Boarding House
- 4.7.400 Emergency Medical Hardship
- 4.7.405 Child Care Center

4.7.345 Manufactured Dwelling Park

A manufactured dwelling park is subject to site plan review, and the following criteria:

- (A) **Minimum Area Required.** A manufactured dwelling park must consist of a minimum area of one acre.
- (B) **Space Size.** The average area of a manufactured dwelling site must not be less than 4,000 square feet excluding roadway, recreation areas, and other accessory facilities. No manufactured dwelling site can be less than 2,000 square feet in area.
- (C) **Access.** A manufactured dwelling park access must be located on public streets improved to meet minimum standards and which are improved to a point intersecting a collector or arterial street.
- (D) **Permitted Uses.** A manufactured dwelling park may contain manufactured homes and accessory structures permitted in this chapter, community laundry and recreation facilities, and other common buildings for use by park residents only, and one residence other than a manufactured dwelling for the use of a caretaker or a manager responsible for maintaining or operating the property.
- (E) **Access Improvement Standards**
 - (1) **Park Streets.** The minimum paved surface width of the roadway within an access way must be 24 feet if there is no parking allowed and 30 feet if parking is allowed on both sides. The first 50 feet of the access way measured from the public street must be surfaced to a minimum width of 30 feet and must be connected to the existing public street according to plans approved by the City.
 - (2) **Improvement Standards.** The improvement of driveways, walkways, streets, drainage, and other utilities must conform to adopted State standards for such or

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Deleted: 4.7.310 Duplex¶
 4.7.315 Middle Housing¶
 4.7.320 Triplex or Fourplex¶
 4.7.325 Cottage Cluster Housing¶
 4.7.330 Townhomes¶
 4.7.335 Courtyard Housing¶
 4.7.340 Accessory Dwelling Units (ADU's)¶

Deleted: Bed and
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Deleted: 4.7.310 Duplex¶
 ¶ In instances where a development can meet the definition of a duplex and also meets the definition of a primary single unit dwelling with an Accessory Dwelling Unit (ADU), the applicant must specify at the time of application whether the development is a duplex or a primary single unit dwelling with an ADU. The application will be reviewed according to the standards and criteria applicable to the applicant's election. ¶
 ¶ Additions to or conversion of an existing detached single-unit dwelling to a duplex is allowed provided that the conversion does not increase nonconformance with applicable clear and objective standards.¶
 ¶ A duplex in the R-2 or R-3 district must be within the minimum and maximum density range for the applicable district.¶
 4.7.315 Middle Housing¶

... [1]

Commented [RM52]: Must be clear and objective

Commented [RM53]: Delete?

Commented [RM54]: See ORS 197.314(5)

Commented [RM55]: Not sure state law (ORS 197.314) allows us to regulate space size.

Commented [RM56R55]: @KRAAZ Kristina could you look at this?

Commented [RM57]: MK comment, reduce this size. See other comments.

Commented [RM58]: lot

Commented [RM59]: Should this number be changed? Seems high. Lower to 3000 (or less) to match R-1 lot size reduction.

Commented [RM60]: Review against TSP changes and street standards.

Commented [RM61]: Comment from Melissa What about parking on one side?

Commented [RM62]: Michael comment.

... [2]

Commented [RM63]: Michael comment

... [3]

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must conform to the City's Standards and Specifications manual, whichever is more restrictive.

Commented [RM64]: Cant ref. this. These standards need revised.

4.7.350 Residential Facility

Commented [RM65]: Will this push us to requiring our urban curb gutter and sidewalk standard?

A Residential Facility must comply with the following standards.

Commented [RM66]: Defined and regulated by ORS 443.400-.455

(A) **Licensing.** All residential care homes and facilities must be licensed by the State of Oregon.

(B) **Site Plan Review.** Site Plan Review is required for new structures to be used as a residential facility, to ensure compliance with the licensing, parking, and other requirements of this code. A Residential Training Home is exempt from this requirement.

Commented [KK67]: For future drafts, you can consider removing these special requirements and adding definition of "residential facility licensed under ORS 443.400 to 443.455" to 6.1.110, and site plan review requirement can go in that section. Neither A or B here are really special standards.

4.7.355 Short Term Rental

Type 1

(A) **Size.** Must have five or fewer guest rooms (any room or rooms used or intended to be used by one or more guests for living or sleeping purposes) and 10 or fewer total occupants.

Commented [RM68]: Building code definition. Should this be separate?

(B) **Employees.** The short term rental may have up to one full time equivalent non resident employee.

(C) **Food Service.** If food service is provided, it may only be provided to overnight guests.

(D) **Owner- or Operator-Occupied.** The dwelling must be occupied by the owner or operated.

Type 2

(A) **Food Service.** If food service is provided, it may only be provided to overnight guests.

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(B) **Location.** There must be at least 400 feet of separation along the same street between Type 2 short term rentals.

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Deleted: of the bed and breakfast rooming house use

(C) **Parking.** There must be one on-site parking space for each guest room. Each parking space must meet the applicable requirements of SDC 4.6.100.

Commented [RM69]: Michaels comment

Maybe this is how we account for parking? If not should be have a siting requirement for parking?

Commented [KK70R69]: The Rooming House code currently requires 0.5 parking spaces per bedroom. That could be incorporated into the B&B standards.

Deleted: rooming housebed and breakfast uses

4.7.360 Accessory Uses and Structures

Accessory uses and structures are those of a nature customarily incidental and subordinate to the primary use or structure on the same lot. Typical accessory structures include detached garages, sheds, workshops, greenhouses, and similar structures. This section does not apply to accessory dwelling units (ADUs). For standards applicable to ADUs, see SDC 4.7.340. Accessory structures must comply with all the following standards and the applicable land use district. Where conflicting or more permissive standards exist in this section, these standards prevail.

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(A) **Primary Use Required.** An accessory structure or use is only allowed on a lot or parcel after the primary use is established. The accessory use must be a permitted use in the land use district.

(B) **Restrictions**

- (1) A kitchen is not allowed.
- (2) A wet bar is not allowed to be installed within an accessory structure unless the property owner signs a City of Springfield compliance form stating that the structure will not be used as a dwelling unit.

Commented [RM71]: Define?

Commented [RM72]: Define?

(C) **Floor Area.** The maximum floor area of an accessory structure in a residential land use district must not exceed 1,500 square feet.

(D) **Building Height.** The building height of a detached accessory structure must not exceed 25 feet. In order to consider the accessory structure to be attached to the primary dwelling unit, it must be attached by one of the following options and there must be an opening that allows for internal access through livable space to the primary portion of the dwelling unit:

- (1) The accessory structure must share a common wall for at least 25 percent of the length of the common wall of the primary dwelling unit; or
- (2) The entire length of one elevation of the accessory structure must be attached to the primary dwelling unit.

The shared or attached wall must be the wall of an enclosed interior space, and does not include porches, patios, decks, or stoops.

4.7.365 Home Business

A home business is a lawful activity carried on within a dwelling or accessory structure by a permanent occupant of the dwelling. A home business is permitted provided that meets all the following standards.

- (A) The primary use of the building is a dwelling.
- (B) The business is a secondary use that does not significantly affect the residential character of the dwelling or neighborhood.
- (C) Compliance with the following standards must always be maintained.
 - (1) There must not be any display which would indicate from the exterior that the building is being used for any purpose other than a residential dwelling.
 - (2) There must not be any outside storage of materials visible from public property or adjacent private property.
 - (3) Mechanical equipment, unless compatible with residential purposes, is prohibited.

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- (4) There must not be any offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line resulting from the home business.
 - (5) The home business must not create hazardous traffic conditions or utilize on-street parking of nearby properties.
 - (6) If the proposed home business requires any modification to the dwelling or accessory structure of a nature that is not typically found in a residential district, the proposed home business is considered inappropriate and prohibited.
 - (7) No merchandise, other than what is produced on-site, can be sold to the public from premises.
 - (8) The use or storage of heavy equipment or heavy vehicles is not permitted. Heavy equipment and heavy vehicles includes but is not limited to semi-truck, truck and trailer, backhoe, tracked excavator, skid steer, refrigerator truck, livestock truck, commercial bus, farm tractor, garbage truck, tow truck, and log truck.
 - (9) Any home business, which requires more than one vehicle for its operation is prohibited. The one vehicle permitted is limited to a passenger vehicle, passenger van, or light-duty pick-up truck.
 - (10) No residence is allowed to be used as a headquarters or dispatch center where employees or subcontractors report to the residence to be dispatched elsewhere.
 - (11) Customers are not allowed to physically access a home business beyond the hours of 7 a.m. to 6 p.m.
 - (12) The applicant must 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 business.
- (1) Automobile repair, including, but not limited to tune-ups, alignments, body-fender work, painting, detailing, and upholstery.
 - (2) Health salons, gyms, dance studios, aerobic exercise studios, karate, and judo instruction.
 - (3) Medical or 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.

Commented [RM73]: Check muni code? Can we ref. muni code for noise standard?

Commented [KK74R73]: Chapter 5 has muni code standards - however those already apply to all property so if you don't want to adopt a stricter standard than muni code you wouldn't need to put it here, necessarily.

Commented [RM75]: Emma comment
Does this negatively impact carpooling capabilities? Currently my neighbor meets up in the morning and one of their employees leaves his car in on-street parking during the work day.

Commented [KK76R75]: Carpooling isn't a dispatch. The neighbor probably isn't required by his employer to go to that residence to report for work.

Examples of a dispatch location would be like a tow truck dispatch, or cleaning service where the employees report to the home oc to be dispatched out to jobs.

Commented [RM77]: Emma Comment
Physical access? I assume virtual/online computer customer access is OK 24/7? Maybe need to update for telecommuting?

Commented [RM78]: Check hours compared to Washburn overlay?? 8 to 6. Comment from TAC 4/8/21.

Commented [KK79R78]: Here's the language from the HD Overlay (3.3-935)

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.

(I'm not sure how enforceable the restriction against being open on Sundays would be... it seems to be tied to a religious priority rather than just a weekday only requirement)

Commented [RM80]: Discussed with Emp TAC on 4/8/21. Generally keep this list.

Commented [RM81]: One on one verses multiple "customers" at once??? Comment from TAC 4/8/21.

Commented [RM82]: Emma comment.
Why? It seems as if some of these could fit well for home based small businesses. Perhaps consider removing this?

ASK Jim D.

Commented [RM83]: Chemicals used for use? Check with Amy C. from SUB????

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(8) Gun dealers involving the storage of guns for sale or customers visiting the residence.

(E) Any home business:

(1) Which has been approved by the Planning Commission is subject to revocation by the Planning Commission if the home business is found to be in violation of the approval standards. The revocation will be sent to the applicant in writing. The home business must cease within 30 days of the receipt of the revocation notice. The revocation decision may be appealed to the City Council as specified in SDC 5.3.100.

Commented [KK84]: It may be worth researching whether any home businesses previously approved by the PC under old, old code are still operating. If this language removed, then any home occupations approved by PC/complying with PC approval but not complying with this code currently could be treated as a non-conforming use and continued until abandoned.

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4.7.370 Place of worship

- (A) A place for people to gather for religious activity. Examples include church, synagogue, mosque, chapel, or meeting house. Includes the following associated uses (ORS 227.500).
- (1) Worship services.
 - (2) Religion classes.
 - (3) Weddings.
 - (4) Funerals.
 - (5) Meal programs.
 - (6) Childcare, but not including private or parochial school education for prekindergarten through grade 12 or higher education.
 - (7) Providing housing or space for housing in a building or buildings that are detached from the place of worship provided:
 - (a) At least 50 percent of the residential units provided under this paragraph are affordable to households with incomes equal to or less than 60 percent of the median family income for Lane County.
 - (b) The real property is in a residential land use district and is located within the urban growth boundary.
 - (c) The housing or space for housing complies with applicable land use regulations and meets the standards and criteria for residential development for the underlying land use district; and
 - (d) The housing or space for housing is subject to a covenant appurtenant to the property. The covenant must restrict the owner and each successive owner of a building or any residential unit contained in a building from selling or renting any residential unit that is required to be affordable, as defined below, to a household with an income greater than the established affordability level for a period of 60 years from the date of the certificate of occupancy. The established affordability level is the household income is equal to or less than 60 percent of the median family income for Lane County.

Deleted: <#>A place of worship must meet the following approval standards:¶
¶ Site Plan approval standards of SDC 5.17.100, including landscape requirements.¶

Deleted: <#>Discretionary Use standards of SDC 5.9.100 – 5.9.125, as applicable.¶
¶ Must abut and take access from an arterial or collector street.¶

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4.7.375 **Architectural Design Standards**

- (A) **Purpose.** The architectural standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles for certain types of development.
- (B) **Applicability.** This section applies to the following types of buildings.
- (1) Multiple unit housing building.
 - (2) Public and institutional building in Residential Districts.
 - (3) Commercial building in Neighborhood Commercial District.
 - (4) Mixed-use building in Residential Districts; and
 - (5) All other types of permitted/conditional nonresidential use buildings listed in Table 3.2.210 when built in a Residential District.
- (C) **Standards (Clear and objective).** All buildings that are subject to this section must comply with all the following standards. The graphics provided with each standard are intended to show examples of how to comply and are for illustrative purposes only. Other building styles and designs can be used to comply, so long as they are consistent with the text of this section. An architectural feature may be used to comply with more than one standard.
- (1) **Building Form.** All buildings must incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces, as shown in Figure 4.7-Q below. Along the vertical face of a structure, such features must occur at a minimum of every 40 feet, on each floor, and must contain at least two of the following features.
 - (a) Recess (e.g., deck, patio, courtyard, entrance, or similar feature) that has a minimum depth of six feet.
 - (b) Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of two feet and runs horizontally for a minimum length of four feet; and/or
 - (c) Offsets or breaks in roof elevation of two feet or greater in height.

Commented [RM86]: MK comment. Should limit design standards.

Commented [RM87R86]: These are much more straight forward design standards for multifamily development than existing

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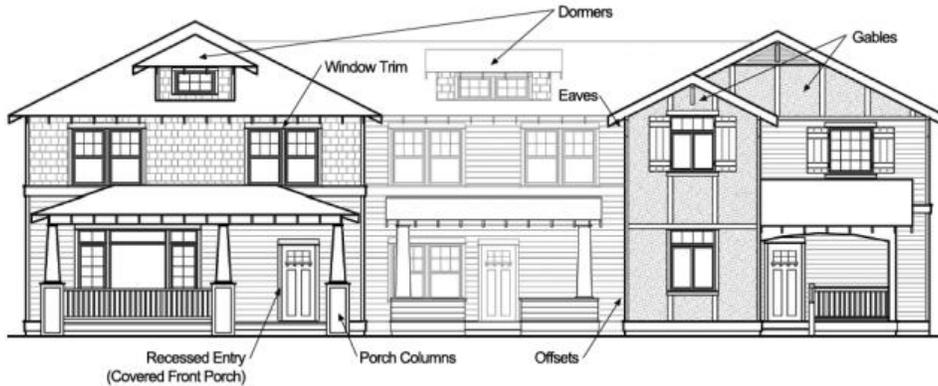
Figure 4.7-Q Building Form (Multiple unit housing example)



- (2) **Building Orientation.** All building elevations adjacent to a street right-of-way must provide doors, porches, balconies, and/or windows. A minimum of 40 percent of street-facing elevations, and a minimum of 30 percent of side and rear building elevations, must meet this standard. Percent of elevation is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows. The standard applies to each full and partial building story.
- (3) **Detailed Design.** All buildings must provide detailed design along all elevations which are visible from the street(s) adjacent to the property (i.e., front, rear and sides).
 - (a) Menu Option (Type 1). Detailed design must be provided by using at least six of the following 12 architectural features on all applicable elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations).
 - (i) Dormers.
 - (ii) Gables.
 - (iii) Recessed entries.
 - (iv) Covered front porches.
 - (v) Pillars or posts.
 - (vi) Eaves (minimum 12-inch projection).
 - (vii) Window trim (minimum 3 1/2 inches wide).
 - (viii) Bay windows.
 - (ix) Balconies.
 - (x) Offsets in the building face by a minimum of 18 inches.
 - (xi) Offsets or breaks in roof elevation of two feet or greater in height.
 - (xii) Decorative patterns on the exterior finish using shingles, wainscoting, and/or board and batten.
 - (xiii) Variation in façade building materials, including, but not limited to, tile, brick, and wood.

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Figure 4.7-R Examples of Architectural Details



Commented [RM88]: MK comment. Looks like craftsman. Boring. Should allow more flexibility.

(b) **Design Review Option (Type 2).** Detailed design may be provided by showing compliance with the following design criteria through a Type 2 application process in accordance with SDC 5.1.130.

- (i) The general size, shape, and scale of the structure(s) are architecturally compatible with the site and with the surrounding neighborhood, unless such compatibility with existing structures does not reflect the long-term purpose or intent of the underlying land use district of the subject site.
- (ii) If the project includes a structure or structures greater than 20,000 square feet in floor area, the design must incorporate changes in direction and divide large masses into varying heights and sizes by breaking up building sections, or by the use of such elements as variable planes, projections, bays, dormers, setbacks, canopies, awnings, parapets, changes in the roofline, materials, color, or textures.
- (iii) Exterior finish on vertical surfaces must be primarily of materials such as masonry/wood siding, shingles, or stucco. The use of sheet metal or plywood must not exceed 50 percent of the wall area. No smooth-faced cinder block construction is permitted on front elevations. Cinder block construction for side and rear elevations is permitted by approval through the review process.

4.7.380 Multiple Unit Housing (Clear and objective standards)

(A) **Purpose.** The purpose of the multiple unit housing standards is to provide for higher density housing in locations that are convenient to commercial uses and future transit opportunities.

(B) **Review.** Type 1 review process.

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(C) **Development Standards for Multiple Unit Housing Developments in the R-2 and R-3 Districts.** The following standards apply to multiple unit housing developments unless otherwise stated. These standards do not apply to Cottage Cluster Housing development.

(1) **Common Open Space**

- (a) Ten percent of the site area, for large scale (20 units or more) multiple unit housing developments, must be designated and permanently reserved as common open space. This standard is in addition to the required setback yard areas and any stormwater facilities.
- (b) Five percent of the site area, for multiple unit housing developments under 20 units in size, must be designated and permanently reserved as common open space. This standard is in addition to the required setback yard areas and any stormwater facilities.
- (c) For multiple unit housing developments that are part of a mixed-use building, there is no Common Open Space requirement.
- (d) For multiple unit housing developments that have a net density of 20 dwellings units per acre in the R-2 district, or 30 dwelling units per net acre in the R-3 district the Common Open Space standard does not apply.

(2) **Site area.** The site area is defined as the lot(s) or parcel(s) on which the development is planned, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.). Inventoried Natural Resources and historic buildings or landmarks open to the public and designated by the Springfield Comprehensive Plan may be counted toward meeting the Common Open Space requirements.

(3) **Credit for Proximity to a Park.** A common open space credit as specified below is allowed when the development is located within walking distance of a public park. There must be a direct, [ADA](#) accessible [pedestrian path](#) between the development and the park, and the walking route must not cross an arterial street to use this credit.

- (a) A 100 percent credit is allowed when the development is located within one-quarter mile walking distance.
- (b) A 50 percent credit is allowed when the development is located within three-quarters mile walking distance.

(4) **Trash and Recycling Receptacle Storage.** Trash and recycling receptacle storage must not be located within setbacks for property lines shared with R-1 district property and must be covered and screened on at least three sides with an evergreen hedge or sight obscuring fence or wall. The screening must be at least five feet in height. Receptacles must be located for access by trash pick-up vehicles.

(5) **Landscaping, Fences, and Walls.** Multiple unit housing developments must provide landscaping as specified in the following standards and in compliance with SDC 4.4.105.

Commented [RM89]: ADA? What does this mean? Is this clear?

Commented [KK90R89]: See my earlier comment on a definition for ADA accessible.

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Deleted: or sidewalk

Commented [RM92]: Reference other section where these standards are contained.

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- (a) A minimum of 15 percent of the site must be landscaped with a mix of vegetative ground cover, shrubbery, and trees. Trees, a minimum two inches (dbh – diameter at breast height) in caliper, and shrubbery, a minimum of 24 inches in height, must be planted. Bark mulch, rocks and similar non-plant material may be used to compliment the cover requirement but is not considered a sole substitute for the vegetative ground cover requirement.
 - (b) Street trees, a minimum two inches (dbh) caliper, must be placed within the planter strips between the curb and the sidewalk. Street trees must be planted a minimum of one per every 30 linear feet of street frontage, as specified in SDC 4.2.140.
 - (c) Fences in front yards and along any frontage used to comply with the building orientation standard are limited to three feet in height. Fences in other yards must comply with the fence standards specified in SDC 4.4.115, and the vision clearance standards specified in SDC 4.2.130; and
 - (d) The use of native and/or drought-tolerant landscaping is encouraged. All landscaping must 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 must maintain all landscaping.
- (6) **Pedestrian Circulation.** Multiple unit housing developments with more than 20 units must provide pedestrian circulation as specified in the following standards. ▾
- (a) Continuous internal sidewalks must be provided throughout the site. Discontinuous internal sidewalks are 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 must be separated a minimum of five feet from dwellings, measured from the sidewalk edge closest to any dwelling unit.
 - (c) The internal sidewalk system must connect all abutting streets to primary building entrances.
 - (d) The internal sidewalk system must connect all buildings on the site and must connect the dwelling units to the parking areas, bicycle parking, storage areas, all recreational facilities, common areas, and abutting public sidewalks and pedestrian trails.
 - (e) Surface treatment of internal sidewalks/accessways must be concrete, asphalt, or masonry pavers. The sidewalks must be at least five feet wide. Multi-use accessways (e.g., for bicycles, pedestrians, and emergency vehicles) must be of the same materials, and at least ten feet wide. Where emergency vehicle access is required, there must be an additional five feet on either side of the accessway to provide for a clear accessway of 20 feet in width. The additional five-foot area may be turf-block, grass-crete, or similar permeable material on a

Deleted: See [Figure 3.2-R](#).

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base of gravel capable. The entire accessway used for emergency vehicle access must be capable of supporting fire equipment weighing 80,000 pounds.

Commented [RM93]: Changed in response to MK comment.

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

Commented [RM94]: Emma comment
Do we mean speed humps or should this be changed to "raised crosswalks"? Or both?
Discuss with Emma and Michael

(g) Where the internal sidewalks are parallel and abutting to a vehicular circulation area, the sidewalk must 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 must be equipped with curb ramps.

(h) All on-site internal sidewalks must be lighted to a minimum of two foot-candles.

(7) **Parking.** Multiple unit housing developments must provide parking as specified in SDC 4.6.100 – 4.6.155.

(8) **Vehicular Circulation.** Multiple unit housing developments must provide vehicular circulation as specified in the following standards. See Figure 3.2-R.

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

(b) Site access and driveways must conform to SDC 4.2.120.

4.7.385 Multiple Unit Housing (Discretionary option)

Commented [RM95]: Still need to look over/revise this section.

(A) **Description.** The Planning Commission may approve adjustments to the clear and objective multiple unit housing design standards listed in SDC 4.7.380 that preclude compliance under SDC 4.7.390. In addition, the applicant may choose this Type III Discretionary Use procedure when proposing an innovative design that may preclude compliance with one or more of the design standards under SDC 4.7.380. The multiple unit housing design standards are: Building Orientation; Building Form; Storage; Transition and Compatibility Between Multiple unit housing and R-1 Development; Open Space; Landscaping; Pedestrian Circulation; Parking; and Vehicular Circulation. The Planning Commission must find that the application complies with or exceeds the criteria for each applicable design standard. Criteria for design standards not relevant to the application do not require a finding by the Planning Commission, unless the guidelines in Subsections (B) through (I) are implemented.

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(B) **Building Orientation.** The Planning Commission must 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 either (1) or (2) below, or by meeting SDC 4.7.390.

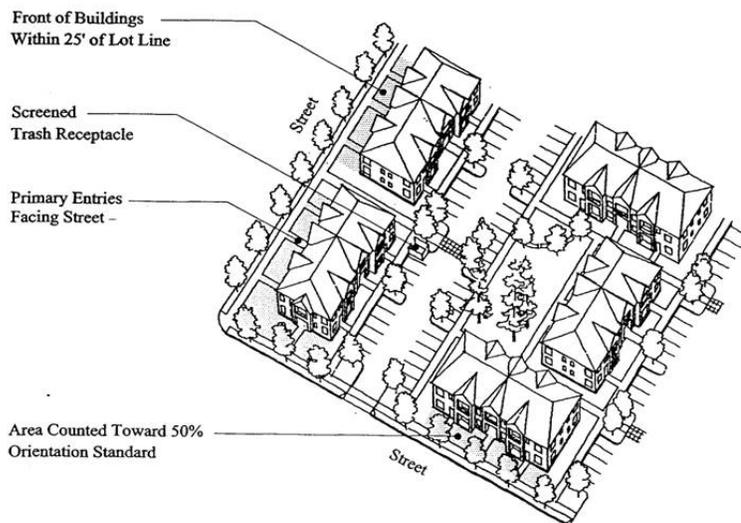
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- (1) Building Oriented to the street along a minimum of 50 percent of the site's frontage (See Figure 4.7-M). The "orientation" standard is met when all of the following criteria are met:
 - (a) Primary building entrances must face the street.
 - (b) The front of the buildings must be within 25 feet of the front lot/parcel line, However, 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 must not be placed between buildings and streets used to comply with this standard.
 - (d) Wetlands, slopes over 15 percent as specified in SDC 3.3.500, and wooded areas protected by SDC 5.19.100, must 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.

Building Orientation and Storage
Figure 4.7-M



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(2) Considering the following guidelines:

- (a) 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.
- (b) 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 must 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 either (1) or (2) below or by meeting SDC 4.7.390.

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(1) **Option 1** (See Figure 3.2-N).

Commented [KK96]: I'm just wondering if these are adoption options or two tracks for approval?

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- (a) Structures that have 1 or 2 stories must not have continuous horizontal distance exceeding 160 feet (measured from end wall to end wall). However, as specified in Subsection 3.d., below, structures that have 3 or greater stories must not have a continuous horizontal distance exceeding 120 feet (measured from end wall to end wall).
- (b) 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 façade) to provide shadowing.
- (c) Garages attached to living units and accessed from the street (front setback) shall be recessed at least 4 feet behind the front façade of a dwelling structure; and
- (d) Exterior building elevations must 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 must occur at a minimum of every 30 feet, and on each floor shall contain a minimum of 2 of the following features:
 - (i) Recesses (e.g., deck, patio, courtyard, entrance, window reveals) that have a minimum depth of 3 feet;

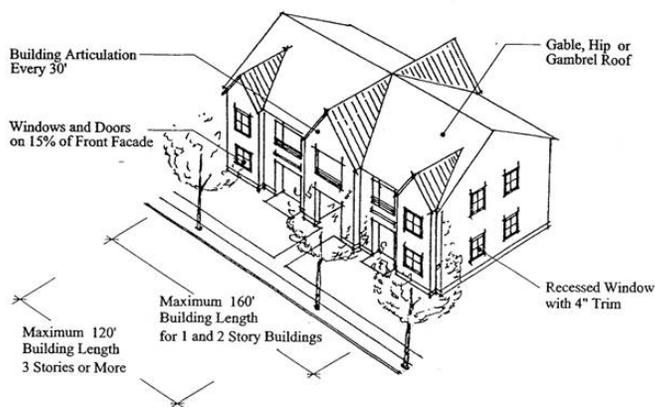
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- (ii) Extensions (e.g., floor area, deck, patio, entrance) that have a minimum depth of 2 feet and minimum length of 4 feet; and/or
- (iii) Offsets or breaks in roof elevation of 2 feet or greater in height.

Building Form
Figure 4.7-N



(2) **Option 2**

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- (a) Design exterior building elevations to avoid large expanses of uninterrupted building surfaces.
- (b) Depict building scale consistent with nearby buildings; “scale” relates to the size of various features (including, but not limited to entries, roof surfaces, façades, windows and materials) as compared to those features on nearby buildings.
- (c) Provide transitions to nearby buildings by massing; “mass” relates to the overall size or bulk of a building or its principal parts.
- (d) Provide porches, bays, and balconies that compliment nearby buildings.
- (e) Provide roof variations through offsets, breaks and/or extensions.
- (f) Provide transition between the multiple unit housing and R-1 districts.
- (g) Protect on-site and off-site natural and designated historic features.

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(h) Provide human-scaled architectural detail.

(i) Provide visual variety in elevations, architectural details, colors, and materials, compatible with existing development

(D) Storage. The Planning Commission must 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 either (1) or (2) below or by meeting SDC 4.7.390.

(1) Option 1 (See Figure 4.7-M)

(a) Adequate, accessible, and secure storage space must 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) qualify as storage space.

(b) Trash receptacles must 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 must 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. The required screening must meet the standards of SDC 4.4.100.

(c) No trash receptacles are allowed in any front yard setback, or within 25 feet of property lines abutting R-1 land use district or designated properties; and

(d) Ground-mounted equipment, including exterior transformers, utility pads, cable television, telephone boxes, and similar utility services, must be placed underground. Alternatively, equipment placed above ground, must be placed to minimize visual impact; or screened with a wall or landscaping. When walls are used they must be tall enough to completely screen the equipment at the time of the equipment installation. Landscaping must be planted tall enough to attain 50 percent coverage after 2 years and 100 percent coverage within 4 years.

(2) Option 2

(a) 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

(b) Provide mailboxes large enough to accommodate large envelopes, packages, and newspapers.

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(c) 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.

(d) Provide adequate, accessible, and secure storage space for each dwelling.

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

(f) 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 Multiple unit housing and R-1 District development. The Planning Commission must find that the development is located and designed in a manner compatible with surrounding development by creating reasonable transitions between multiple unit housing and sites and adjacent R-1 districts. This criterion may be met by complying with either (1) or (2) below or by meeting SDC 4.7.390.

(1) Option 1: Multi-unit developments adjacent to properties designated R-1 district must comply with the transition area and compatibility standards listed below, unless it can be demonstrated that adjacent R-1 district property is committed to a non-residential use e.g., church) that is unlikely to change. 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 unit dwelling is within 75 feet of the subject multiple unit housing development site and the single unit dwelling is on the same side of the street and same block as the multiple unit housing site, a setback similar to that of the nearest single unit dwelling must be used for the front yard. "Similar" means the multiple unit housing development setback is within 5 feet of the setback provided by the nearest single unit dwelling. For example, if the single unit dwelling setback is 20 feet, then the multiple unit housing building must be set back by 15 to 25 feet. The minimum front yard setback is 10 feet, as specified in SDC 3.2.220; and

(b) A 25-foot buffer area must be provided between multiple unit housing development and property lines abutting an R-1 district 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

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placement within a buffer is required in order to comply with City, County or ODOT access management standards;

- (ii) Site obscuring landscaping is required and must meet the standards of SDC 4.4.100;
 - (iii) Building encroachments are allowed, provided no building may encroach more than 10 feet into the 25 foot buffer and no primary entrance can face the abutting R-1 district property. Buildings must not exceed one story or 21 feet within the buffer, and must 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 are not considered active recreation areas);
 - (v) Lighting must meet the standards in SDC 4.5.100;
 - (vi) Mechanical equipment must be screened from view in conformance with the standards of SDC 4.4.100, and must be buffered so that noise does not typically exceed 45 to 50 decibels as measured at the R-1 property line. The City may require a noise study certified by a licensed acoustical engineer; and
 - (vii) All rooftop equipment must be hidden behind parapets or other structures designed into the building.
- (c) Buildings, or portions of buildings abutting an R-1 district 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 R-1 district property line. For example, a building or portion of a building 30 feet in height shall be 30 feet from the R-1 district property line. This standard applies up to a distance of 50 feet from the R-1 district property line.
- (d) Structures within 50 feet of an R-1 district must not have a continuous horizontal distance exceeding 120 feet (measured from end wall to end wall).

(2) Option 2

- (a) Setbacks, building heights, and massing are similar to, and/or promote a visual gradient between the multiple unit housing site and adjacent R-1 district.
- (b) Screen with landscaping or place balconies and windows to maintain the privacy of abutting R-1 districts and multiple unit housing residents on-site and in abutting developments.

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- (c) Window treatments and other building components are similar in size, scale, and placement to those in the adjacent R-1 districts, unless variation aids in transition.
- (d) On site vehicular circulation and parking guides traffic away from abutting R-1 districts.
- (e) Orient buildings along street frontages shared by the R-1 district, particularly when such orientation aids in transition.
- (f) Use site obscuring landscaping, shade trees planted a minimum of six feet from property lines, or a minimum six foot high fence, when such screening aids in transition.
- (g) Locate components of the multiple unit housing, which generate noise (such as recreation areas, parking lots, trash receptacles, heating and cooling equipment, etc.) where they will least disturb an abutting R-1 district.
- (h) Locate and screen lights and mechanical equipment to minimize glare and noise to an adjoining R-1 district.
- (i) Allow enclosed garage structures (not carports) between multiple unit housing buildings and abutting R-1 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 R-1 garage structures.

Commented [RM98]: MK comment. Style mandates shouldn't be required.

(F) Open Space

- (1) The Planning Commission must 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 multiple unit housing 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.

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- (2) This criterion may be met by complying with either (a) or (b) below or by meeting SDC 4.7.390.
- (a) Option 1. Multiple unit housing developments must provide both Common Open Space and Private Open Space as specified in the following standards (See Figure 4.7-Q).
- (i) General. Inclusive of required yards, a minimum of 15 percent of the gross site area must be designated and permanently reserved an 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.
- (aa) Multiple unit housing developments in mixed-use buildings are exempt from these standards.
- (ba) Multiple unit housing developments at densities exceeding 30 units per gross acre must 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.
- (ca) Multiple unit housing developments at densities less than 30 units per gross acre must provide open space as specified in the amounts specified below.
- (ii) Common Open Space must be provided in all newly constructed multiple unit housing development as specified in the following standards:
- (aa) A minimum of 0.25 square feet of common open space must be required for each square foot of gross residential floor area;
- (ba) Common open space areas provided to comply with this standard must be at least 500 square feet with no horizontal dimension less than 15 feet;
- (ca) A maximum of 15 percent of the required common open space can be on slopes greater than 25 percent; and
- (da) Multiple unit housing developments must 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

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minimum area of 750 square feet for active recreation. No horizontal dimension can be less than 15 feet. Alternatively, as determined by the Director, qualified senior housing developments may be excluded from this requirement; however, all other common open space requirements apply;

- (ea) Placement of children's play areas must not be allowed in any required yard setback or transition area;
- (fa) Landscaping and/or natural vegetation must 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
- (ga) Indoor or covered recreational space (including, but not limited to: swimming pools, sports courts, weight rooms) must not exceed 30 percent of the required common open space area.
- (ha) 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 development) when the developments are within 1/4 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 will be granted only when the nearby park provides active recreation area, as defined by Subsection (da), above.
- (ia) Phasing must not be used to circumvent common open space standards.
- (ja) Common Open Space does not include required yards or transition areas unless authorized under SDC 4.7.385(F)(2)(b) or SDC 4.7.390.
- (iii) Private Open Space must be provided in all newly constructed multiple unit housing developments, to comply with the following standards:
 - (aa) All private open space must be directly accessible from the dwelling unit through a doorway;
 - (ba) Dwelling units located at or below finished grade, or within five feet of finished grade, must provide a minimum of 96 square feet of private open space, with no dimension less than six feet; and

Commented [RM99]: MK comment. 100% exemption is too much.

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- (ca) 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 (ii)(aa), 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)
- (b) Option 2. Alternatively, this criterion may be found to be met by complying with the following guidelines:
 - (i) Locate buildings, parking, and circulation to minimize adverse impacts on natural features.
 - (ii) The amount of common recreation area is equal to the SDC 4.7.380(F)(2)(a) 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.
 - (iii) Provide linkages between on-site common open space and abutting public open spaces when open space uses are compatible.
 - (iv) The amount of private open space is equal to the SDC 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 must find that landscaping, fences, and walls contribute to a quality living environment for all residents, improve the appearance of multiple unit housing developments, and promote transition between multiple unit housing development and surrounding land uses. This criterion may be met by complying with either (1) or (2) below or by meeting SDC 4.7.390.
 - (1) Option 1. This criterion may be met by meeting 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 two inches (dbh) in caliper, and shrubbery, a minimum of 24 inches in height, must be planted. Bark mulch, rocks and similar non-plant material may be used to compliment the cover requirement, but must not be considered a sole substitute for the vegetative ground cover requirement;
 - (b) Street trees, a minimum two inches (dbh) caliper, must be placed within the planter strips between the curb and the sidewalk. Street trees must be planted one per every 30 linear feet (minimum) of street frontage, as specified in SDC 4.2.140;

Commented [RM100]: MK comment. "Passive solar access is mentioned as a need to be balanced, yet elsewhere, the code is attempting to delete solar access standards. Inconsistent. I think solar access standards are needed and removal of existing solar access to existing lots and homes is an illegal taking under ORS." Response: @KRAAZ Kristina thoughts?

Commented [KK101R100]: Not an illegal taking to change the City standards. Not a physical invasion of the property, not a development exaction (payment of money or taking of property right as condition of development approval), not a regulation that deprives an owner of their investment-back expectations related to real property and does not deprive property of all economic beneficial use.

State statutes allow recorded solar easements. Eliminating City standards would have no effect on any recorded solar easements within the City. The benefitted property would still be able to bring a claim against anyone who constructed an improvement that blocked solar access under a recorded solar access easement.

Commented [RM102]: MK question, does this include grass? Yes.

Commented [RM103]: MK question. Includes grass? Yes.

Commented [RM104R103]: but requires a "mix", so 100% grass would not be allowed.

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- (c) 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 SDC 4.4.115, and the vision clearance standards specified in SDC 4.2.130; and
 - (d) The use of native and/or drought-tolerant landscaping is encouraged. All landscaping must 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 must maintain all landscaping.
- (2) Option 2. Alternatively, this criterion may be found to be met by complying with the following guidelines:
- (a) Plant outdoor spaces around multiple unit housing developments with a mix of vegetative 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 multiple unit housing dwellings and surrounding R-1 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 five 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

Commented [RM105]: MK comment. Grass? Yes. Is ground cover different than vegetative ground cover?

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Commented [RM106]: MK comment. Dont includes "native". "Existing native species are not adapting well to climate change and there are many better shrubs and trees that do. We need to be less restrictive here. It's fine to say non invasive." Response. Could remove the work "native".

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must be identified on a Tree Protection Plan, in conformance with SDC 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 SDC 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 SDC 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 multiple unit housing 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 multiple unit housing.
- (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 must find that pedestrian circulation systems are designed to provide separation between vehicles and pedestrians and provide clear, direct, safe, and identifiable connections within the multiple unit housing development and to other neighborhood uses. This criterion may be met by complying with either (1) or (2) below or by meeting SDC 4.7.390.

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(1) Option 1. Multiple unit housing developments with more than 20 units must 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 five 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/accessways must, be concrete, asphalt or masonry pavers, at least Five feet wide. Multi-use accessways (e.g., for bicycles, pedestrians and emergency vehicles) must be of the same materials, and at least ten feet wide. Where emergency vehicle access is required, there must be an additional Five feet on either side of the accessway. The additional Five foot area may be turf-block, grass-crete or similar permeable material on a base of gravel. The entire accessway used for emergency vehicle access must be 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 two foot-candles.

(2) Option 2. Alternatively, this criterion may be met by considering the following guidelines.

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- (a) Design each multiple unit housing 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.
 - (b) 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.
 - (c) Design internal walkways and other pedestrian links to provide privacy for ground floor residents.
 - (d) Link the multiple unit housing development internal sidewalks to neighborhood uses that may be used by residents.
 - (e) Minimize vehicle and pedestrian conflicts.
 - (f) Integrate the design of the internal sidewalks with natural contours, topography, trees, other vegetation, waterways, wetlands, and other natural resources and features.
 - (g) Provide a convenient, accessible, direct, barrier-free route design.
- (l) Parking. The Planning Commission must 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 may be met by complying with either (1) or (2) below or by meeting SDC 4.7.390.
- (1) Option 1. Multi-unit developments must 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 must be one planter island for every eight parking spaces. Planter islands shall be a minimum of six feet wide, exclusive of the curb, the full length of a parking space containing one shade tree (a minimum two 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

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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 4.4.105(F). for recommended shade trees;

- (d) A minimum six 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). Shrubby in this planter area shall be at least 24 inches in height at the time of planting, and trees a minimum of two 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 six 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 six 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 six inches in height. See also, Section 4.6.120(C);
- (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 five foot wide planting strip shall be planted with shade trees, a minimum two inches (dbh) in caliper, and a low level (e.g., 30 to 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;

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(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.

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(2) Option 2. Alternatively, this criterion may be met by considering the following guidelines.

(a) 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.

(b) Provide rear and below grade parking where practicable.

(c) Use alley access for parking areas where practicable.

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

(e) Provide no more parking than the "minimum" parking requirement, where practicable.

(f) Avoid placing parking lots, garages, and carports that abut and/or are visible from R-1 areas. As an alternative, locate parking next to arterial and collector streets with landscape buffering, when possible.

(g) Design garages and free standing carports to be visually compatible with, or screened from, adjacent R-1 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 must 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 either (a) or (b) below or by meeting SDC 4.7.390.

(a) Option 1. Multiple unit housing developments must provide vehicular circulation as specified in the following standards.

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- (i) The on-site driveway (or private street) system shall connect with public streets abutting the site;
- (ii) 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; and
- (iii) Parking areas shall be accessed from alleys when properties abut an alley, or an alley can reasonably be extended to serve the development.

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Commented [RM109]: MK comment. Make shared drives required? Response, see previous comment. Dont think we can require shared drives.

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(b) Option 2. Alternatively, this criterion may be met by considering the following guidelines.

- (i) Design driveways and private streets to enhance connectivity to abutting streets.
- (ii) Design internal site circulation to provide accessibility to and from the site.
- (iii) 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.
- (iv) Where practicable, consolidate or share driveways and internal streets with driveways or internal streets serving abutting sites.
- (v) Incorporate aesthetic and functional site design as it relates to vehicular circulation.
- (vi) Provide vehicular circulation linkages that will integrate multiple family development with the surrounding area.
- (vii) Provide the separation of pedestrian, bicycle, and vehicular traffic.
- (viii) Avoid out-of-direction travel between buildings and other facilities on the site (e.g., for delivery, service, etc.).
- (ix) Locate service areas for ease of use and minimal conflict with circulation systems.
- (x) Provide circulation systems that respond to site topography, natural contours, and natural resources, to minimize grading and resource impacts.

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- (xi) Provide shared parking with abutting sites where practicable.
- (xii) Provide the use of alleys for vehicular access.
- (xiii) Provide lighting for the safety of pedestrians and drivers.

4.7.390 Multiple Unit Housing Variances

(A) Description. The Director may approve an adjustment of up to 20 percent to the multiple unit housing design standards listed in SDC 4.7.390. The multiple unit housing design standards are: Building Orientation; Building Form; Storage; 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 (G), below.

The Director must 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 do not require a finding by the Director, and is not subject to review under this Section. Requests to modify the standards of SDC 4.7.390 by more than 20 percent require review under SDC 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 five 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 five inches (dbh) in caliper (i.e., screening allows for contrasting building form).

(E) Open Space

(1) The adjustment results in protecting vegetation and preserving trees five 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 1/4 mile (measured walking distance) of a public park with active recreation facilities [as defined by SDC 3.2.240(D)(5)]; and there is a direct, improved, permanent, public,

Commented [RM110]: Do we need/should we keep this section?

Commented [KK111R110]: This section gives a Type 2 process to make some changes, where the prior section requires planning commission approval for changes.

Commented [RM112]: MK comment. Doesn't support style mandates.

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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 does not apply to required active recreation areas.

(F) Landscaping

- (1) The adjustment results in a better overall transition from neighboring R-1 designated property, such as: protecting and preserving trees five 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 R-1 designated property.

(G) 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, notwithstanding Subsection (B), above and SDC 3.2.240(D)(7) if the residents do not require an internal sidewalk system in full compliance with the pedestrian circulation standards.

4.7.395 Boarding House

- (A) Boarding house facilities in an R-1 District must be located on collector or arterial streets.
- (B) One-half of an additional parking space must be provided for each boarding room. No additional required parking spaces must be located within the front yard setback.
- (C) For structures on the Springfield Historic Inventory, any external modification must be fully compatible with the original design and may be subject to a Type 1 or Type 2 Historic District review in accordance with SDC 3.3.915.
- (D) A minimum of 25 percent of the lot or parcel must be landscaped.

4.7.400 Emergency Medical Hardship

(A) Purpose

- (1) The Emergency Medical Hardship allows the placement of temporary living quarters, on a property 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

Commented [KK113]: Revising my earlier comment to help with staff report explanation:

Rooming and boarding houses are currently defined as rentals of individual rooms (with and without food) for more than 2 weeks at a time. A, B and D conflicts with the HB 2001 regulations for middle housing. C is already covered under the Historic Overlay Distrct.

Also, it poses issues under HB 2583 (2021), which prevents us from regulating occupancy in residential dwellings based on familial or nonfamilial relationships. We can no longer define these uses by the fact that more than 5 unrelated adults are living together.

In place of these regulations, I've proposed re-defining "rooming house" to mean short term rentals that are regulated in 4.7.355. Also, overall occupancy standards will limit how many people reside in a dwelling regardless of how they are related.

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Commented [RM114]: Revise 5.10.100 to take these provisions out of that section.

Commented [RM115]: Copy provisions from existing 5.10-100. Refer also to other codes, look at Lane County, Bend, Eugene, etc.

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- (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 timeline of 12 months with an opportunity to obtain up to two six-month time line extensions at the staff level.
- (3) Temporary living quarters means a road worthy, licensed, and insured recreational vehicle (RV). Tent trailers are not be permitted as a temporary living quarters.
- (4) The temporary living quarters must be occupied only by the person requiring medical assistance, or the care provider.
- (5) The care provider must 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.
- (B) Applicability. The Emergency Medical Hardship process is permitted only on property designated Low Density Residential (LDR) on the Eugene Springfield Metropolitan Area General Plan diagram (Metro Plan) and zoned (R-1) within the city limits or R-1/UF-10 within the City's urban service area.
- (C) Review. The initial application and any timeline extensions are reviewed under Type 2 procedure.
- (D) Submittal Requirements.
- (1) The application must include a plot plan, drawn to scale, showing:
- (a) Existing structures on the property and their setbacks from property lines;
 - (b) The proposed location of the temporary living quarters and its setbacks from property lines and other structures on the property; and
 - (c) The required utility connections for the temporary living quarters.
 - (d) For those applications within the City's urban service area, the plot plan must also show the location of any wells, septic tanks, and drain fields.
- (2) The application must also include:
- (a) A written report from a licensed physician, therapist, or professional counselor on official letterhead that indicates that the patient has a medical or physical hardship that requires care and attention in such a manner that the caretaker must reside on the same property.
 - (b) A statement from the applicant addressing:

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Commented [RM118]: MK comment. Seems excessive.

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Commented [RM119]:

Commented [RM120R119]: Rely on overall submittal requirements???? Reference to other section?

Commented [RM121]: This does not relate to an approval criteria.

Commented [RM122]: Concerns with HIPAA?

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- (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 must grant approval of the emergency medical hardship application if all the following criteria are met, including any conditions imposed in accordance with Subsection (F), below.

- (1) A written report is provided from a licensed physician, therapist, or professional counselor on official letterhead that indicates that the patient has a medical or physical hardship that requires care and attention in such a manner that the caretaker must reside on the same property..
- (2) The temporary living quarters must house either the person requiring medical assistance or the care provider.
- (3) The temporary living quarters must be located on the same legal parcel as the primary dwelling. Only one temporary living structure is allowed on a property.
- (4) The temporary living quarters is 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 must 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 must have utility connections consistent with State law requirements for these units as in RV parks.

(F) Conditions

- (1) The following conditions of approval are applied to all medical hardship approvals:
 - (a) No change in occupancy of the temporary living quarters is allowed under the permit; either the person requiring care or the care provider must reside within the temporary living quarters.

Commented [RM123]: MK comment/question. can the temp dwelling be in the driveway? Should be allowed to be.

Commented [RM124]: Can these be combined?

Commented [RM125]: MK comment/question? can the care provider switch? Response, yes.

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- (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 can the temporary living quarters be used as a rental unit.
- (c) The temporary living quarters use must 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 must 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) Additional conditions of approval may be imposed to the extent necessary to satisfy the standards of Subsection (E), above, to comply with all applicable standards of this Code.

(G) Time Line Extensions. A request for an extension will not require a new application; however, a written request must be submitted to the Director 30 days prior to the expiration of the initial 12-month approval timeline. The request must 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 must 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 timeline, the temporary living unit may be extended as follows:

- (1) Staff Approved Timeline Extensions. The applicant may obtain no more than two six-month timeline extensions from staff.
- (2) Criteria of Approval for Timeline Extensions. Staff approval of any timeline 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 must 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.

4.7.405 Child Care Home

(A) ~~Must be certified under ORS 329A.280 (2) or registered under ORS 329A.330.~~

(B) The child care home must be provided in ~~a dwelling.~~

(C) The provider may care for not more than ~~16 children.~~

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Commented [RM126]: This is not an approval criteria.

Commented [KK127]: @RUST Mark I think we can remove this special section altogether. This language comes directly from the OARs that already apply to registered or certified family care homes, so these rules apply regardless of whether we put them in the code (unless DHS changes the rules, in which case we'd need to amend our code).

Under HB 3109, we are not allowed to impose standards beyond what apply to the dwelling/residential use, so that leaves little purpose behind special standards. It can remain in the schedule of uses for the public's (and staff information).

Deleted: Registered or Certified Family

Deleted: The registered or certified family child care home must be the same address as the residence of the provider

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Commented [RM128]: MK comment. This seems like a lot of kids. This is the state law. We must allow it.

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Page 1: [1] Deleted **RUST Mark** **11/3/2021 4:52:00 PM**

Page 1: [2] Commented [RM62] **RUST Mark** **2/10/2021 4:08:00 PM**

Michael comment.

We allow 20 foot curb to curb streets and when we add parking it is 8 feet for each side. Fire code needs to be checked on this one!

Page 1: [3] Commented [RM63] **RUST Mark** **2/10/2021 4:08:00 PM**

Michael comment

Should be paved throughout for emergency access and a host of other reasons.

Section 6.1.100 – Definitions

Subsections:

- 6.1.105 Meaning of Common Words
- 6.1.110 Meaning of Specific Words and Terms

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) The word “shall” directly and clearly imposes a duty upon someone or something; the subject of the sentence is obligated to do something. The term means “is required to” or “has a duty to”. This term is mandatory.
- (D) The word “must” is mandatory.
- (E) The word “may” is permissive.
- (F) Words defined in this Section may also be defined in Springfield Development Code (SDC) 6.1.100.
- (G) Where words are not defined in this Section, the following sources are consulted: the Springfield Development Code, including specifically SDC 6.1.100; the Metro Plan; State of Oregon Revised Statutes (ORS), State of Oregon Administrative Rules (OAR’s); and any dictionary of common usage, all of which will be interpreted by context.

6.1.110 Meaning of Specific Words and Terms

A

AASHTO. American Association of State Highway and Transportation Officials.

Abutting (or Abut). Adjoining with a common boundary line. However, where two or more lots or parcels adjoin only at a corner or corners, they are not be considered abutting unless the common property line between the two lots or parcels measures eight feet or more in a single direction.

Access. The approved means by which vehicles have ingress and/or egress to an approved lot/parcel or development area.

Accessory Dwelling Units (ADU’s). A secondary, self-contained dwelling that may be allowed only in conjunction with a detached single-unit dwelling. An accessory dwelling unit is subordinate in size to the primary detached single-unit dwelling. An accessory dwelling unit has its own outside entrance and a separate kitchen, bathroom, and sleeping area. An accessory dwelling may be located within, attached to, or detached from the primary single unit 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

Commented [RM1]: Delete? Not yet until the entire code is revised and the word is removed from everywhere.

Commented [RM2]: MK comment. "Adjacent across from on right of way, is this "directly across", shared across like with the 8' and over rule for abutting, or half directly across, or what?"

Commented [MR3]: Leave existing def. in existing code or replace?

Commented [MR4]: Same definition contained in SDC 6.1-100. Also see section 4.7-105.

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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**; in SDC 6.1.100)

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.

Adaptive Reuse. A permitted use of a building that is different from its original or previous use, often involving conversion work involving substantial modifications.

Adjacent. Abutting or located directly across a right-of-way.

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 SDC 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 overnight 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.

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

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sufficiency of the representative's authorization by the owner to act as applicant on the owner's behalf.

Commented [RM5]: Check procedures code section

Approval Authority. The individual or public body which has jurisdiction for making a decision on an application under the provisions of this Code.

Commented [RM6]: Check against procedures

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.

Removed from procedures. What replaced? Hearings Authority???
Check the rest of the code for this term.

Automobile-dependent. A use where automobiles and/or other motor vehicles are served by the use and the use would not exist without them, such as vehicle repair, gas station, car wash, or auto and truck sales. Automobile-dependent also includes a drive-up or drive-through that does not have any indoor customer seating.

Automobile-oriented use. A use where automobiles and/or other motor vehicles are an integral part of the use, such as drive-up, drive-in, and drive-through facilities. Automobile-oriented drive-up and drive-throughs must have indoor seating. Without indoor customer seating the use is classified as automobile-dependent as defined above.

Commented [RM7]: Comment from Michael

Should we distinguish between drive thru uses with out seating would be classified as Auto dependant? How does this work with drive up and drive in?

Automobile wrecking. The dismantling or disassembling of motor vehicles, including large truck or heavy machinery, or trailers, or the storage, sale salvage, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles, or their parts. An automobile wrecking use includes a wrecking yard. More than two dismantled, obsolete, or inoperable motor vehicles or parts thereof on one lot constitutes a wrecking yard.

B

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.

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.

Deleted: 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.

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.

Deleted: Bedroom. A room in a dwelling unit that is at least 70 square feet and includes both of the following: a door that can be closed such that the bedroom is closed off from other occupied rooms in the dwelling and a second egress such as window or exterior door. For the purposes of this code only, a bedroom may or may not included a closet. ¶

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.

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Block. An area of land containing one or more lots/parcels surrounded by public or private streets.

Block Length. The distance along a public or private street between the centerline of two intersecting streets, including “T” intersections but excluding cul-de-sacs.

Block Perimeter. The sum of all block lengths for a given block, also measured as the distance to travel once completely around the block, ending at the starting point as measured from the centerline of the street.

Boarding House. A building, not including a building designed or arranged as a single unit dwelling, used for lodging for compensation, with or without meals.

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 the 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 does 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 footprint. As applicable to Cottage Cluster Housing development, the horizontal area as seen in plan, measured from outside of all exterior walls and supporting columns. It includes dwellings and any area of attached garage that exceeds 200 square feet. It does not include detached garages or carports; accessory structures; trellises; patios; areas of porch, deck, and balcony less than 30 inches from finished grade; cantilevered covers, porches or projections; or ramps and stairways required for access.

Building Height. The vertical distance above a reference datum measured to the highest point of the coping of a flat roof, to the decline 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 2 measurements that results in the greater building height.

Commented [KK10]: I'm not sure that regulation of "boarding houses" make sense today because it's based on whether meals are provided. To the extent we take out the meal aspect, we are just regulating occupancies that are longer than 2 weeks, and I'm not sure that having additional standards around rental bedrooms would comply with our obligations around regulating middle housing, etc.

In the past, complaints about boarding houses have not hinged on the meal aspect, but on overall occupancy that was extreme for the site. Adding an overall occupancy limit (2+1 rule) will help limit the undesirable external impacts of boarding houses.

Deleted: A building where lodging and meals are provided for more than two weeks for compensation. This definition excludes bed and breakfast facilities.

Deleted: ¶

Commented [RM11]: MK comment. "Building. I'm surprised this includes storage tanks, which are structures, but building usually implies something that can be accessed by people, tanks generally aren't. Legal definition appears to not include something like a tank. "any structure intended for shelter, housing, or enclosure of persons, animals, or chattels."

Deleted: SDC 3.3.400

Commented [MR12]: This is from Model Code for HB 2001 for Cottage Clusters. Needed? Does this cause problems elsewhere? Should it just be included and applicable in Cottage Cluster section? Is there an equiv. def. in BP?

Deleted: specified in SDC 4.7.325(E)(1), T

Commented [RM13]: MK comment. "Building height, the reference datum definition to me is really hard to understand. If it's hard for a surveyor, it's probably hard for the general public. Would examples of this in a graphic form better illustrate the concept? "

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- (1) 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.
- (2) 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 the Floodplain Overlay District.

Deleted: SDC 3.3.400

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.

Build-To Line. A line parallel to the property line that prescribes a consistent plane of building façades along a public street and in certain circumstances, alley frontages. The build-to line provides predictable results in the urban form by requiring a set location for the buildings as opposed to the range of possible locations that a minimum setback allows. The build-to line can be adjusted by utilizing maximum building setbacks.

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 development on one or more lots/parcels under common ownership with 2 or more separate buildings to accommodate light industrial uses, including, but not limited to, office research and development, manufacturing, assembly, warehousing and distribution, large administrative headquarters, and other professional and administrative uses. Light industrial uses permitted within the business park have no significant potential for major pollution, adverse visual impacts, or nuisance or hazard factors; and are planned, designed, constructed and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, off-street parking, utility needs, building design and orientation and open space, landscaping, noise control, outdoor storage and other site improvements as may be required by this Code.

C

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.

Cannabinoid. Any of the chemical compounds that are the active constituents of marijuana.

Cannabinoid Concentrate. A substance obtained by separating cannabinoids from marijuana by:

Deleted: June 24

- (1) A mechanical extraction process; or
- (2) A chemical extraction process using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol or ethanol.

Cannabinoid Edible. Food or potable liquid into which a cannabinoid concentrate, cannabinoid extract or dried marijuana leaves or flowers have been incorporated.

Cannabinoid Extract. A substance obtained by separating cannabinoids from marijuana by:

- (1) A chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane or propane;
- (2) A chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the process uses heat or pressure; or
- (3) Any other process identified by the commission, in consultation with the authority, by rule.

Cannabinoid Product. A cannabinoid edible and any other product intended for human consumption or use, including a product intended to be applied to the skin or hair that contains cannabinoids or dried marijuana leaves or flowers.

Carpport. 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 use to another permitted use in the applicable zoning district. Change of use includes changes that require construction or alteration to land or water outside of existing buildings, structures, or open storage areas; and that substantially alters or affects land or water—also, as used in [SDC 3.4.280C](#), making a different use of the land or water. Change of use does not include a change of use of a building or other structure that does not substantially alter or affect the land or water upon which it is located, the sale of property, or modifications of existing structures, as may be permitted by this Section.

Child Care Center. As defined in [ORS 329A.440](#).

Church. See “Place of worship”.

City. The City of Springfield.

Commented [RM14]: Review this definition to make sure it matches up with new use categories, site plan process, and MDS, etc.

Commented [RM15]: What is this? Remove citation and reference Title of section.

Deleted: Childcare Facility. Any facility that provides child care to children, including a day nursery, nursery school, child care center, certified or registered family child care home, or similar unit operating under any name. Also see ORS 329A

Deleted: ¶
¶
For the purpose of a “Registered or Certified Child Care Facility” as allowed by ORS 239A.440,

Deleted: the following terms apply:¶
¶
“Certified” means the certification that is issued under ORS 329A.280 by the Office of Child Care to a family child care home, child care center, or other child care facility.¶
¶
“Registered” means the registration that is issued under ORS 329A.330 by the Office of Child Care to a family child care home where care is provided in the family living quarters of the provider’s home.¶
¶
ORS 329(A).250¶
¶
(5) “Child care facility” means any facility that provides child care to children, including a day nursery, nursery school, child care center, certified or registered family child care home or similar unit operating under any name, but not including any

Deleted: ¶
(a) Preschool recorded program.¶
(b) Facility providing care for school-age children that is primarily a single enrichment activity, for eight hours or less a week.¶
(c) Facility providing care that is primarily group athletic or social activities sponsored by or under the supervision of an organized club or hobby group.¶
(d) Facility operated by:¶
(A) A school district as defined in ORS 332.002;¶
(B) A political subdivision of this state; or¶
(C) A governmental agency.¶
(e) Residential facility licensed under ORS 443.400 to 443.455.¶
(f) Babysitters.¶
(g) Facility operated as a parent cooperative for no more than four hours a day.¶
(h) Facility providing care while the child’s parent remains on the premises and is engaged in an activity offered by the facility or in other nonwork activity.¶
(i) Facility operated as a school-age recorded program.¶

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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. A facility consisting of single or multiple offices where a group of medical, allied health professions and alternative caregivers provide diagnosis, care and treatment of persons primarily on an outpatient basis.

Club. An association of persons (whether or not incorporated), religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit.

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.

Commercial Use – the use of land involving buying or selling of goods and services as the primary activity.

Common Courtyard. A common area for use by residents of a cottage cluster. A common courtyard may function as a community yard. Hard and soft landscape features may be included in a common courtyard, such as pedestrian paths, lawn, groundcover, trees, shrubs, patios, benches, or gazebos.

Common Wall. A wall or set of walls in a single structure shared by two or more dwelling units. The common wall must be shared for at least 25 percent of the length of the side of the building of the dwelling units. The common wall may be any wall of the building, including the walls of attached garages.

Community Park. A park, normally 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 Street Map. A map adopted into the Transportation System Plan depicting existing and future multi-use path and arterial and collector street alignments.

Commented [RM19]: MK comment. "Cluster Subdivision. 2nd part of definition shows the intent of the subdivision, affordability, home ownership, innovation. I find this odd to have these goals here in the definition, when I don't see them elsewhere. I like the goals, but am not sure they belong in code "

Commented [RM20]: Keep? Still a use listed?

Commented [RM21]: See SDC 3.2.315(A). Needed there? Or just here? Or both?

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Condominium. A form of ownership that is regulated in part by ORS 100.005 et seq. that may be applied to any dwelling type. Existing and new dwellings may be converted to condominium ownership; however, new dwellings must comply with the development standards specified in this Code for the particular type of dwelling.

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.

Construction Activity. Includes, but is not limited to, clearing, grading, excavation, and other site preparation work related to the construction of buildings, and heavy construction (for example, highways, streets, bridges, tunnels, pipelines, transmission lines and industrial non-building structures).

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 must meet the applicable employee threshold specified elsewhere in this Code. Businesses that do not meet the applicable employee threshold are considered an administrative office.

Cottage. An individual dwelling unit that is part of a cottage cluster.

Cottage Cluster. A grouping of no fewer than four dwelling units per gross acre, each with a footprint of less than 900 square feet that includes a common courtyard. Cottage Cluster units may be located on a single Lot or Parcel, or on individual Lots or Parcels. Cottage cluster may also be known as “cluster housing,” “cottage housing,” “bungalow court,” “cottage court,” or “pocket neighborhood”.

Cottage Cluster Project. A development area with one or more cottage clusters. Each cottage cluster that is part of the cottage cluster project must have its own common courtyard.

Courtyard. An open, unoccupied space other than a required exterior yard, which usually provides amenities such as gardens, planters, seating, or art.

Courtyard housing. Detached “zero lot line” dwellings on individual lots subject to the same standards as detached single unit dwellings, except that a three-foot minimum side yard setback is required on one side of a typical lot. This type of housing allows development on smaller (i.e., narrower) lots and provides usable outdoor living area in side-oriented yards.

Commented [RM22]: Def from M54 permit. Keep? Move to section on stormwater? Limited to just residential development....

Commented [RM23]: Should we allow clusters to be 3 units? Rules allow minimum number of units to be 3, 4, 5, or no min.

Commented [MR24]: HB 2001

Deleted: See SDC 4.7.325 Cottage Cluster.

Deleted: site

Commented [RM25]: Delete and replace with “Common Courtyard” above? Where else is this term used? Search.

Comment from Molly, check Glenwood code.

Commented [RM26R25]: No.

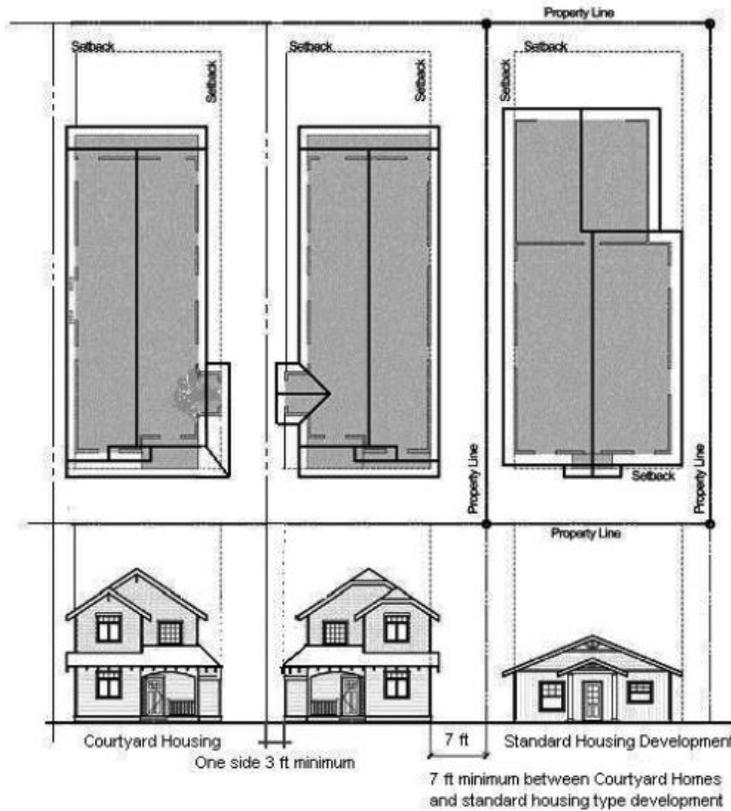
Deleted: See SDC 4.7.335, Courtyard Housing.

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Figure 6.1-A. Courtyard housing



Commented [RM27]: MK comment. "61a courtyard housing, the combined 7 and 3 side setbacks create a cascading problem when the adjoiner is not part of the development. For illustration, the left side of the drawing, the lot on the side of the 3' setback (not shown) would be mandated as a 7' setback to have 10' when the other specified setbacks are supposedly set at 5'. But with 5', the total separation of the structures would only be 8' and I am not sure fire would like that, as I think they are driving the 10' min between structures for emergency access. "

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.

Cultivation or Cultivate. All phases of growth of marijuana from seed to harvest.

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.

D

Dance Hall. Any place of business whose primary function is dancing.

Commented [RM28]: MK comment. "Dance hall. These are coming back. Good to have this still in the code. How about doll houses, shabeens and shanty towns? "

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Dbh. The diameter of a tree measured 4-1/2 feet above the ground at the base of the tree.

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.

Commented [RM29]: MK comment. "Demolition defn seems to imply only historic structures, to not get confusy, this should be broadened to the standard defn and then maybe an "historic structure demolition" term be defined as well, or just term this Demolition, Historic Structure? "

De Novo. A hearing where new evidence may be provided, distinguished from a hearing based solely on an existing record.

Density, net. The number of dwelling units for each acre of land in residential use, excluding: dedicated streets; dedicated parks; dedicated sidewalks; and other public facilities.

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.

Commented [RM30]: MK comment. "Density, Density gross and Developable acre. Are PUE's and other easements included in the terms or excluded. I think that should be spelled out one way or another in each defn "

Commented [RM31R30]: See 3.2.235

Design Standard. A standard related to the arrangement, orientation, materials, appearance, articulation, or aesthetic of features on a dwelling unit or accessory elements on a site. Design standards include, but are not limited to, standards that regulate entry and dwelling orientation, façade materials and appearance, window coverage, driveways, parking configuration, pedestrian access, screening, landscaping, and private, open, shared, community, or courtyard spaces.

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).

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 of materials, equipment or vehicles on the land; drilling and site alteration due to land surface mining, filling, grading, dredging, paving, excavation or clearing of trees and

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vegetation. Agricultural uses (including agricultural structures), when otherwise permitted by the base zoning district, are exempt from this definition unless agricultural structures are placed within adopted special flood hazard zones. As used in SDC 3.3.400, Floodplain Overlay District, any human-made change to improved or unimproved real estate located within the area of special flood hazard, including, but not limited to, buildings and other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations. As used in SDC 3.4.280(C), any activity within the Glenwood Riverfront portion of the WG Overlay District that would alter the elevation of the land; remove or destroy plant life; cause structures of any kind to be installed, erected, or removed; or result in a measurable change of any kind.

Development and Public Works Department. The department responsible for the administration of this Code and the implementation of the Metro Plan within Springfield's Urban Growth Boundary.

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 Area. The area subject to any application required by this Code.

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.

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 of the diverted flow at the discharge point has been degraded when compared with the water quality at the diversion point.

Commented [RM32]: MK comment. "Direct tributary to a WQLW-- last sentence should say "where the water quality OF the diverted flow" not "IF" the diverted flow."

Commented [RM33R32]: Good catch. Existing typo in code.

Deleted: if

Director. The Development and Public Works 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 one), 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

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Drinking Water Protection Overlay District must be as adopted by SUB on November 10, 1999.

Door area. The area of the portion of a door other than a garage door that moves and does not include the frame.

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

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.

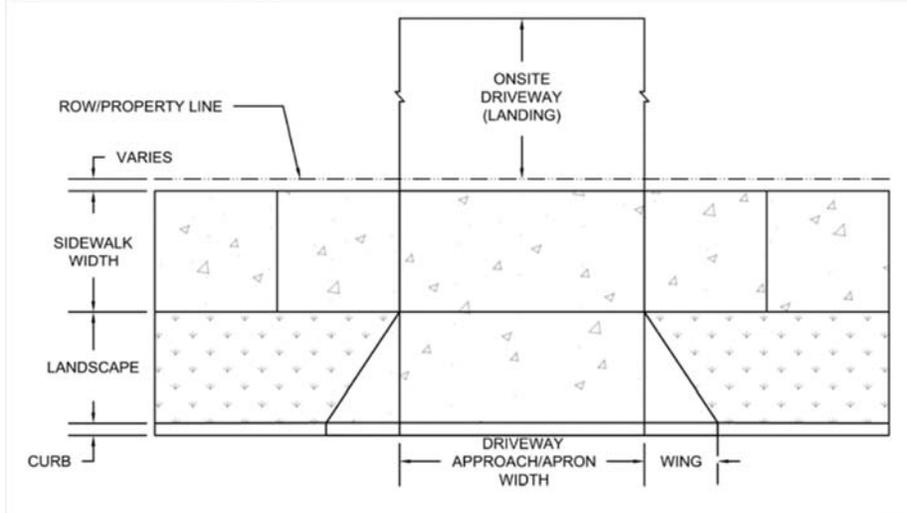
Drive-Through Business. An establishment that sells products or provides services to occupants in vehicles where payment is made and the product or service is picked up at a drive-up window. This use includes, but is not limited to, the operation of drive-up or a drive-through service at a restaurant, bank or financial institution, personal services, and retail sales (e.g., pharmacy).

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 approach. The edge of a driveway where the driveway abuts a public right of way.

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Figure 6.1-B. Driveway approach



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.

Duplex. Two dwelling units on one lot or parcel in any configuration. Units may be attached vertically or horizontally or detached.

Dwelling Unit (Dwelling or unit). A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating cooking and sanitation.

E

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 particular side of a building.

Commented [RM34]: MK comment. "Duplex-have we decided if detached duplexes are acceptable yet, or is this a desired change only so far?"

Commented [RM35R34]: Yes, moving forward with detached allowed for hearing draft.

Commented [RM36]: Added to 4.7.310 for duplex.

Also add to ADU section???

Deleted: Total occupancy of a dwelling unit must not exceed two persons per bedroom plus one additional person, regardless of whether occupants are related or unrelated.

Commented [KK39]: As used in the middle housing code and confirmed by dictionary definition, an "elevation" is the side of the building, not a drawing of the side of the building. If the code requires an "elevation plan" or "elevation drawing," for example, it would be redundant to define "elevation" as the drawing. (I also note that you have used "elevation" in place of the model code's "facade" for the middle housing standards - I think that's a good swap)

Deleted: flat scale drawing of the front, rear or side

Deleted: June 24

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Emergency Shelter. The use of a church, school, motel, hotel, or other 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 (EDSPM). 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.

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.

E

Family Child Care Home. As defined in ORS 329A.440.

FCC. The Federal Communications Commission; the Federal agency that regulates interstate and international communications by radio, television, wire, satellite and cable.

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.

Commented [RM40]: MK comment. "Exempt tree or vegetation. Not sure, but can you provide context for what this is defining? Anecdotal may work, too."

Commented [RM41]: MK comment. "Exterior, only implies on historical structures? Not common defn for a common term...Change defn title to Exterior, historical? "

Commented [KK43R42]: We should get rid of this. HB 2583 prohibits occupancy limits based on relationships between related or unrelated people - only limits based on factors like bedrooms, square footage, etc., are allowed. HB 2583 goes into effect Jan. 1, 2022.

Deleted: 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 people with disabilities, a group of not more than 5 persons who need not be related (as above) living together in a dwelling unit.

Deleted: ¶

Commented [RM44]: MK comment. "Fell, remove citation of "tree topping", it is a bad practice and shouldn't be referenced in code, unless as a prohibition"

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Fence. A structure which serves as an enclosure, barrier or screen that is not part of a building.

Commented [RM45]: MK comment. "Fence, chain link is more correct term vs "cyclone"

Fence, Sight Obscuring. A fence which screens an area or object, including, but not limited to, solid wood or metal fences or slatted **chain link** fences.

Commented [RM46]: correct throughout rest of code... word search.

Fill. Sand, gravel, earth or other approved materials of any composition placed or deposited on the earth's surface by humans.

Deleted: cyclone

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.

Commented [RM47]: MK comment. "Fill, as defined would also cover bark o mulch placement or gravel addition to a driveway. I don't think that is what we want here"

Commented [RM48]: MK comment. "Final map, seems to imply that this applies only to boundary line adjustments. If that is the desire, change title to Final Map, Property Line Adjustment"

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.

Commented [RM49]: MK comment. "Final survey, same issue as above"

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,

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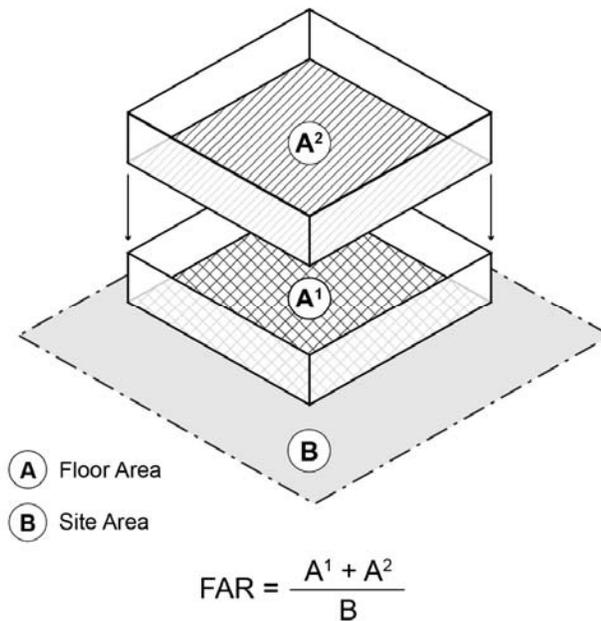
velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

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.

Floor Area. The enclosed area of each full floor area a building measured to the external face of the external walls.

Floor Area Ratio (FAR). The amount of floor area of a building or structure in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of 0.7 to 1 means 0.7 square feet of floor area for every one square foot of site area. FAR is calculated by dividing the total floor area of building by the total site area. See Figure 6.1-C

Figure 6.1-C. Floor Area Ratio



Fourplex. Four dwelling units on one lot or parcel. Units may be attached vertically or horizontally or detached.

Commented [RM51R50]: Proposed to be deleted due to state law changes. See comment above.

Commented [KK52]: HB 2583 makes this regulation inapplicable. We likely cannot regulate foster homes differently than single dwellings.

Commented [KK53]: I think we can remove this definition because "foster home" is not in the new use list for residential properties or new special standards. It would remain a listed use in mixed-use districts in 3.2-610 but we could interpret the use definition if needed to apply it to mixed use development before phase of the code is adopted.

Deleted: Foster Home

Deleted: . 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.

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Commented [RM54]: MK comment. "Fourplex is detached OK or to be determined?"

Commented [RM55R54]: Yes, moving forward with detached for public hearing.

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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.

Commented [RM56]: Still use??? Search for term

Frequent Transit Corridor. Arterial and collector roadways forming a Frequent Transit Network, as identified in the adopted Springfield Transportation System Plan, representing the highest order of transit service along major thoroughfares within the City. Characteristics of Frequent Transit Network corridors include, but are not limited to: 10-15 minute transit frequency during peak travel times, a well-connected street and transit network providing circulation integrated with pedestrian and bicycle connections, support and compatibility with urban design goals for development along the corridors, geographically equitable coverage serving populations protected by Title VI of the 1964 Civil Rights Act, and high-quality transit station amenities.

Front Façade. The façade with the main entry door and front porch or recessed entry.

Frontage. That portion of a lot or parcel that abuts a dedicated public alley, street, or highway or an approved private alley, street, or shared court private access drive.

Commented [RM57]: Kyle suggests or asks about adding alley to this def?

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 the Springfield Transportation System Plan (including the Conceptual Street Map); block length and lot/parcel size standards of the SDC; a re-division plan at a minimum urban density established in this Code 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.

G

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 five 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.

Commented [RM58]: MK comment. "Grade, finished –you can have FG without fill or excavation. Maybe just "final grade for project, not subject to further change in construction "? Needs rewording"

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.

Commented [RM59]: MK comment. "Gross acre, Gross density –we should specify if easements, public and private are part of the removal from gross to net qty's"

Gross Density. See "Density, gross".

Commented [RM60R59]: See draft SDC 3.2.235.

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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 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 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 Authority. An individual or group designated to hear Type 3 applications for land use decision.

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.

Commented [RM61]: MK comment. "Ground cover= does this include grass lawn?"

Commented [RM62R61]: Yes.

Commented [RM63]: MK comment. "Group care home, again, maybe cite OR law related to this?"

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Commented [KK64]: It appears that group care homes are subject to HB 2583 so definition needs to remove "unrelated" or "related" references and just stick to overall number of occupants.

Commented [RM65]: MK comment. "Halfway house, cite law?"

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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.

Historical Commission. The Springfield Historical 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.

Homeowner's 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 must belong to the same association. The City Attorney must review drafts of the declaration prior to Final Plat approval.

Hospital. A facility consisting of one or more buildings where health practitioners, allied health professions and alternative caregivers provide diagnosis, care and treatment of persons including convalescence and care during and after pregnancy, or for any other reason, where patients may be admitted for short-stay, day surgery, emergency service or overnight stay, or for a longer period.

Hotel. A building in which lodging is provided to guests for compensation, consisting of a lobby and individual sleeping quarters, typically without cooking facilities, with separate entrances opening directly to an internal hallway. Parking may be on-site or in a separate parking structure.

Hybrid Multi-Way Boulevard. A street design that accomplishes the fundamental goal of vehicular through traffic movement including transit facilities and also creates a pedestrian-friendly environment by providing slip lanes for local traffic, on-street parking, safe pedestrian and bicycle facilities, and by locating buildings closer to or at the right-of-way line.

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Impervious Surface. Any surface that either prevents or delays the infiltration of water into the soil as it entered under natural conditions preexistent to development, and/or a surface area that causes water to run off the surface in greater quantities or at an increased rate of flow than prior to development. Common impervious surfaces include: building roofs; traditional concrete or asphalt paving on walkways, driveways, parking lots, gravel lots and roads; and heavily compacted earthen materials.

Commented [RM66]: Def from MS4 permit. Track change edits show potential changes to the MS4 def for the SDC.

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, solar collectors, small satellite dishes and flagpoles, but excluding large 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.

Incubator Development. Facilities that accommodate new business establishments spun-off from the research, development, and testing laboratories of a major institution, a related institution, or larger high- or bio-technology industry. If on-site manufacturing or production capabilities are included within an incubator development, the establishment will be classified as an industrial use.

Industrial Park. A development on one or more lots/parcels under common ownership with two or more separate buildings that are designed, constructed and managed on an integrated and coordinated basis. Industrial parks are intended to accommodate heavy industrial uses as primary uses and office research and development, light manufacturing, light assembly, warehousing and distribution, large administrative headquarters, and other professional and administrative uses as secondary uses.

Infill. The development of vacant, bypassed lands located in an area that is mainly developed.

Infill, residential:

Commented [RM67]: MK comment. "Infill, residential 2) –I am surprised that tear downs are infill. Should they be?"

- (1) The development of up to four dwellings on land that is designated for residential use where at least 75 percent of the abutting properties have a structure, but not counting any abutting property that is large enough that it can be divided into five or more lots, or is currently developed with multiple unit housing.
- (2) A situation in which a single unit dwelling is removed to make way for up to four new dwellings (e.g., a single unit dwelling, duplex, triplex, or fourplex).
- (3) "Residential infill" does not apply to land that is large enough that it can be divided into five or more lots consistent with the minimum lot size of the zoning district.

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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.

LEED (Leadership in Energy and Environmental Design). A nationally accepted benchmark for the design, construction and operation of high-performance, energy-efficient buildings.

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.

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Linear Park. A public or private park that provides public access to trail-oriented activities, which may include walking, running, biking, or skating, and preserves open space. A linear park consists of a multi-use path, pedestrian trail, or bikeway, and related facilities.

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.

Live/Work Unit. An integrated dwelling unit and working space that is occupied and utilized by a single housekeeping unit in a structure that has been modified or designed to accommodate joint residential occupancy and work activity. The live/work unit must include complete kitchen and sanitary facilities in compliance with applicable building standards. The working space must be reserved for and regularly used by one or more occupants of the unit (e.g., professionals, entrepreneurs, and artists), in addition to any other employees. The commercial/employment use must be allowed only as permitted by the applicable zoning district.

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 reconfigured without having been approved in accordance with this Code cannot be deemed a buildable lot.

Lot Coverage. The area of a lot, parcel, property, or development area covered with structure.

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.

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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 determines 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

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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.

M

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, mobile home, or manufactured home.

- (1) **Residential Trailer.** 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 before January 1, 1962.
- (2) **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 that 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.
- (3) **Manufactured Home.** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, and was constructed on or after June 15, 1976 in accordance with federal manufactured housing construction and safety standards in effect at the time of construction.

Manufactured Dwelling Park. Any place where 4 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.

Commented [RM68]: Is the term modular home defined by state? Kyle asks if the term modular home should be included.

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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.

Marijuana. The plant Cannabis family Cannabaceae, any part of the plant of the Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae. "Marijuana" does not include industrial hemp, as defined in ORS 571.300.

Marijuana Business. Any person or entity appropriately licensed by the Oregon Health Authority or the Oregon Liquor Control Commission that sells, produces, cultivates, grows, wholesales, processes, researches, develops or tests medical marijuana or recreational adult use marijuana within the City of Springfield.

Marijuana Grow Sites. A specific location registered by the Oregon Health Authority and used by the grower to produce marijuana for medical use by a specific patient.

Marijuana Items. Marijuana, cannabinoid products, cannabinoid concentrates and cannabinoid extracts.

Marijuana Processing. The preparing, compounding, testing or conversion of marijuana into cannabinoid products, cannabinoid concentrates, and cannabinoid extracts for medical or recreational purposes.

Marijuana Production. The manufacture, planting, cultivation, growing, or harvesting of marijuana as licensed by the Oregon Liquor Control Commission or Oregon Health Authority.

Marijuana Retailer. A person or entity licensed by the Oregon Liquor Control Commission or Oregon Health Authority to sell marijuana items to a consumer in this state.

Marijuana Retail Outlet. A business location that sells marijuana items to a consumer or patient.

Marijuana Testing Laboratory. A laboratory that tests marijuana items for producer, processor, wholesaler or retail outlets.

Marijuana Wholesaler. A person or entity that purchases marijuana items in this state for resale to a person other than a consumer.

Market Area. The geographic area from which a particular use can reasonably expect to attract customers.

Commented [RM70R69]: @KRAAZ Kristina thoughts?

Commented [RM71R69]: RE: middle housing, HB 2001.

Commented [KK72R69]: @RUST Mark It doesn't appear that we need this term or definition, since 4.7.300 was just written to apply to "master plan" areas, which we already define. The key in the state's definition appears to be Master Planned areas that are larger than 20 acres, so I proposed we just put that standard into 4.7.300's standards and remove this definition (I've added into 4.7.315(C) with a comment)

Commented [RM73R69]: Great. Thanks

Deleted: Master Planned Community.

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Medical Marijuana Dispensary. A medical marijuana facility or entity registered with the Oregon Health Authority under ORS 475.300.

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.

Mid-Block Connector. A narrow street and/or a bicycle/pedestrian corridor not less than 20 feet in width that reduces larger blocks to more walkable dimensions (250 to 350 feet maximum). A mid-block connector may be a public right-of-way or privately owned and may include active use frontages with overlooking windows and pedestrian-level lighting. Limited service or parking access to the interior of a block is encouraged. On-street public parking may be provided, where feasible. Sidewalks may be located on each side of a two-way street or on one side for a one-way street. A non-vehicular connector must be designed as a "24-7" publicly accessible bicycle/pedestrian way.

Middle Housing. Duplexes, triplexes, fourplexes, cottage cluster housing, and townhomes.

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.

Mixed-Use Building or Development. A building or development characterized by either a vertical or horizontal physical integration of uses. A mixed-use building is a structure at least two stories in height that includes a mix of uses such as retail and office uses, residential and commercial uses, or commercial and light industrial uses. A mixed-use development includes multiple buildings, usually of multiple stories, designed to assure a diversity of compatible land uses that may include a mixture of residential, office, retail, services, recreational, live/work units, flex space uses, and other miscellaneous uses allowed in a zoning district.

Commented [RM74]: See also new def for Sufficient Infrastructure from HB 2001.

Commented [RM75]: MK comment. "Mini Warehouse-should residency or occupancy be prohibited in code, (say except for caretakers residence)?"

Commented [RM76]: MK comment. "Mixed Use – not sure why we don't allow single story mixed use? With proper occupancy of businesses and shielding for noise, etc, it might be a viable housing option."

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Modification. A request submitted to change a final approval of any development proposal or a modification as may be permitted to a Plan District development or building standards.

Modification of application. The applicant's submittal of new information after an application has been deemed complete and prior to the close of the record on a pending application that would modify a development proposal by changing one or more of the following described components: proposed uses, operating characteristics, intensity, scale, site layout (including but not limited to changes in setbacks, access points, building design, size or orientation, parking, traffic or pedestrian circulation plans), or landscaping in a manner that requires the application of new criteria to the proposal or that would require the findings of fact to be changed. It does not mean an applicant's submission of new evidence that merely clarifies or supports the pending application.

Motel. A building or group of buildings in which lodging is provided to guests for compensation, consisting of individual sleeping quarters, with or without cooking facilities, with separate entrances opening directly on a parking area.

Multi-Use Path. A paved facility intended to be used by pedestrians, skaters (inline or roller), and bicyclists that has no or minimal cross-flow by motor vehicles. The multi-use path is generally designed for two-way travel. The multi-use path may be separated from and aligned with the public right-of-way within an easement or located within the public right-of-way.

Multiple Unit Housing. Five or more dwelling units on an individual lot or parcel, except for Cottage Cluster housing, and not counting Accessory Dwelling Units (ADUs).

N

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.

Neighborhood Activity Center. Any public park or recreation facility, public or private school, government service, commercially zoned property, or mixed-use zoned property.

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.

Neighboring. The area in the immediate vicinity of a proposed development that would be materially affected by a proposal.

Commented [RM77]: Still needed? Where is this term used? Search for it.

Comment from Molly. This term might be referenced in the Main Street Vision Plan.

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Net Density. See "Density, net".

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.

Commented [RM78]: MK comment. " Non Exempt trees or veg. Again, an example might help this to be better understood. Footnote? "

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.

O

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.

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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.

P

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.

Commented [RM79]: MK comment. "Parking lot, seems to exempt gravel lots, are these no longer acceptable, I think there are still a lot of them around town"

Commented [RM80R79]: Gravel lots are not allowed for parking. Drinking water impacts are considered in this. There are a lot of pre existing gravel lots.

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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:

- (1) 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;
- (2) 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;
- (3) 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 continue to be considered a single unit of land until the property is further subdivided or partitioned;
- (4) The division of land resulting from the recording of a subdivision or condominium plat; or
- (5) 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 must be approved or disapproved by the applicable local government. If the property line adjustment is approved, it must 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 partition.

Party. The following persons or entities are defined as parties:

- (1) 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.
- (2) 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.

Commented [RM81]: Check procedures

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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.

Permit. Discretionary approval of a proposed development of land. "Permit" does not include:

- (1) A limited land use decision;
- (2) A decision which determines the appropriate zoning classification for a particular use by applying criteria or performance standards defining the uses permitted within the zone, and the determination applies only to land within an urban growth boundary;
- (3) A decision which determines final engineering design, construction, operation, maintenance, repair, or preservation of a transportation facility which is otherwise authorized by and consistent with the comprehensive plan and land use regulations; or
- (4) An expedited land division.

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.

Place of worship. A place for people to gather for religious activity. Examples include church, synagogue, mosque, chapel, or meeting house. Includes associated uses as described in SDC 4.7.370. (ORS 227.500)

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.

Commented [RM82]: From ORS 227.160(2)

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Planted. Landscaping with living plant materials consistent with SDC 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.

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 provides a basis for the Approval Authority to approve or disapprove the application.

Commented [RM83]: MK comment. "Preliminary Plan see Final Map and Final Survey above, same issue"

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. A line which divides one property from another or from a public or private street or any other public space.

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.

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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.

- (1) **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.
- (2) **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.

Q

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.

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.

R

Reclamation, quarry or mining. 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 affected 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.

Commented [RM84]: MK comment. "Reclamation. There are other types of reclamation besides quarry or mine. Brownfields, for one. Change title to "Reclamation, Quarry or Mine" or reword. Also "effective" is not proper word in defn, should be "affected by the operations"

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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 Marijuana. Any marijuana intended for recreational use which meets all requirements for recreational marijuana contained in this Chapter, Oregon state law, and any other applicable law.

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 must be identified as a recreational vehicle by the manufacturer or converter.

Redevelopment. A project that entails construction activities, occurs on a previously developed site and results in the addition or replacement of impervious surface. Redevelopment does not include: Maintenance activities; Construction Activities conducted to ameliorate a public health or safety emergency or natural disaster; and/or Construction Activities within an existing footprint to repair or replace a site or a structure damaged by a public health or safety emergency or natural disaster.

Commented [RM85]: Def from MS4 permit.

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 must 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 or Certified Family Child Care Home. See Definition for Childcare Facility. Also see ORS 329A.

Commented [RM86]: Ok to cite to ORS?

Registered Geologist. A person who is registered as a geologist by the State of Oregon.

Replat, Major. The elimination and/or relocation of more than two exterior and/or interior common boundary lines or *property* lines within a recorded Subdivision; or an increase in the number of lots; or decrease of two or more lots within a recorded Subdivision.

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Replat, Minor. The elimination and/or relocation of no more than two exterior and/or interior common boundary lines or *property* lines within a recorded Subdivision or Partition; or a decrease of one lot/parcel within a recorded Subdivision or Partition.

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 Care Facility. A facility licensed under ORS 443.400 to 443.455 that provides residential care in one or more buildings on contiguous properties:

- (1) For six or more socially dependent individuals or individuals with physical disabilities; or
- (2) For fewer than six socially dependent individuals or individuals with physical disabilities if the purpose of the facility is to serve individuals with co-occurring behavioral health needs who are more appropriately served in smaller settings.

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 five or fewer individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements must 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.

Residential infill. See "Infill, residential".

Residential use. Of, relating to, or connected with a residence or residences.

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.

Review Authority. The Director, Planning Commission, Hearings Official, or City Council of the City of Springfield.

Commented [RM87]: MK comment. "Relocation. Defn is wrong. What is being described is a form of lot line adjustment. A relocation survey is actually a surveying term which describes a survey to find or reestablish EXISTING lines and monuments."

Commented [RM88R87]: Do we still need this def? The work "relocation" is used in the definition for Property line adjustment, and is also reflected in ORS 92. ORS doesn't define "relocation".

Commented [RM89]: See ORS 443.400(7)

Commented [KK90]: This can stay because no reference to relationship of occupants.

Commented [KK91]: This language can stay under HB 2583 because we are not regulating based on related or unrelated status - this "need not be related" language just clarifies no relationship is considered.

Commented [MR92]: See new code section 3.2.235(D)(4).

Deleted: June 24

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. Riparian areas are vegetated areas (generally consisting of trees, shrubs, and grasses) located along **both** sides of water bodies and are transitional boundaries between land and water environments. Riparian zones act as buffers to protect surface waters from contamination and are habitats for a large variety of animals and birds.

Commented [RM93]: MK comment. "Riparian area --remove "both" from defn. A waterway can possibly have riparian area on one side only (eg bank is concreted in on the other side)"

Commented [RM94R93]: Is this based on a state, federal def?

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.

Run-Off. Water that flows across the land surface rather than being absorbed.

Commented [RM95]: MK comment. "Run off --I'd change it to "across land surfaces" which covers different types of surfaces, eg soil, roadway, parking lot, etc"

is

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.

School. A building where individuals gather to receive educational instruction, either public or private, except as otherwise specifically defined in this Code. School does not include a childcare facility as defined in this Chapter.

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, bodywork, 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 "yard", as defined in this section, including "yard, front", "yard, rear", and "yard, side". 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;

Commented [RM96]: Delete if removing solar setback standards?

Deleted: June 24

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 3 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 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 five 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*.

Short Term Rental.

Type 1 – A single unit dwelling occupied by one or more occupants on primarily a permanent basis and where lodging is provided for compensation, with or without meals, for a period of less than 30 consecutive calendar days, counting portions of calendar days as full days, for more than seven calendar days per year.

Type 2 – A single unit dwelling not occupied on a permanent basis arranged or used for lodging for compensation, with or without meals, for a period of less than 30 consecutive calendar days, counting portions of calendar days as full days, for more than seven calendar days per year.

Sidewalk. The portion of a street or highway right-of-way designated for preferential or exclusive use by pedestrians.

Single-unit Dwelling, Attached. See Townhome

Single-unit Dwelling, Detached (SD-D). One dwelling unit on its own lot or parcel that does not share a wall with any other dwelling unit, other than an accessory dwelling unit.

Single Room Occupancy (SRO's). A building or buildings that provides living units that have separate sleeping areas. The building may or may not have separate or shared cooking facilities for the residents. For the purposes of determining residential density, four SRO rooms equal one dwelling. Fractional dwellings will be rounded to the next higher number, e.g., five SRO rooms equal two dwellings. SROs can be located in any

Commented [RM97]: MK comment. "Shared use path seems to exclude electric bikes. I don't think that is the desire?"

Commented [RM98]: MK comment. "Shelter home, if these are State coded, perhaps the OR statute could be cited?"

Commented [KK99]: This is a problem under HB 2583, likely just need to regulate as a single dwelling unit.

Commented [RM101R100]: Rooming house term is now being used to encompass short term rentals such as Air B n B.

Deleted: Rooming House

Deleted:

Commented [RM102]: Based on Building Code definition of, and would include the use of, Lodging House. Limits of total occupants and guest rooms is also from Building Code, 310.4.2.

Deleted:

Commented [KK103]: Revised to better match transient occupancy definition. Could call this a "short term rental," as well, but I think that term is a little loaded right now. I note that previously rooming houses were longer term rooming houses (I was wrong on this during our meeting - both boarding and rooming houses were longer term. B&Bs was the only short term rental type, but it required serving food).

Commented [RM104]: Move to special standards or leave here in def's?

Deleted: June 24

residential building [occupancy] including single unit homes, multiplexes, multi-unit housing, etc.

Site Plan. The development plan for a development area that meets the standards of this Code.

Siting Standard. A standard related to the position, bulk, scale, or form of a structure or a standard that makes land suitable for development. Siting standards include, but are not limited to, standards that regulate setbacks, dimensions, bulk, scale coverage, minimum and maximum parking requirements, utilities, and public facilities.

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 cubic centimeters (cc's) in displacement.

Solar Access. Unobstructed exposure to direct sunlight, excluding limited obstruction as expressly permitted by this Code.

Commented [RM105]: Needed if solar setback standard removed?

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.

Commented [RM106]: MK comment. "Solar definitions should stay as should solar access stds for lots that are already platted as such. New subdivisions could elect to delete them, if they wanted. But existing land rights need to be respected"

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 must be satisfied in order to allow a proposed land use or development to be established or modified.

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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.

Stormwater. Water derived from a storm event or conveyed through a storm sewer water management system.

Stormwater Best Management Practices (BMPs).

- (1) **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.
- (2) **Structural.** Engineered devices implemented to control, treat or prevent stormwater run-off pollution.

Stormwater Management Plan. A policy document adopted and, as modified from time to time, approved by resolution of the City Council setting forth the policies and procedures to be used in reviewing development proposals that alter or affect the natural, pre-development flow of stormwater. These policies and procedures are to be applied to public and private improvements and allow City staff to provide certainty to developers and consultants to permit them to design and submit for approval safe, efficient, and cost effective stormwater management system projects within the City and its Urban Growth Boundary.

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.

Commented [RM107]: MK comment. "Start of construction- interesting that garages and sheds can be constructed without "start of construction" beginning? Seems unwise, possibly, depending on size, location, etc of ancillary structure"

Deleted: June 24

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 SDC 3.3.400, Floodplain Overlay District, a walled or roofed building including a gas or liquid storage tank that is principally above ground.

Commented [RM108]: MK comment. "Structure, includes tanks, but only principally above ground. Not sure why mostly below ground tanks are excluded from this or from the defn of Building (see above) These 2 defn's may need some work"

Structure, Parking. A parking garage located aboveground or underground consisting of two or more levels.

Structure, Primary. A structure, or combination of structures, of chief importance or function on a site. In general, the primary use is carried out in a primary structure. 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**.)

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.

Sufficient Infrastructure. The following level of public services to serve new Triplexes, Fourplexes, Townhouses, or Cottage Cluster Housing development:

- (1) Connection to a public sanitary sewer system capable of meeting established service levels.
- (2) Connection to a public water system capable of meeting established service levels.
- (3) Access via public or private streets meeting adopted emergency vehicle access standards to a city's public street system.
- (4) Storm drainage facilities capable of meeting established service levels for storm drainage.

Commented [RM109]: Michael comment
Need to talk about matching code language with Section 4.2-120.

Sunchart. A photograph, or a scaled drawing prepared or certified by a licensed or certified architect, landscape architect, engineer, planner or utility solar technician,

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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.

I

Tentative Plan. A clearly legible drawing of the lots or parcels and other elements of a partition or subdivision which provides 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 groundwater 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:

- (1) A berm or other break in slope from the watercourse bank to a flat valley bottom, terrace or bench;
- (2) A change in vegetation from bare surfaces or annual water-tolerant species to perennial water-tolerant or upland species; and
- (3) A change in the size distribution of surface sediments (e.g., gravel to fine sand) (Figure 6.1-D).

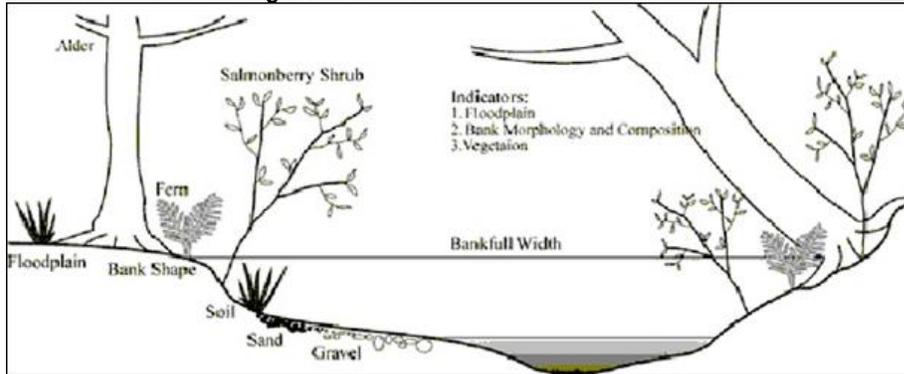
Commented [RM110]: MK comment. "Top of Bank-defn only talks about tops of banks to watercourses, where there are tops of bank that are not water "Top of Bank shall mean a point or line which is the beginning of a significant change in the land surface, then from which the land surface slopes downward. " Change title of defn to Top of Bank, Watercourse?"

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**Figure 6.1-D.
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.

Townhouse (Townhome). A dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit. A townhouse is also commonly called a rowhouse, attached house, or common wall house.

Townhouse Project. One or more townhouse structures constructed, or proposed to be constructed, together with the development area where the land has been divided, or is proposed to be divided, to reflect the Townhouse property lines and any commonly owned property.

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.

Triplex. Three dwelling units on one lot or parcel. Units may be attached vertically or horizontally or detached.

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.

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Commented [RM111]: MK comment. "Triplex-again has detached been determined as being acceptable?"

Commented [RM112R111]: Yes, we are moving forward with detached units for the public hearing.

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Use, Accessory. A use or uses within a primary commercial, office and/or employment building that is for the employees' benefit and that does not generally serve the public, including, but not limited to, building maintenance facilities, central mail rooms, child care, conference rooms, employee restaurants and cafeterias, indoor recreation areas, and indoor recycling collection centers. The accessory use is not considered a secondary use and does not have to meet any percentage standard; however, the accessory use must be part of a primary use building.

Use/Activity, Water-Dependent. A use or activity that requires access to the Willamette River for water-borne transportation, recreation, energy production, or source of water.

Commented [RM113]: MK comment. "'Use/Activity', and later Use, Water Dependent, Water Oriented and Water Related-all these refer only to the Willamette River, do other water bodies (creeks/Millrace/ponds/McKenzie) apply?"

Use/Activity, Water-Oriented. A use or activity whose attraction to the public is enhanced by a view of or access to the Willamette River.

Use/Activity, Water-Related. A use or activity that is not directly dependent upon access to the Willamette River, but which provides goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to the river, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or activities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and mobile home parks are not generally considered dependent on or related to water location needs.

Use Category. A grouping of land uses which have similar operating characteristics and land use impacts.

Use, Nonconforming. 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. An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed, or ordinarily used. A site may have more than one primary use. The primary use usually occupies more than 50 percent of the gross floor area of a building or more 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 that is incidental and subordinate to the primary use, and located in the same building or in the same development area as the primary use. No secondary use can occupy more than 50 percent of the gross floor area of a building or more than 50 percent of a development area occupied by the primary use. Secondary uses must not occur in the absence of primary uses. Secondary uses are not accessory 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.

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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.

V

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 portion of land established at street, alley, or driveway intersections in which nothing may obstruct the sight distance of motorists entering or leaving the intersection, unless specifically exempted by this Code.

W

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 land use district.

Waste Storage. A place where waste containers, including compactors, dumpsters, and garbage cans, are collectively stored. Waste storage includes, areas used to collect and store refuse or recyclable materials. Exempt from this subsection are waste storage areas for detached Single-unit Dwellings, middle housing types, and areas used for the temporary storage of wood pallets or cardboard.

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.

Commented [RM114]: Existing definition in 6.1. Also see new draft code section 3.2.415(E).

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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 groundwater at a frequency and duration sufficient to support, and that under normal circumstances to support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, and similar areas excluding those constructed as water quality or quantity control facilities.

Commented [RM115]: MK comment. "Wetlands –change "marches" to marshes"

Commented [RM116R115]: Good catch. Existing typo in code.

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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 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. Terms and definitions associated with WTS facilities, and the standards that regulate their siting and design are found in SDC 4.3.145(E).

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 8 inches or greater dbh.

Commented [RM117]: MK comment. "Wooded lot/parcel. Defn is too strictured by elevation and lot size. Why not lower elev and smaller SF?"

Commented [RM118R117]: Matches the hillside development standards.

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.

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Y

Yard. For the purpose of establishing setbacks, yard is an open space on a lot which is unobstructed from the ground upward except as otherwise provided in this code.

Commented [RM119]: MK comment. "Yard, through lot and St Side Yard-confusing defn's would a graphic be useful here? I don't know what these concepts are"

Yard, front. An open space extending the full width of the lot between the front facade of a building or the front of an unenclosed porch and the front lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this code.

Yard, rear. An open space extending the full width of the lot between the rear facade of a building and the rear lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this code.

Yard, side. An open space extending from the front yard to the rear yard between the side facade of a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this code.

Yard, 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.

Yard, 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.

Z

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.

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**Section 3.2.300 – Commercial Districts
(NC, CC, MRC, GO)**

Subsections:

- 3.2.305 Purpose and Applicability**
- 3.2.310 Use Category Determination**
- 3.2.315 Commercial Use Categories**
- 3.2.320 Permitted Uses**
- 3.2.325 Development Standards**

3.2.305 Purpose and Applicability

(A) Purpose. The purpose of the Commercial Districts is to:

- (1) Broaden, improve, and diversify the Springfield economy while maintaining or enhancing environmental quality and Springfield’s natural heritage.
- (2) Strengthen and maintain strong, connected employment centers and economic corridors to support small, medium, and large businesses.
- (3) Establish, strengthen, and maintain viable commercial centers to improve the community’s access to goods and services.
- (4) Make development decisions predictable and cost effective.

(B) Applicability. The provisions in this section apply to development in the Neighborhood Commercial (NC), Community Commercial (CC), Major Retail Commercial (MRC), and the General Office (GO) Districts. These districts are identified on the City’s official Zoning Map. Properties designated within each district that contain additional standards must comply with the provisions of the applicable district, except as may be modified by this section. The districts serve different uses as described below.

Land Use District	Location and Characteristics
Neighborhood Commercial (NC)	This district is intended to provide opportunities for sites to provide day to day commercial needs.
Community Commercial (CC)	This district is intended to provide opportunities for sites to provide for a wide range of retail sales, retail service, and professional office uses. This district is intended to include all existing strip commercial areas.
Major Retail Commercial (MRC)	This district is intended to provide opportunities for sites suitable for shopping centers.
General Office (GO)	This district is intended to provide opportunities for office uses as a transition, providing a buffer between residential districts and more intensive commercial development at the boundaries of a Community Commercial or Major Retail Commercial district.

3.2.310 Use Category Determination

(A) For the purpose of this Section 3.2.300, uses and activities are classified into use categories on the basis of common functional, product, or physical characteristics, as described below.

- (1) **Determination.** Uses are assigned to the category whose description most closely describes the nature of the primary use. Developments may have more than one primary use. Developments may also have one or more accessory uses.

Check for naming consistency.

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Discuss the difference between these two options with Kristina and Jim D.

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When a use's category is not clearly identifiable, the Director determines the applicable use category through a Type 2 approval process. The Director will consider the following factors to determine what use category the use is in, and whether the activities constitute primary uses or accessory uses:

- (a) The description of the activity in relationship to the characteristics of each use category;
- (b) The relative amount of site or floor space and equipment devoted to the activity;
- (c) Relative amounts of sales from each activity;
- (d) The customer type for each activity;
- (e) The relative number of employees in each activity;
- (f) Hours of operation;
- (g) Building and site arrangement;
- (h) Vehicles used with the activities;
- (i) The relative number of vehicle trips generated by the activities;
- (j) The signage for the proposed use(s) and activities;
- (k) How the use advertises itself; and
- (l) Whether the activities function independently of other activities on the site.

(2) Multiple uses. When all of the primary uses of a development fall within one use category, then the development is assigned to that use category. When the primary uses of a development fall within different use categories, each primary use is classified in the applicable category and is subject to the regulations for that category.

(3) Determination of Similar Land Use. Subject to prior submittal and approval of an application pursuant to Type 2 procedures, uses and development similar to uses and development in Table 3.3.320 may be allowed if found by the Director to be "clearly similar" to the uses and development allowed by Table 3.3.320. The applicant has the burden to provide sufficient information to allow the Director to make findings on the following criteria.

The Director must make findings that the proposed use is "clearly similar" based on the following criteria:

- (a) The use and development are consistent with the purpose of this section.
- (b) When compared with the uses and development permitted by Table 3.2.420, the use and development are similar to one or more of these uses and development based on an analysis of the:
 - (i) Goods or services traded from the site;
 - (ii) Bulk, size, and operating characteristics of the proposed use and development; and
 - (iii) Parking demand, customer types and traffic generation.
- (c) The use and development comply with the other applicable provisions of this Section.

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Similar use determinations that are not "clearly similar" because they do not meet the standards above, must be made in conformance with the procedures in Springfield Development Code 5.11.100, Interpretations.

3.2.315 Commercial Use Categories

(A) Retail Sales and Service

The code provides for three types of Retail Sales and Service uses. The three types include automobile dependent uses; automobile oriented uses; and non-automobile dependent or oriented uses. The distinctions are specified below.

- (1) Automobile-dependent use. Uses where automobiles and/or other motor vehicles are served by the use and the use would not exist without them, such as vehicle repair, gas station, car wash, or auto and truck sales.
- (2) Automobile-oriented use. Uses where automobiles and/or other motor vehicles are an integral part of the use, such as drive-up, drive-in, and drive-through facilities.
- (3) Non-automobile dependent or oriented use. Retail Sales and Service uses that do not qualify as automobile dependent or automobile oriented.

(B) Eating and Drinking Establishment

- (1) Eating and Drinking Establishment uses include but are not limited to: restaurants, cafes, and similar types of land uses that prepare and serve edible goods for consumption by the customer including beverage service.

(C) Offices and Clinics

- (1) Office and clinic uses include but are not limited to: a wide range of business and professional offices; and medical clinics and offices. Examples of these uses include doctor, dentist, chiropractor, optometrist, research, processing, and laboratory facilities.

(D) Warehouse and Wholesale sales

- (1) Warehouse and Wholesale sales uses include the wholesale storage or movement of goods by a company for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. Wholesale Sales refers to the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer.
- (2) Examples of Warehouse and Wholesale sales uses include but are not limited to: regional distribution headquarters including storage, wholesale warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; wholesale distribution centers; truck/ freight terminals; bus barns; parcel delivery services; major post offices; grain terminals; and the stockpiling of sand, gravel, or other

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aggregate materials. Additionally, wholesale sales includes sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, building hardware, and office supplies.

(3) Exceptions

- (a) Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.
- (b) Uses that engage primarily in sales to the general public are classified as Retail Sales and Service.
- (c) Uses that engage in sales on a membership basis are classified as Retail Sales and Service.

I think these are criteria instead of
Just flagging that we will need to

(E) Secondary Use

- (1) Secondary Use means a use that is integrated with the primary use, is not stand alone, and is not permitted in the absence of a primary use.

Work on these? Both needed?

(F) Accessory Use

- (1) Accessory Use means a use that is subordinate to the primary use.

3.2.320 Permitted Uses

- (A) The land uses listed in Table 3.2.320 are permitted in each of the applicable districts, subject to [Site Plan Review approval](#) and the provisions of this section.

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Land Use	Commercial District				Special Use Standards
	NC	CC	MRC	GO	
Commercial					
Retail Sales and Service (non-automobile dependent/oriented)	P*	P	P	P*	SDC 4.7.230 and 4.7.235
Retail Sales and Service (automobile dependent)	N	P ₋	P ₋	N	See new section...
Retail Sales and Service (automobile oriented)	N	P ₋	P ₋	N	See new section...
Marijuana Business: marijuana retail outlet (recreational or medical)	N	P ₋	P ₋	N	SDC 4.7.177
Recreation Facilities	P ₋	P ₋	P ₋	N	SDC 4.7.205
Eating and Drinking Establishments (with drive-through)	P	P	P	N	
Eating and Drinking Establishments (without drive-through)	P	P	P	P*	SDC 4.7.145
Offices and Clinics	P	P	P	P	
Animal hospital, animal clinic, or kennel	N	P ₋	N	N	SDC 4.7.110
Garden Supply or Feed Store	N	P	P*	N	SDC 4.7.150

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Table 3.2.320 Permitted Uses					
Land Use	Commercial District				Special Use Standards
	NC	CC	MRC	GO	
Manufactured unit as a temporary construction office, security quarters, or general office.	P*	P*	P*	P*	SDC 4.7.185 4.8.110, and 4.8.120
Manufactured home as a manufactured home sales office	P*	P*	P*	N	SDC 4.8.115
Lodging					
Hotels and motels	N	P	P	N	
Boarding House	P*	P*	N	N	SDC 4.7.395
Hostel	P	P	N	N	
Emergency housing	N	P	N	N	
RV park	N	P*	N	N	SDC 4.7.220
Industrial					
Manufacture or assembly of goods or products to be sold on premises	N	P*	N	N	SDC 4.7.145
Warehouse and Wholesale sales	N	P*	N	N	SDC 4.7.245
Residential					
Residential uses in areas designated Mixed Use in: the Metro Plan; a Refinement plan; or in Mixed Use district in this code.	P*	P*	P	N	SDC 4.7.210
Family Child Care Home	P*	P*	P*	P*	SDC 4.7.405
Child Care Center	P	P	P	P	
Transportation Facilities					
Dock, boat ramp, and marinas	N	D	N	N	
Heliport or helistop	N	P*	P*	N	SDC 4.7.240
Transit Station	N	P*	P*	N	SDC 4.7.240
Linear Park	P	P	P	P	
Bicycle paths and pedestrian trails	P	P	P	P	
Other					
Secondary Use (as defined)	P	D	D	P*	SDC 4.7.145
Accessory Use (as defined)	P	P	P	P	
Agricultural cultivation of vacant land	N	P	P	N	
Public and Institutional					
Private/Public Elementary and Middle Schools	D*	D*	N	N	SDC 4.7.195 and 5.9.110
Branch educational facilities	P	P	P	N	
Place of worship	P*	P*	P*	P*	SDC 4.7.370
Family Child Care Home (not subject to Site Plan Review)	P*	P*	P*	P*	SDC 4.7.405
Child Care Center	P*	P*	P*	P*	SDC 4.7.125
Club (see definition 6.1.110)	P	P	P	N	

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Commissioner MK 08_21

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Table 3.2.320 Permitted Uses					
Land Use	Commercial District				Special Use Standards
	NC	CC	MRC	GO	
Hospital	P	P	P	N	
Community Service; includes Governmental Offices	P	P	P	P	
High impact public utility facilities	P*	P*	P*	P*	SDC 4.7.160
Low impact public utility facilities	P	P	P	P	
Communication towers, including antennas and relay equipment	N	D	D	N	
Wireless Telecommunications System (WTS) Facilities	See SDC 4.3.145	See SDC 4.3.145	See SDC 4.3.145	See SDC 4.3.145	SDC 4.3.145

P = Permitted Use; D = Discretionary Use permit required; N = Not Allowed;
 *Permitted subject to Standards and Regulations for Certain Uses.

3.2.325 Development Standards

In addition to applicable provisions contained elsewhere in this code, the development standards listed in this section apply to all development in commercial districts. In cases of conflicts in this section between the general standards and the area-specific standards, the area-specific standards apply.

(A) Lot Area, Dimensions, and Coverage

The following Table 3.2.325 sets forth the commercial district lot area, lot dimension, and coverage standards.

Table 3.2.325(A) Commercial District Lot Area, Dimension, and Coverage Standards				
Development Standard	NC	CC	MRC	GO
Minimum lot/parcel size	6,000 square feet	6,000 square feet	6,000 square feet	6,000 square feet
Individual lease space size.	15,000 square feet maximum	N/A	N/A	N/A
Minimum frontage, see (1) below	50 feet	50 feet	50 feet	50 feet
Panhandle lot/parcel minimum frontage, both single and double panhandles	Not permitted	40 feet	Not permitted	Not permitted
Maximum lot/parcel coverage	35 percent	Limited only by requirements of others Sections of this Code		

See footnote (10) in CI zone. Add this language to Sec. 4.7.160? "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."

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Deleted: May 28

Development Standard	NC	CC	MRC	GO
Minimum landscaping	Perimeter and interior landscaping area combined coverage must not be less than 20% of the total development area.	Minimum landscaping area established by standards in other sections of this code.		
Maximum parking, loading, and vehicular circulation area coverage	45 percent	Lot/parcel coverage established by standards in other sections of this code.		

(1) The frontage standard does not apply when the following are met:

- (a) The lots/parcels have been approved as part of a Master 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 4.2.120(A).

(B) Setbacks

Setbacks provide separation between commercial and non-commercial uses for fire protection/security, building maintenance, sunlight and air circulation, noise buffering, and visual separation. All developments must meet applicable fire and building code standards, which may require greater setbacks than those listed in this section (e.g., for combustible materials, etc.).

Required setbacks are measured from the special street setback in Section 4.2.105(N), where applicable.

The following setback standards apply to all structures, except as otherwise provided by this section.

(1) Front yard building setback

- (a) All commercial districts (NC, CC, MRC, and GO).
 - (i) The minimum front yard building setback is 10 feet.

(2) Parking, driveway, or outdoor storage setback

- (a) Neighborhood Commercial. The minimum yard setback for parking, driveway, or outdoor storage is 7 feet from any property line.

Deleted: May 28

- (b) Other commercial districts (CC, MRC, and GO). The minimum yard setback for parking, driveway, or outdoor storage is 5 feet from any property line.

(3) Setback Exceptions

- (a) There are no setbacks required for buildings in the Downtown Exception Area.
- (b) Architectural extensions may extend into any 5-foot or larger setback by no more than 2 feet.
- (c) Where a public utility easement (PUE) is larger than the required setback standard, no building, architectural extension, or above grade structure, except a fence, can be built upon or over that easement.

Table 3.2.325(B) summarizes the above setback standards, subject to the exceptions above.

Development Standard	NC	CC	MRC	GO
Front setback for building	10 feet	10 feet	10 feet	10 feet
Setback for parking, driveway, or outdoor storage	7 feet	5 feet	5 feet	5 feet

(C) Height

- (1) The following building height standards are intended to promote land use compatibility and flexibility for commercial development at an appropriate community scale.
 - (a) Buildings and structures in the Neighborhood Commercial District are limited to the maximum height of 20 feet.
 - (b) Buildings and structures in the Community Commercial, Major Retail Commercial, and General Office Districts have no maximum height, except when abutting a residential district. When abutting a residential district the following height standards apply:
 - (i) The height of a structure must not exceed the height permitted in the adjacent R-1 or R-2 residential land use district for a distance of 50 feet.
- (2) Incidental equipment, as defined in SDC 6.1.110 may exceed the height standard.

Table 3.2.325(C) summarizes the above height standards.

Development Standard	NC	CC	MRC	GO
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Keep or delete? This would be true even if we don't state it here.

Kristina K comment
 This is much too broad and get into an area of private property relationships that we do not want to govern. This should be limited to whatever specific type of easement(s) make sense to the City to regulate – i.e. easements that are an alternative to minimum setbacks, PUEs, etc. Some easements may be private easements for access or sunlight or views, that the City may not want to enforce directly.

See code section 3.4.265 note 4. Existing language needs to be changed elsewhere too.

Deleted: May 28

Maximum Height	20 feet	No Maximum Height, except when abutting residential districts. When directly abutting an R-1 or R-2 district, the height of a structure must not exceed the height permitted in the adjacent R-1 or R-2 residential land use district for a distance of 50 feet from the property line.
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| [November 5, 2021](#)

**Section 3.2.400 – Industrial Districts
(CI, LMI, HI, SHI)**

Subsections:

- 3.2.405 Purpose and Applicability
- 3.2.410 Categorizing Land Uses
- 3.2.415 Industrial Use Categories
- 3.2.420 Permitted Uses
- 3.2.425 Development Standards
- 3.2.430 Campus Industrial District – Operational Performance Standards
- 3.2.435 Campus Industrial District – Monitoring Uses
- 3.2.440 Campus Industrial District – Status of Existing Uses
- 3.2.445 Campus Industrial District – Conceptual Development Plans and Master Plans
- 3.2.450 Campus Industrial District – Design Standards
- 3.2.455 Business/Industrial Parks

Commented [MR1]: Still need to add these sections.

3.2.405 Purpose and Applicability

(A) Purpose. The purpose of the Industrial Districts is to:

- (1) Broaden, improve, and diversify the Springfield economy while maintaining or enhancing environmental quality and Springfield’s natural heritage.
- (2) Provide certainty, predictability, and flexibility in the development of industrial development.
- (3) Make development decisions predictable and cost effective.

(B) Applicability. This section applies to development in the Campus Industrial (CI), Light Medium Industrial (LMI), Heavy Industrial (HI), and the Special Heavy Industrial (SHI) Districts. These districts are identified on the City’s official Zoning Map. Properties designated within each district that contain additional standards must comply with the provisions of the applicable district, except as may be modified by this section. The districts serve different uses as described below.

Commented [RM2]: Check for consistency

District	Location and Characteristics
Campus Industrial (CI)	This district is intended to provide 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.
Light-Medium Industrial (LMI)	This district is intended to provide opportunities for 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.
Heavy Industrial (HI)	This district is intended to provide opportunities for 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. Less intensive industrial uses that are permitted in the LMI District are also permitted in this district.
Special Heavy Industrial (SHI)	This district is intended to provide opportunities to accommodate industrial developments that need large parcels, particularly those with rail access. Although the primary purpose of this district is to provide sites for heavy industries other industry is allowed.

3.2.410 Use Category Determination (Categorizing Land Uses???)

(A) For the purpose of Section 3.2.400, uses and activities are classified into use categories on the basis of common functional, product, or physical characteristics, as described below.

(1) **Determination of Use Category.** Uses are assigned to the category whose description most closely describes the nature of the primary use. Developments may have more than one primary use. Developments may also have one or more accessory uses.

When a use's category is not clearly identifiable, the Director, through an administrative action, determines the applicable use category. The Director will consider the following factors to determine what use category the use is in, and whether the activities constitute primary uses or accessory uses:

- (a) The description of the activity in relationship to the characteristics of each use category;
- (b) The relative amount of site or floor space and equipment devoted to the activity;
- (c) Relative amounts of sales from each activity;
- (d) The customer type for each activity;
- (e) The relative number of employees in each activity;
- (f) Hours of operation;
- (g) Building and site arrangement;
- (h) Vehicles used with the activities;
- (i) The relative number of vehicle trips generated by the activities;
- (j) The signage for the proposed use(s) and activities;
- (k) How the use advertises itself; and
- (l) Whether the activities function independently of other activities on the site.

(2) **Multiple uses.** When all of the primary uses of a development fall within one use category, then the development is assigned to that use category. When the primary

Commented [RM3]: From KSK-The Springfield Comp Plan has a note that says zoning for areas designated SHI is LMI or SHI, but will be more specifically determined in a refinement plan or future comp plan update. The only place designated/zoned SHI in Springfield is the Jasper Natron area. I wonder whether it would make more sense to set apart the SHI district in the same way as the UHA-E area or CI areas, with its own discussion of its special status, rather than putting it in with the LMI and HI industrial zones?

Commented [RM4]: Rick S. likes better. From TAC conversation.

Commented [KK5R4]: I recommend matching the Commercial District language with whatever you do here

uses of a development fall within different use categories, each primary use is classified in the applicable category and is subject to the regulations for that category.

- (3) **Determination of Similar Use Category.** Subject to prior submittal and approval of an application pursuant to Type II procedures, uses and development similar to those found in Table 3.2.420 may be allowed if found by the Director to be “clearly similar” to the uses and development allowed by Table 3.2.420. The applicant has the burden to provide sufficient information to allow the Director to make findings on the following criteria.

Commented [RM6]: Use, verses category above. From TAC.

The Director must make findings that the proposed use is “clearly similar” based on the following criteria:

- (a) The use and development are consistent with the purpose of this section.
- (b) When compared with the uses and development permitted by Table 3.2.420, the use and development are similar to one or more of these uses and development based on an analysis of the:
- (i) Goods or services traded from the site;
 - (ii) Bulk, size, and operating characteristics of the proposed use and development; and
 - (iii) Parking demand, customer types, and traffic generation; and
- (c) The use and development comply with the other applicable provisions of this Section.

Uses that are not “clearly similar” because they do not meet the standards above, may be allowed as a new use, according to the procedures and standards in section 5.11.100, Interpretations.

Commented [RM7]: Discuss the difference between these two options with Kristina and Jim D. Which on would be better? Are they both needed? A type 1 verses a type 2 process?

3.2.415 Industrial Use Categories

- (A) **Industrial Use** – employment activities, including, but not limited to the use of land primarily for the manufacture, assembly, fabrication, processing, storage, logistics, warehousing, importation, distribution and transshipment, and research and development, that generate income from the production, processing, handling or distribution of goods and services, including goods and services in the traded sector as defined by ORS 285A.010.

Commented [MR8]: Check this reference. Needed?

(B) Heavy Manufacturing and Production

- (1) “Heavy Manufacturing and Production” refers to the manufacturing from raw materials, processing from raw materials, or assembly of goods. Natural, human-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.

(2) Examples of Heavy Manufacturing and Production uses include but are not limited to: lumber mills, pulp and paper mills, and other wood products manufacturing; manufacturing and processing of metals or metal products including enameling and galvanizing; biotechnology; manufacturing or processing of chemical, rubber, leather, clay, bone, plastic, stone, concrete, glass materials, or related products; manufacturing or production of food and beverage or related products; manufacturing of textiles or apparel; woodworking, including cabinet makers; the production of energy; and paper products or other similar materials manufacturing or processing.

(3) Exceptions

- (a) Manufacturing of goods to be sold primarily on-site and to the general public is classified as Retail Sales and Service as found in section 3.2.300.
- (b) Manufacture and production of goods from composting organic material is classified as Waste-Related uses.
- (c) Warehouse, Freight Movement, and Distribution uses are classified under the Warehouse and Wholesale sales category.

Commented [RM9]: This needs work. Rework?

(C) Light Manufacturing, Fabrication, and Repair

- (1) "Light Manufacturing, Fabrication, and Repair" refers to the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, human-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.
- (2) Examples of Light Manufacturing, Fabrication, and Repair uses include but are not limited to: manufacturing, fabrication, or repair of appliances, electronic equipment, furniture, signs, and similar goods; fabrication of metal or metal products; manufacturing, assembly, or repair of machinery, equipment, instruments, biotechnology; manufacturing of apparel or other finished goods made from canvas, cloth, fabrics, feathers, felt, leather, textiles, wool, yarn, or similar materials; finished woodworking and assembly, including cabinet makers; preparation of food and related products including catering establishments; breweries, distilleries, and wineries; media production facilities; and manufacturing of prefabricated or modular structures including manufactured homes and related components.

(D) Industrial Service

- (1) "Industrial Service" refers to the repair or servicing of business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

(2) Examples of Industrial Service uses include but are not limited to: welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; storage of building materials; heavy truck servicing and repair; tire re-treading or recapping; building, heating, plumbing or electrical contractors; printing, publishing and lithography; recycling operations; janitorial and building maintenance services including exterminators; fuel oil distributors; solid fuel yards; research, development, and testing laboratories or facilities; technology development and support centers; industrial laundry, dry-cleaning, and carpet cleaning plants; and photofinishing laboratories.

(3) **Exceptions**

- (a) Contractors and others who perform Industrial Services off-site are included in the office category, if equipment and materials are not stored at the site, and fabrication or similar work is not carried on at the site.
- (b) Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop.

(E) **Warehouse and Wholesale sales**

(1) Warehouse and Wholesale sales includes the wholesale storage or movement of goods by a company for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. "Warehouse" refers to 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 land use district. "Wholesale Sales" refers to the sale, lease, or rental of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer.

Commented [RM10]: Existing definition in 6.1. Also see new draft code section 3.2.415(E).

(2) Examples of Warehouse and Wholesale sales uses include but are not limited to: regional distribution headquarters including storage, wholesale warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; wholesale distribution centers; truck/ freight terminals; bus barns; parcel delivery services; major post offices; grain terminals; and the stockpiling of sand, gravel, or other aggregate materials. Additionally, wholesale sales includes sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, building hardware, and office supplies.

(3) **Exceptions**

- (a) Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.

- (b) Uses that engage primarily in sales to the general public are classified as Retail Sales and Service as found in section 3.2.300.
- (c) Uses that engage in sales on a membership basis are classified as Retail Sales and Service as found in section 3.2.300.

(F) Waste-Related

- (1) "Waste-Related" includes uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the biological decomposition of organic material. Waste-Related uses also include uses that receive hazardous wastes from others and are subject to the regulations of OAR 340-100, Hazardous Waste Management.
- (2) Examples of Waste Related uses include but are not limited to: sanitary landfills, limited use landfills, waste composting, energy recovery plants, sewer treatment plants, portable sanitary collection equipment storage and pumping, processing of waste, and hazardous-waste-collection sites.
- (3) **Exceptions**
 - (a) Disposal of clean fill, consisting of soil, rock, concrete, brick, building block, tile, or asphalt paving, which does not contain contaminants that could adversely impact public health and which does not contain putrescible waste, construction and demolition waste, or industrial solid waste, is not a Waste-Related use.
 - (b) Sewer pipes that serve a development are considered a basic utility.
 - (c) Recycling operations are not considered a Waste Related use. They are classified as an Industrial Service use.

Commented [MR11]: Check. Needed?

- (G) **Corporate or Regional Headquarters** – means a building or portion of a building in which people are employed in the management or direction of a business consisting of one or more companies, or divisions or groups of companies. This use must be directly associated with and subordinate to a permitted use or a use allowed with a Discretionary Use Permit on the same site.

Commented [MR12]: Modify existing def to this or keep existing in SDC 6.1.100? Remove employee density requirement?

Corporate or Regional Headquarters may be permitted as part of a large-scale light-manufacturing use or located within a business park. Corporate or Regional Headquarters also may be a stand-alone use. The acreage comprising standalone Corporate or Regional Headquarters site must be applied to the 40 percent gross acre standard for business parks. Corporate or Regional Headquarters must have at least 20 or more employees at the time of occupancy.

Commented [RM13]: How defined? Phil F. from TAC. What is this intended to mean?

(H) Secondary Use

- (1) Secondary Use means a use that is integrated with the primary use, is not stand alone, and is not permitted in the absence of a primary use.
- (2) Examples of secondary uses include but are not limited to: eating and drinking establishments; personal services such as hair stylists, beauty, fitness, spa, shoe

repair, dry cleaning, and tailors; child care facilities primarily serving employees; building maintenance services; industrial and professional equipment and supply stores; financial institutions including ATM's.

- (3) Retail, wholesale and service uses, either alone or in combination, cannot exceed 20 percent of the gross floor area of a building. These uses exclude any drive-through facility and must not primarily serve the general public. Except for ATMs, each use is limited to 2,500 square feet of gross floor area.
- (4) Child care facilities may exceed the 2,500 square foot standard in order to comply with size requirements.

(l) Accessory Use

- (1) Accessory Use means a use that is subordinate to the primary use.
- (2) Examples include but are not limited to: accessory structures; administrative professional or business offices; copying and photo developing; cafeteria serving employees; developed recreation area or pedestrian amenities serving the development area; storage yards or warehouses; parking lots and parking structures; truck fleet parking; repair and maintenance areas; docks; rail spur or rail lead line; heliports and helistops; and one dwelling unit per site.

Commented [KK14]: Current code requires accessory uses to be located within the same building as the primary use. Secondary uses, however, could be located in separate buildings within the same development area as long as they do not exceed 50% of total gross floor area on the development site, under current code - and as long as secondary uses aren't constructed first. (Not totally clear if that's what's intended by current code def. in 6.1-110 but how it's been applied).

3.2.420 Permitted Uses

(A) The land uses listed in Table 3.2.420 are permitted in each of the applicable districts, subject to the provisions of this section.

Land Use	Industrial District				Special Use Standards
	**CI	LMI	HI	*SHI	
Industrial					
Heavy Manufacturing and Production	N	D	P	P	
Light Manufacturing, Fabrication, and Repair	D	P	P	P	
Industrial Service	P	P	P	P	
*Warehouse and Wholesale sales	P	P	P	P	Sec. 4.7.245
Waste-Related	N	N	D	D	
Explosives or fireworks, manufacturing, warehouse, or distribution.	N	D	D	N	
Corporate Office/Headquarters	P(4)	P	P	P	Sec. 4.7.100
Outdoor storage directly related to an approved use	N	P	P	P	
Automobile wrecking, or towing service operations	N	N	D	N	
Industrial Park	N	P	P	P	
Business Park	P	N	N	N	

Commented [MR15]: Add new Section

Table 3.2.420 Permitted Uses					
Land Use	Industrial District				Special Use Standards
	**CI	LMI	HI	*SHI	
Slaughter house	N	N	D	N	
Other					
*Secondary Use (as defined)	P	D	D	D	Sec. 4.7.240
*Accessory Use (as defined)	P	P	P	P	Sec. 4.7.240
*Marijuana Production facility	N	N	P	P	Sec. 4.7.177
*Marijuana Processing facility	N	P	P	N	Sec. 4.7.177
*Marijuana Wholesale facility	N	P	P	N	Sec. 4.7.177
*Marijuana Retail outlet or sales, as primary or secondary use	N	N	N	N	Sec. 4.7.177
*Recreational Facilities	N	P	P	P	Sec. 4.7.205
* Child care centers	P	P	N	N	Sec. 4.7.125
Bicycle paths and pedestrian trails	P	P	P	P	
Linear Parks	P	P	P	P	
Agricultural cultivation of vacant land	P	P	P	P	
Public and Institutional					
Education facilities (schools)	N	D	N	N	Sec. 4.7.195
*High impact public utility facilities	D	P	P	P	Sec. 4.7.160
Low impact public utility facilities	P	P	P	P	
*Wireless Telecommunications System (WTS) Facilities	N	See Sec. 4.3-145	See Sec. 4.3-145	See Sec. 4.3-145	Sec. 4.3.145

Commented [KK16]: Reference to new section with special standards for child care centers in industrial zones.

Commented [MR17]: See footnote (10) in CI zone. Add this language to Sec. 4.7.160? "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."

P = Permitted Use; D=Discretionary Use permit required; N=Not Allowed;
*** Permitted subject to Special Development Standards; In the SMI District, the standard is found in Section 3.2.425(A)(1).**
**** Uses in the CI District must meet the operational performance standards specified in Section 3.2.430**

3.2.425 Development Standards

In addition to applicable provisions contained elsewhere in this code, the development standards listed in this section apply to all development in industrial districts. In cases of conflicts, standards specifically applicable in the industrial district apply. In cases of conflicts in this section between the general standards and the area-specific standards, the area-specific standards apply.

(A) Lot Area, Dimensions, and Coverage

The following Table 3.3.425 sets forth the industrial district lot area, lot dimension, and coverage standards.

Development Standard	CI	LMI	HI	SHI
Minimum lot/parcel size	10,000 square feet	10,000 square feet	10,000 square feet	10,000 square feet see (1) below
Minimum frontage, see (2) below	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 others Sections of this Code			

- (1) Until annexed to the City, the minimum lot/parcel size in the SHI District must be 40 acres and the minimum development area must be 10 acres.
- (2) The frontage standard does not apply when the following are met:
 - (a) The lots/parcels have been approved as part of a Master Plan, Site Plan, Subdivision, or Partition; 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.

(B) Setbacks

Setbacks provide separation between industrial and nonindustrial uses for fire protection/security, building maintenance, sunlight and air circulation, noise buffering, and visual separation. All developments must meet applicable fire and building code standards, which may require greater setbacks than those listed in this section (e.g., for combustible materials, etc.).

Required setbacks are measured from the special street setback in Section 4.2.105N, where applicable.

The following setback standards apply to all structures, except as otherwise provided by this section.

(1) Front yard building setback

- (a) Campus Industrial District.
 - (i) The minimum front yard building setback is 20 feet if abutting a local street.

(ii) The minimum front yard building setback is 30 feet if abutting a collector or arterial street.

(b) Light Medium Industrial District. The minimum front yard building setback is 10 feet.

(c) Heavy Industrial District. The minimum front yard building setback is 10 feet.

(d) Special Heavy Industrial District. The minimum front yard building setback is 10 feet.

(2) Parking, driveway, or outdoor storage setback

(a) Campus Industrial District. The minimum yard setback for parking, or driveway is 5 feet from any property line. In the CI district no outdoor storage is allowed.

(b) Light Medium Industrial District. The minimum yard setback for parking, driveway, or outdoor storage is 5 feet from any property line.

(c) Heavy Industrial District. The minimum yard setback for parking, driveway, or outdoor storage is 5 feet from any property line.

(d) Special Heavy Industrial District. The minimum yard setback for parking, driveway, or outdoor storage is 5 feet from any property line.

(3) Other setbacks

(a) Building Setback from a R-1, R-2, or R-3 residential district.

(i) Campus Industrial District. The minimum setback for a building from a residential district boundary is 50 feet.

(ii) Light Medium Industrial District. The minimum setback for a building from a residential district boundary is 10 feet.

(iii) Heavy Industrial District. The minimum setback for a building from a residential district boundary is 10 feet.

(iv) Special Heavy Industrial District. The minimum setback for a building from a residential district boundary is 10 feet.

(b) Building setback from a CI district.

(i) Campus Industrial District. NA.

(ii) Light Medium Industrial District. The minimum setback for a building from a CI district boundary is 10 feet.

Commented [KK18]: specify R-1, R-2 and R-3 residential districts? When it's broad, always leaves some confusion on how it applies to mixed use zones.

- (iii) Heavy Industrial District. The minimum setback for a building from a CI district boundary is 10 feet.
- (iv) Special Heavy Industrial District. The minimum setback for a building from a CI district boundary is 10 feet.
- (c) Building Setback within the CI District from other districts. The minimum setback for a building within the CI district from another nonresidential district boundary is 10 feet.
- (d) Building separation from other buildings within the CI District. Campus Industrial District. The minimum building separation between buildings in the CI district is 20 feet.

(4) Setback Exceptions & Special Circumstances

- (a) Where a public utility easement (PUE) is larger than the required setback standard, no building or above grade structure, except a fence, can be built upon or over that easement.
- (b) CI District setback exceptions. Required building setbacks and separations may be reduced through the Site Plan Approval process without a variance when:
 - (i) The building design incorporates landscaped stormwater quality facilities within the setback area that also enhances pedestrian amenities and the campus environment;
 - (ii) Necessary to protect natural assets identified in the Gateway Refinement Plan or elsewhere in this Code;
 - (iii) Necessary to preserve existing healthy mature trees;
 - (iv) Necessary to accommodate handicapped access requirements; or
 - (v) Legally created lots/parcels do not meet the minimum lot/parcel size.

Commented [KK20R19]: Yes because it reads as though there is no setback

Commented [MR19]: Delete?

Commented [KK21]: Some of these are not setbacks to exceptions but instead additional setback requirements

Commented [RM22]: Keep or delete? this would be true even if we don't state it here.

Commented [KK23R22]: I think you keep because this adds to the available enforcement mechanisms: PUE restrictions that are only stated on the plat arguably aren't enforceable in muni court. This language would allow us to use code enforcement process to cite building in the PUE instead of having to use circuit court for injunctive relief.

Table 3.2.425(B) summarizes the above setback standards.

Table 3.2.425(B) Setback Standards				
Development Standard	CI	LMI	HI	SHI
Front setback for building	20/30 feet	10 feet	10 feet	10 feet
Setback for parking, driveway, or outdoor storage	5 feet	5 feet	5 feet	5 feet
Building setback from residential district	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 district	20 feet	N/A	N/A	N/A
Building separation from other buildings within CI district	20 feet	N/A	N/A	N/A

(C) Height

- (1) The following building height standards are intended to promote land use compatibility and flexibility for industrial development at an appropriate community scale.
 - (a) Buildings and structures in the Campus Industrial District are limited to the maximum height of 45 feet.
 - (b) Buildings and structures in the Light Medium Industrial, Heavy Industrial, and Special Heavy Industrial Districts have no maximum height, except when abutting a residential district. When abutting a residential district the following height standards apply:
 - (i) The height of a structure must not exceed the height permitted in the adjacent residential land use district for a distance of 50 feet.
- (2) Incidental equipment, as defined in SDC 6.1.110 may exceed the height standard.

Table 3.2.425(C) summarizes the above height standards.

Development Standard	CI	LMI	HI	SHI
Maximum Height	45 feet	No Maximum Height, except when abutting residential districts (see below)		
Industrial District abuts an R-1 or R-2 District	N/A	The height of a structure must not exceed the height permitted in the adjacent residential land use district for a distance of 50 feet from the property line.		

ADD TO SPECIAL USE STANDARD SECTION AND CI LAND USE DISTRICT STANDARDS

- (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 must be applied to the 40 percent gross acre standard for business parks specified in Note (2), above. Corporate and regional headquarters must have at least 20 or more employees at the time of occupancy.

[NOTE] All of the additional language of SDC 3.2-424 – 3.2-450 as applicable to the CI District specific development standards and Business/Industrial Park standards will be included below unchanged except for formatting and minor editing for consistency.

From footnote 9 under use table. Include in CI specific development standards.

- (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 must have 20 or more employees and the warehousing use must 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.

Section 4.2.100 Infrastructure Standards—Transportation

Subsections:

- 4.2.105 Public Streets
- 4.2.110 Private Streets
- 4.2.120 Site Access and Driveway Standards
- 4.2.125 Intersections
- 4.2.130 Vision Clearance Area
- 4.2.135 Sidewalks
- 4.2.140 Street Trees
- 4.2.145 Lighting Standards
- 4.2.150 Multi-Use Paths
- 4.2.160 Accessways

4.2.105 Public Streets

(A) General Provisions

- (1) All public streets and alleys must be improved as specified in this Code and must be dedicated through the approval of a subdivision plat or by acceptance of a deed approved by the City.
- (2) Functional Classification of Streets. The City's street system consists of streets that are classified as Major and Minor Arterial streets, Major and Minor Collector streets, Local streets and Alleys, consistent with the Springfield Transportation System Plan (Figure 2) and 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.
- (3) New connections to arterials and state highways must be consistent with any designated access management category.

(B) An applicant may be required to prepare a Traffic Impact Study (TIS) to identify potential traffic impacts from proposed development and needed mitigation measures. A TIS is required if any of the following criteria are met:

- (1) Peak Hour Threshold. If a change in land use or intensification of an existing use generates 100 or more trips during any peak hour as determined by procedures contained in the most recent edition of the Institute of Transportation Engineers *Trip Generation Manual*, a TIS must be performed by a registered professional engineer.
- (2) Average Daily Traffic Threshold. If a change in land use or intensification of an existing use generates 1,000 or more trips per day as determined by procedures contained in the most recent edition of the Institute of Transportation Engineers *Trip Generation Manual*, a TIS must be performed by a registered professional engineer.

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- (3) Variance and Known Issues Threshold. The Director may determine that a TIS is necessary to support a request for a Variance from the transportation provisions of this code or where traffic safety, street capacity, future planned facility, or multimodal concerns may be associated with the proposed development.
- (4) The nature and extent of the TIS scope is determined by the Director based upon a trip distribution and assignment prepared by the Applicant. At a minimum, locations impacted by more than 20 trips during the identified peak hour must be included in the trip distribution and assignment.
- (5) The Director may modify TIS requirements consistent with applicable local and regional transportation system plans and the intent of this Code when existing conditions make their strict application impractical or inconsistent with accepted site planning or transportation planning principles.

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(C) Minimum street curb-to-curb widths and minimum street right-of-way widths are as specified in Table 4.2.1, unless otherwise indicated in the Springfield Transportation System Plan, an applicable Refinement Plan, Plan District, Master Plan, Conceptual Development Plan, or the adopted bicycle and pedestrian plan; where necessary to achieve right-of-way and street alignment; or as needed to meet site-specific engineering standards, including but not limited to requirements for multi-way boulevard and/or modern roundabout designs. Example street layouts meeting minimum street standards are provided in Figures 4.2.B through 4.2.V for illustrative purposes only. These Figures are intended to demonstrate potential street configurations that meet the requirements.

**Table 4.2.1
Minimum Street Right-of-Way and Curb-to-Curb Standards**

Fig. No.	Street Classification	Right-of-Way (1)	Curb-to-Curb Width (1)	Travel Lanes	Travel Lanes Width	Turn Lane Width (2)	Bikeways (3)	Planting Strip and Curb (4)	Sidewalk
4.2 B-D	Major Arterial (5)	100'/92'/84'	76'/69'/60'	4	12'	14' where required	6' both sides	5'	7' both sides
4.2 E-G	Minor Arterial (5)	76'/68'/60'	52'/44'/36'	2	12'	14' where required	6' both sides	5'	7' both sides
4.2 H-J	Major Collector	72'/64'/56'	52'/44'/36'	2	12'	14' where required	6' both sides	5'	5' both sides
4.2 K-M	Minor Collector – Non-Residential Districts (6)	70'/62'/54'	50'/42'/34'	2	11'	13' where required	6' both sides	5'	5' both sides
4.2 N-P	Minor Collector – Residential Districts (6)	58'/50'/42'	38'/30'/22'	2	11'	13' where required	N/A	5'	5' both sides
4.2 Q-S	Local Street <15 percent slope (7)	57'/49'/41'	36'/28'/20'	2	10'	N/A	Not required	5'	5' both sides
4.2 T-V	Local Street ≥15 percent slope (7)	48'/40'/32'	36'/28'/20'	2	10'	N/A	Not required	6" curbs only	5' both sides

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Fig. No.	Street Classification	Right-of-Way (1)	Curb-to-Curb Width (1)	Travel Lanes	Travel Lanes Width	Turn Lane Width (2)	Bikeways (3)	Planting Strip and Curb (4)	Sidewalk
	Cul-de-sac Bulb	83' diameter	70' diameter	N/A	N/A	N/A	N/A	5' around bulb	5' around bulb
	Alley	20'	No curbs, 18' paving width	N/A	N/A		N/A	Not required	Not required

- (1) Minimum right-of-way widths and curb-to-curb widths are listed in this order: Streets with parking on both sides of street/Streets with parking on one side of street/Streets with no on-street parking. Where indicated, parking width is eight feet per side of street. Minimum right-of-way widths and curb-to-curb widths listed above do not include additional right-of-way width and curb-to-curb width required to accommodate a center turn lane or center median.
- (2) When a center turn lane or center median is required to address a significant volume of left-turn traffic or other safety or site-specific engineering concerns, additional right-of-way width and curb-to-curb width is required to accommodate the turn lane and/or center median. Width of the turn lane will be not less than the standard provided in Table 4.2.1 above.
- (3) Bike lanes on one-way streets must be on the right side of the street, except in the case where a left-side bike lane would cause fewer conflicts, and people riding bicycles can return to the right safely.
- (4) The planting strip and curb includes four and a half foot planting strip and six inch curb on both sides of the street, unless otherwise indicated in Table 4.2.1.
- (5) Arterial streets that are Oregon Department of Transportation (ODOT) facilities are not subject to the standards in Table 4.2.1, but must meet ODOT design standards.
- (6) Residential land use districts are those listed in SDC 3.2.200. All other land use districts are non-residential for the purposes of Table 4.2.1. Where opposite sides of the street are zoned with residential and non-residential uses, the non-residential standards apply.
- (7) Slope is the average slope of the development area per the calculation in SDC 3.3.520(A). Minimum right-of-way width for local streets includes six inches behind the sidewalk for property pins.

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(D) Street Network Standards—General Criteria

- (1) **Collector and Arterial Streets.** Subject to the standards of this code, the location of collector streets and arterial streets must comply with the Transportation System Plan, including the Conceptual Street Map.
- (2) **Local Streets.** The local street network, which includes pedestrian accessways and multiuse paths, must meet the following standards:
 - (a) The local street network must efficiently and safely accommodate all modes of travel including pedestrians, bicyclists, and emergency service vehicles.
 - (b) The local street network must not create excessive travel lengths, particularly for pedestrians and cyclists.
 - (c) Streets must be interconnected to provide for the efficient provision of public and private utilities.
 - (d) Streets must provide connections to and from Neighborhood Activity Centers and other areas that attract high levels of pedestrian and bicycle traffic, or alternative

bicycle or pedestrian facilities must provide connections where street connections are not practical.

- (e) The alignment of local streets must minimize impacts to waterways and wetlands, and must follow slope contours where possible.
- (f) The alignment of local streets must enhance the efficiency of the regional collector and arterial street system by balancing traffic volumes on local streets to promote optimum dispersal.
- (g) The local street network must provide logical and efficient extensions of the public street system to adjoining properties.

(3) Dead-End Streets

- (a) Dead-end streets must terminate in a cul-de-sac bulb, "hammerhead," or other design that provides adequate vehicular turn-around areas, Public Works access, and pedestrian and bicycle connections as approved by the Director and the Fire Marshal. When development generates additional vehicular trips on an existing dead-end street without a turnaround area, the development must include a turnaround area on the dead-end street that meets the requirements of this subsection.
- (b) A dead-end street, excluding the bulb or other approved vehicular turn-around area, must have a minimum length of 65 feet and must 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-sac bulbs and other approved vehicular turn-around areas are as specified in Table 4.2.1 of this Code, the Oregon Fire Code, the Development & Public Works Standard Construction Specifications, and the *Engineering Design Standards and Procedures Manual*.

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Where streets that are planned to be through streets are partially constructed during phased development, temporary dead-end streets with temporary vehicular turn-around that meet the requirements for a dead-end fire apparatus access road will be permitted with a maximum length of 600 feet as measured from the nearest curb line of the intersecting street.

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(4) Block Length and Block Perimeter

- (a) Block perimeter for all street classifications must not exceed the following maximums, except as provided or exempted elsewhere in this Code or in an applicable Refinement Plan or Plan District:
 - (i) 1,400 feet in Mixed-Use Districts consistent with standards in *SDC* 3.2.625(E);
 - (ii) 2,600 feet in industrial *land use* districts;

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(iii) 2,400 feet for multiple unit housing development subject to SDC 4.7.380 or 4.7.390; and

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(iv) 1,600 feet in other land use districts.

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(b) Block length must not exceed:

(i) 600 feet for local street not in industrial zones or that do not serve industrial non-conforming or the maximum block length established in an applicable Refinement Plan or Plan District, whichever is less;

(ii) 800 feet for multiple unit housing development subject to SDC 4.7.380 or 4.7.390 or the maximum block length established in an applicable Refinement Plan or Plan District, whichever is less;

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(iii) 1,000 feet for local streets in industrial zones or that serve industrial non-conforming uses or the maximum block length established in an applicable adopted Refinement Plan or Plan District, whichever is less.

(c) The Director may authorize a block length or block perimeter that exceeds the applicable maximum specified in this Section. In authorizing a block length or block perimeter that exceeds the above maximum lengths, the Director may establish requirements for interim street connectivity and/or pedestrian accessways consistent with standards in SDC 4.2.160. Where the extension of a public street would create a block length or block perimeter that exceeds the applicable maximum, the block length and block perimeter must be as close as possible to the applicable maximum. The Director will authorize an exception only if the applicant/developer demonstrates that the existence of any of the following conditions justifies the exception:

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(i) Physical conditions that cannot be mitigated necessitate a block length or block perimeter that is longer than the applicable maximum. These conditions may include topography or the existence of physical features, including, but not limited to: wetlands, ponds, streams, channels, rivers, lakes, steep grades, or a resource under protection by State or Federal law; or

(ii) Buildings or other existing development on adjacent lands, including previously subdivided but vacant lots or parcels that physically necessitate a block length or block perimeter that is longer than the applicable maximum, considering the potential for redevelopment; or

(iii) Industrial development areas greater than 25 acres pursuant to an adopted Master Plan.

(E) **Street Network Standards—Needed Housing.** The development of needed housing, as defined in ORS 197.303, must meet the following street network standards, unless the applicant elects review under the general criteria in SDC 4.2.105(D).

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(1) **Collector and Arterial Streets.** Subject to the standards of this Code, the location of collector and arterial streets must comply with the Transportation System Plan, including the Conceptual Street Map.

(2) **Local Streets.** The local street network must meet the following standards:

(a) New local streets, pedestrian accessways, and multiuse paths within a development area must connect to all existing or planned local streets, accessways, and multiuse paths, respectively, including truncated or "stub" streets, accessways, or multiuse paths that abut the development area. For the purposes of this Section, a planned street, accessway, or multiuse path means unimproved dedicated right-of-way; a street or multiuse path adopted in the Transportation System Plan; or a street, accessway, or multiuse path shown in an approved Master Plan, Site Plan, Conceptual Development Plan, or Subdivision Plan.

(b) Where there is an existing or planned local street or multiuse path within ¼ mile of the outer boundary of the development area, a new local street or multiuse path must extend to the outer boundary lines of the development area in alignment with the centerline of existing or planned street or multiuse path. The new street or multiuse path and existing or planned street or multiuse path are in alignment if the angle between the projection of the centerlines of both streets is not less than 170 degrees or more than 190 degrees.

(c) Local streets spaced no greater than 600 feet apart from centerline to centerline must extend to all undeveloped or underdeveloped land that is adjacent to the development area, zoned or designated for residential or mixed use, and five contiguous gross acres or larger. For the purposes of this Section, "underdeveloped" means lots and parcels that are developed at less than half the minimum residential density required in the underlying land use district.

(d) The number of new local street intersections with major collector or arterial streets that provide ingress or egress to the development area must be the smallest number necessary to ensure that not more than 100 dwelling units are attributed to any one intersection with a major collector or arterial street, including via existing local streets that intersect major collector or arterial streets outside the development area. A dwelling unit is attributed to the intersection of a local street and major collector or arterial street that has the smallest travel distance from the centerline of the street at the midpoint of the dwelling unit's frontage to the centerline of the street at the boundary line of the development area.

(e) ~~Street, accessway, and multiuse path connections to adjacent property under~~ SDC 4.2.105(E)(2)(a) through (2)(d) above are not required where the following barriers physically prevent their construction: railroad right-of-way, limited access highway or freeway right-of-way, existing development, streets that would be unable to meet the slope standards specified in SDC 3.3.525, natural resource protection areas listed in SDC 4.3.117(B), or Historic Landmark Sites or

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Structures established on the Historic Landmark Inventory according to SDC 3.3.920.

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(f) Developments must provide fire apparatus access roads as required by and in compliance with the Oregon Fire Code.

(3) **Cul-de-Sacs and Dead-End Streets.** New and existing dead-end streets and cul-de-sacs must meet the standards for dead-end fire apparatus access roads in the Oregon Fire Code and the following standards:

(a) Cul-de-sacs and dead-end streets that are not planned to be through streets are permitted only when physical barriers prevent the construction of through streets or stubbed streets that meet the local street network standards in SDC 4.2.105(E)(2), or the block length and block perimeter standards in SDC 4.2.105(E)(6). Physical barriers are railroad right-of-way, limited access highway or freeway rights-of-way, existing development, streets that would be unable to meet the slope standards specified in SDC 3.3.525, natural resource protection areas listed in SDC 4.3.117(B), or Historic Landmark Sites or Structures established on the Historic Landmark Inventory according to SDC 3.3.920.

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(b) All cul-de-sacs and dead-end streets, including stubbed streets required under SDC 4.2.105(E)(2)(a) through (2)(c) above, must meet the length standards in SDC 4.2.105(D)(3)(b).

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(c) A cul-de-sac or dead-end street that is not a stubbed street must include one or more pedestrian accessways or multiuse path connections from the cul-de-sac or dead-end street to an existing or planned street, accessway, or multiuse path when the cul-de-sac or dead end street is within ¼ mile of a Neighborhood Activity Center, as measured in a straight line from the nearest outer boundary of the Neighborhood Activity Center to the centerline of the dead-end street at its terminus or the center point of the cul-de-sac. The accessway or multiuse path must be located in a manner that would shorten the walking and biking distance from the cul-de-sac or dead-end street to the Neighborhood Activity Center as compared to the shortest walking or biking distance without the connection.

An accessway or multiuse path is not required where physical barriers listed under SDC 4.2.105(E)(3)(a) above prevent construction of any accessway or multiuse path under this section, or when no accessway or multiuse path would decrease the walking or biking distance from the cul-de-sac or dead-end street to the Neighborhood Activity Center.

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(4) **Block Length and Block Perimeter**

(a) Block perimeter for all local and minor collector streets must not exceed the following maximums:

(i) 1,400 feet in Mixed-Use Districts, consistent with standards in SDC 3.2.625(E);

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(ii) 2,400 feet for multiple unit housing development subject to SDC 4.7.380 or 4.7.390; and

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(iii) 1,600 feet for all other development and in all other land use districts.

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(b) Block length for local streets must not exceed:

(i) 800 feet for multiple unit housing development in residential land use districts; and

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(ii) 600 feet for all residential development other than multiple unit housing development in all land use districts.

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(5) **Maximum Street Grades.** Street grades must not exceed 8% on major and minor arterial streets, 10% on major and minor collector streets, and 12% on local streets.

(6) **Intersections of Streets and Alleys**

(a) **Angles.** Streets and alleys must intersect one another at an angle as close to a right angle (i.e., 90 degrees) as possible. Street intersections must have a minimum intersection angle of 80 degrees. All legs of an intersection must meet the above standard for at least 100 feet from the point of intersection of the street centerlines. No more than two streets may intersect at any location (i.e., not creating more than a four-legged intersection) unless at a roundabout.

(b) **Intersection Offsets.** Intersections must be offset at least 100 feet on a local street, 200 feet on a minor collector street, and 400 feet on a major collector or arterial street, or the safe stopping sight distance as determined by the AASHTO publication "A Policy on Geometric Design of Highways and Streets," whichever is greater. Offset distance must be measured from the curb or edge of pavement or, where there is no curb, to the closest curb or edge of pavement of the next offset street.

(F) **Medians**

(1) **General.** A raised median physically deters vehicles from crossing or entering a median area by way of a raised curb or concrete barrier. Raised medians help avoid crashes caused by crossover traffic, reduce headlight glare distraction, prevent traffic turning left from through lanes, provide refuge for pedestrians crossing the street, and remove turning traffic from through lanes, thereby maintaining efficient and safe traffic flow. Median design and installation must follow the standards in the Manual on Uniform Traffic Control Devices and AASHTO's "A Policy on Geometric Design of Highways and Streets."

(2) **Raised Median Width and Size**

May 14, 2021

(a) In addition to the minimum street curb-to-curb and right-of-way standards specified in SDC 4.2.105(C), extra right-of-way width for medians may be required through a land use decision process, to address known safety issues or fulfill safety and operational needs as specified in this Code or identified in an engineering study.

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(b) Elongated Median

(i) An elongated median intended to deter turning movements must be a minimum of four feet wide and no less than 150 square feet in area. Where a raised median is required on a facility with an existing median area between opposing travel lanes, the new raised median must be the same width as the existing median area minus the distance from the edge line striping required in the Manual on Uniform Traffic Control Devices.

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Alternatively, in special circumstances where the necessary right-of-way cannot be provided or obtained, medians intended to deter turning movements may be as narrow as two feet wide as approved by the Director through a land use decision process.

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(ii) An elongated median intended as a pedestrian refuge must be a minimum of eight feet wide, and no less than 150 square feet in area. Alternatively, in special circumstances where the necessary right-of-way cannot be provided or obtained, pedestrian refuge medians may be as narrow as six feet wide as approved by the Director through a land use decision process.

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(3) Length of a Raised Median

(a) Where medians are required to prohibit turns into a specific access, the median must fully cover the access location plus an additional 20 feet on either end. Modifications to median length given site specific needs may be approved by the Director.

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(b) The length of raised medians not intended for pedestrian refuge is determined based on the storage length requirements of a turn lane as determined in a TIS, or based on safety and operational needs of the street first and access second.

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(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, dedication of 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 must be recorded with the Lane County Deeds and Records stating that the property will not be built upon until a fully improved street is constructed to serve the property, and connect with the City street system.

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(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 **must** be fully improved to City specifications in accordance with the following criteria:

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(a) When fully improved street right-of-way abuts the property line of the subject property, street improvements **must** be constructed across the entire property frontage.

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(b) When there is a fully improved partial-width street opposite the frontage of the subject property, street improvements **must** be constructed across the entire property frontage to provide a full-width street.

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(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 **must** be constructed.

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(d) Where there is **multiple unit housing**, 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 **must** be improved.

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(i) ~~In all other cases of unimproved streets, an Improvement Agreement will be required as a condition of Development Approval, postponing improvements until the time that a City street improvement project is initiated.~~

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(ii) ~~Siting accessory structures or other structures not occupied by humans, or changes of use which do not increase parking requirements are not be considered development which increases traffic on the City street system; full street improvement or an Improvement Agreement will not be required.~~

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(3) 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 is required prior to occupancy or Final Plat approval when necessary to ensure compliance with a development agreement.

(4) Partial-width streets **are** be permitted only if both of the following approval criteria are met:

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(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 must submit actual development costs to the City within six months following street construction. The cost of purchasing access rights across the reserve strip must include the actual construction cost per lineal foot, plus inflation, at a rate not to exceed five percent per year. It is not be the City's responsibility to record legal documents.

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(H) Where a development would result in the need to improve a railroad crossing, or an approach to a railroad crossing, the developer must bear the cost for the permitting and improvements. When other property owners are benefited, other equitable means of cost distribution may be approved by the City.

(I) **Traffic Control Devices**

(1) All traffic control signs, pavement markings, street name signs, and other traffic control devices must 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 Engineering Design Standards and Procedures Manual, the Development & Public Works Standard Construction Specifications, and this Code.

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(2) Unless otherwise approved by the Director:

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(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 control device, the developer bears the cost for the improvements. When other property owners are benefited, other equitable means of cost distribution may be approved by the City.

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(J) Bus turn out lanes must be consistent with current standards in the Engineering Design Standards and Procedures Manual.

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(K) Street names are assigned as specified in the Springfield Municipal Code.

(L) The Director may require a developer to install traffic calming measures, including, but not limited to, speed tables and mini-roundabouts, to address public safety considerations on roadways.

(M) Special Street Setbacks

- (1) A special street setback is established in the following circumstances:
 - (a) A special street setback is established as provided in Table 4.2.1(A) wherever there is: (i) partially-improved or unimproved street or alley right-of-way of inadequate width abutting a property; (ii) right-of-way that terminates at a property line; or (iii) right-of-way that terminates at a T-intersection with a local street abutting the property line.
 - (b) A special street setback is established wherever future right-of-way is shown in the Springfield Transportation System Plan, a refinement plan, or on an adopted Master Plan, Site Plan, Conceptual Development Plan, Subdivision or Partition for the width of the street shown on said plan, or as provided in Table 4.2.1(A) if no width is specified.
- (2) Buildings are not permitted within the special street setback specified in this section. Any portion of a building lawfully established within a special street setback prior to adoption of this ordinance is considered a non-conforming building subject to SDC 5.8.100.
- (3) The special street setbacks provided in Table 4.2.1(A) are based on the functional classification of the street as shown in the Springfield Transportation System Plan, including the Conceptual Street Map. Where a street is not shown in the Springfield TSP, including the Conceptual Street Map, the special setback for local streets applies.
- (4) The special setback provided in Table 4.2.1(A) is measured from the centerline of the existing or future street right-of-way as follows:
 - (a) Where partially-improved or unimproved right-of-way of inadequate width abuts a property line, the setback is measured from the location where the centerline would be if the street was fully improved.
 - (b) Where right-of-way terminates at the property line or at a T-intersection on only one side of a property, the centerline is the straight line continuation of the centerline of the abutting right-of-way until it reaches the property line on the opposing side.
 - (c) Where right-of-way terminates at the property boundary on two sides, the centerline is the straight line between the points where the right-of-way centerlines intersect the property lines on each side.

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- (d) Where right-of-way terminates at the property line on one side and at a T-intersection on the other side, the centerline is the straight line from the right-of-way centerline intersection with the property line to the intersection of the existing street centerlines at the T-intersection.
 - (e) Where right-of-way terminates at T-intersections on two sides of a property, the centerline is the straight line between the intersections of the existing street centerlines at each T-intersection.
- (5) Other yard or building setbacks are in addition to the special setbacks required by this section. Those setback distances must be measured at right angles to the street centerline specified above.

**Table 4.2.1(A)
Special Street Setbacks**

Street Classification	Setback Distance from the Centerline (1)
Major Arterial	50'
Minor Arterial	38'
Major Collector	36'
Minor Collector	35'
Local Street, <15 percent slope	28.5'
Local Street, ≥15 percent slope	28'
Alley	10'

(1) Where fully improved right-of-way abuts the property line of the subject property, the setback distance is one-half of the width of the existing, fully improved right-of-way.

Figure 4.2-B

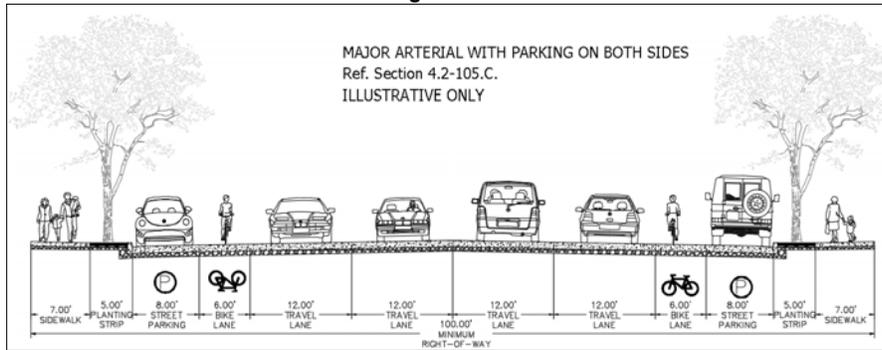


Figure 4.2-C

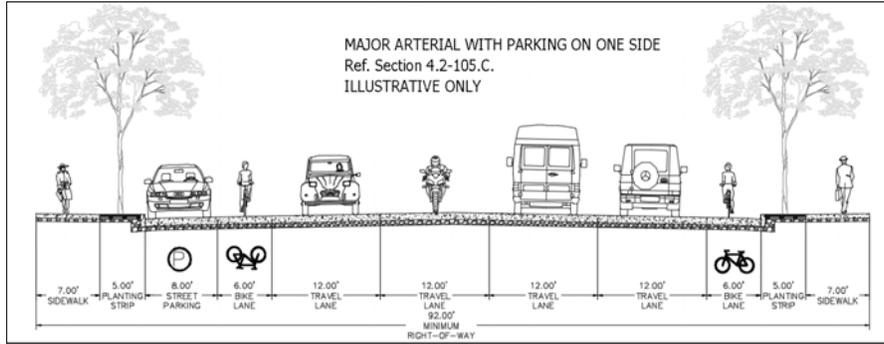


Figure 4.2-D

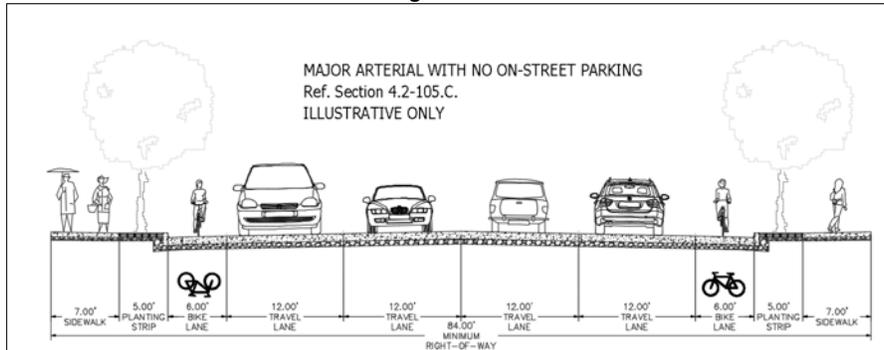


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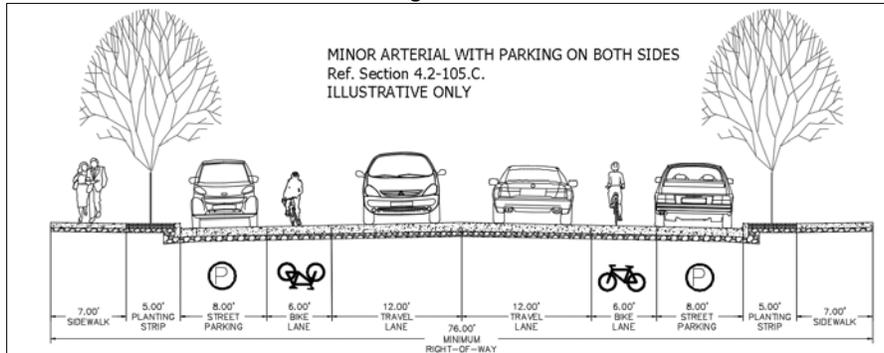


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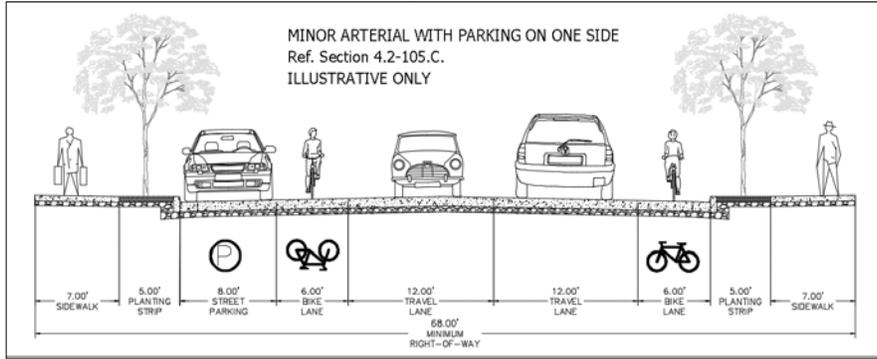


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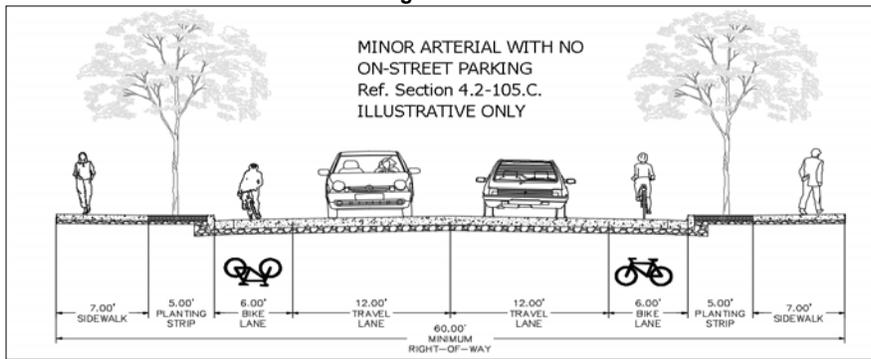


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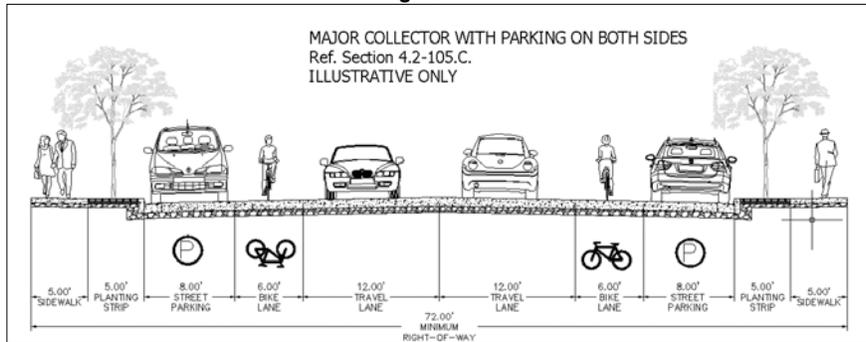


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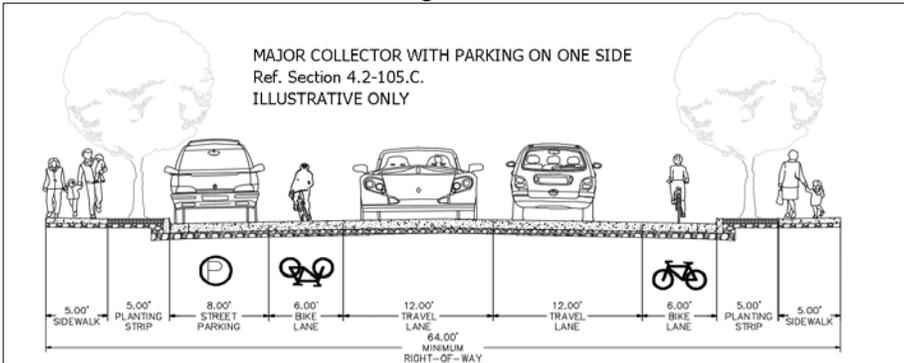


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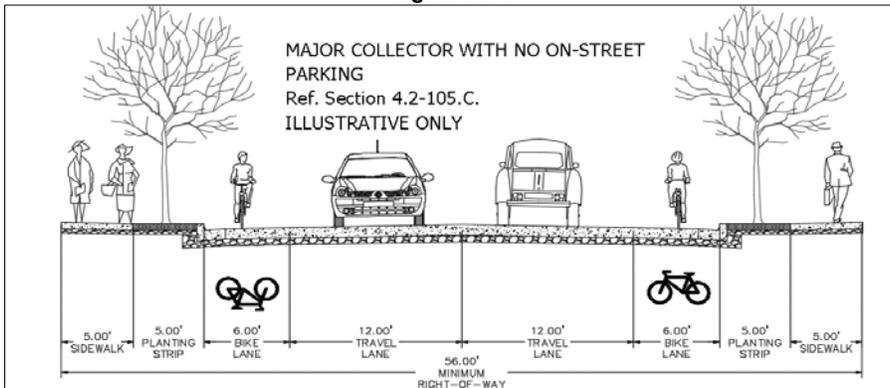


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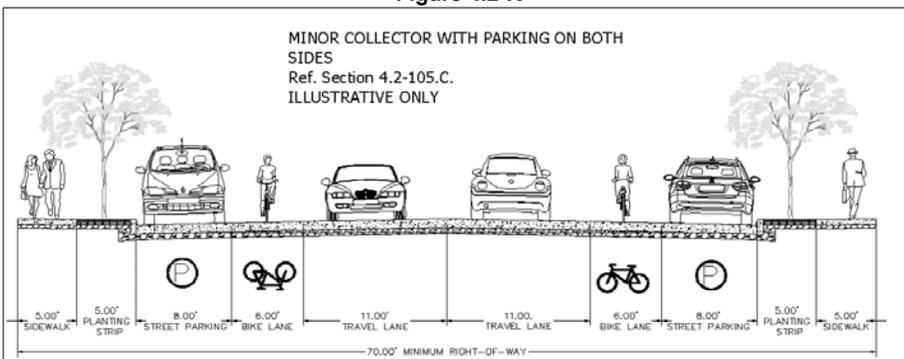


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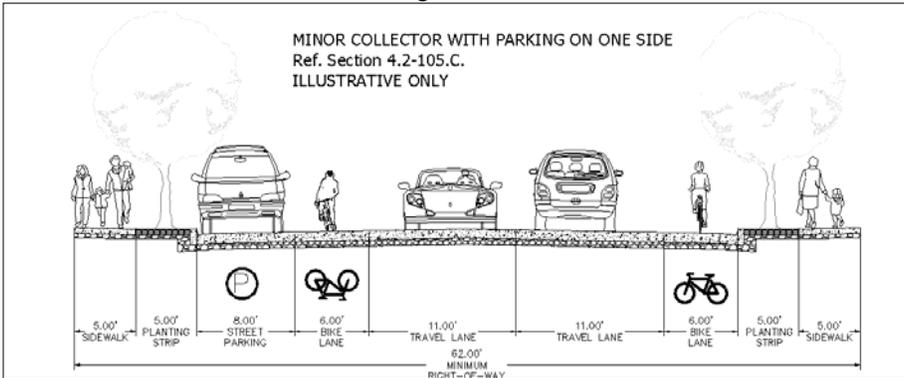


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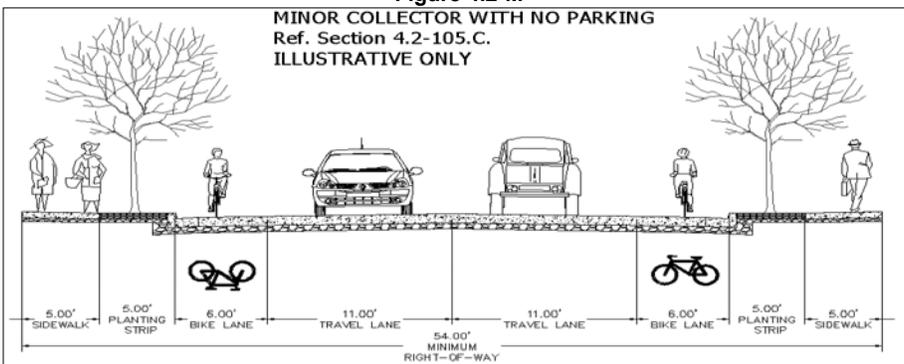


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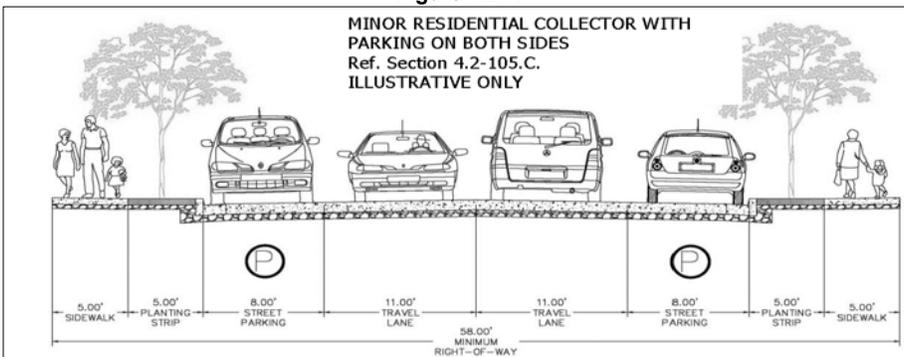


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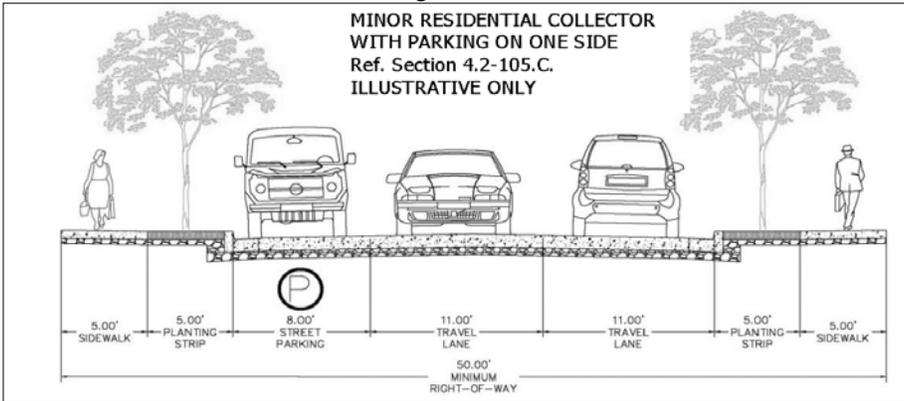


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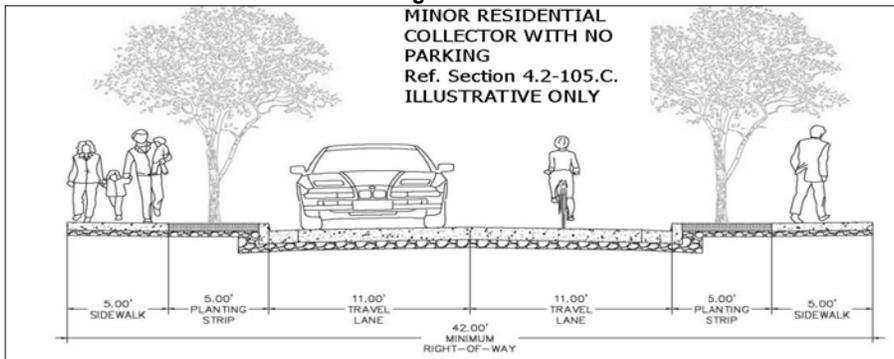


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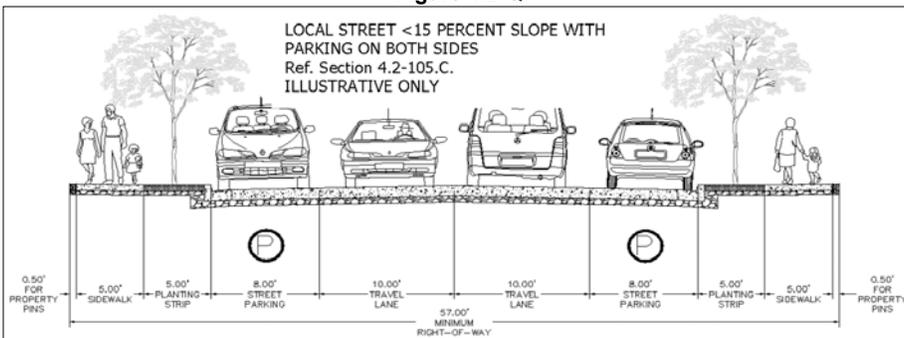


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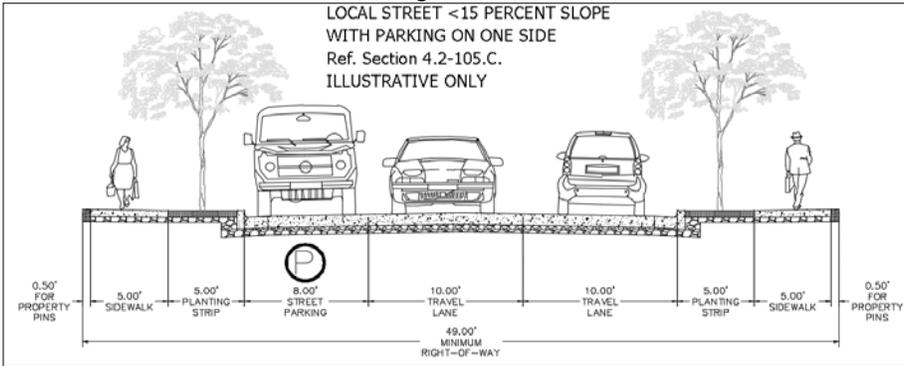


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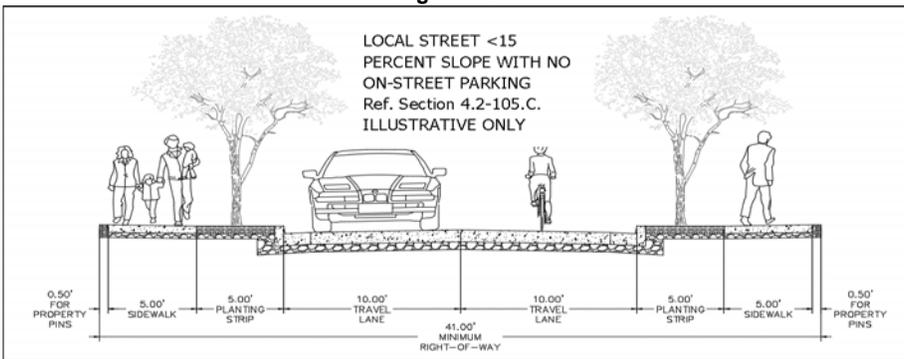


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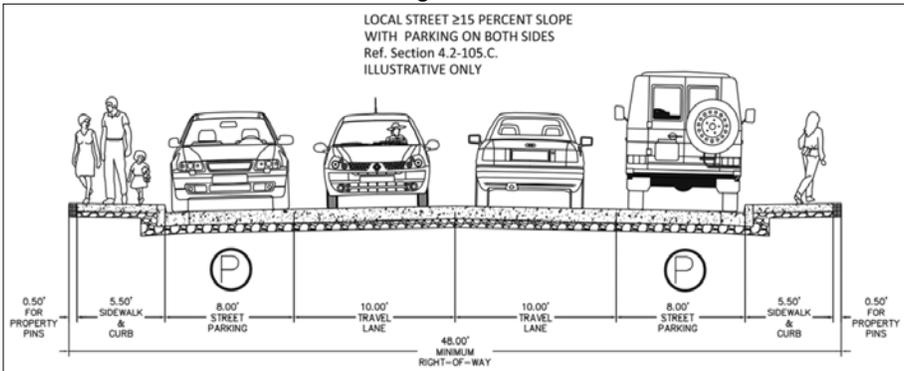


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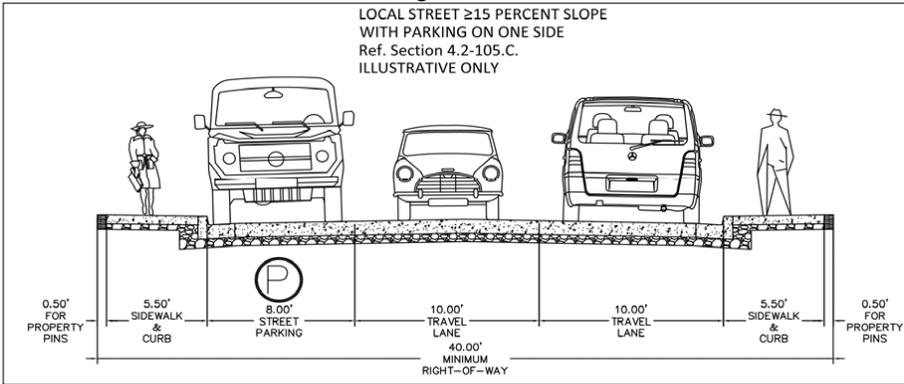
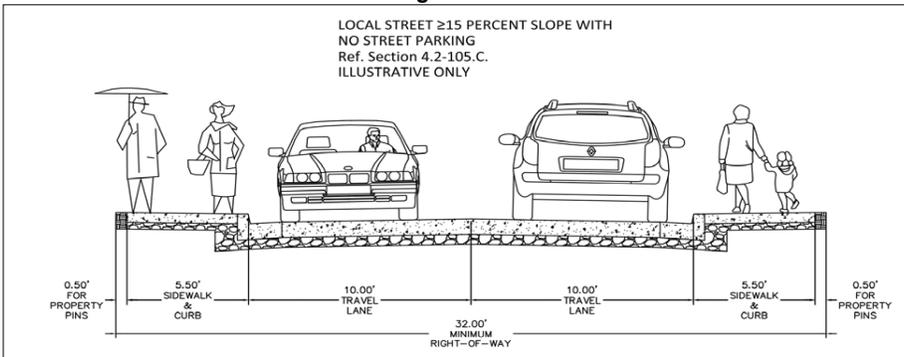


Figure 4.2-V



4.2.110 Private Streets

- (A) Private streets are permitted within the development area of Manufactured Dwelling Parks, Multiple Unit Housing development, and singularly owned commercial and industrial developments.
- (B) Private street improvements must meet the driveway standards in SDC 4.2.120(C) and must be constructed as specified in the Engineering Design Standards and Procedures Manual and in the Development & Public Works Standard Construction Specifications.
- (C) The Approval Authority will require a Homeowner's Agreement or other legal assurances acceptable to the City Attorney for the continued maintenance of private streets.

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4.2.120 Site Access and Driveway Standards

(A) Site Access and Driveways—General

(1) All developed lots or parcels are entitled to one approved driveway access provided by either direct access to a:

(a) Public street or alley along the frontage of the property; or

(b) Private street that connects to the public street system. The private street must be constructed as specified in SDC 4.2.110 (private streets are not be permitted in lieu of public streets shown on the Springfield Transportation System Plan, including the Conceptual Street Map); 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 SDC 3.2.220(B), 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 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). Where City and ODOT regulations conflict, the more restrictive regulations apply.

(3) As determined by the Director, sites with abutting parking areas within the same land use district may be required to provide driveway connections or pedestrian connections internal to the sites and joint access agreements to provide efficient connectivity and preserve public street functions and capacity.

(B) Driveways must take access from lower classification streets when development sites abut more than one street and streets are of differing classification as identified in the Springfield Transportation System Plan.

Driveway access to or from a higher classification street may be permitted if no reasonable alternative street access exists or where heavy use of local streets is in-appropriate 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 must 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 must be designed to allow safe and efficient vehicular ingress and egress as specified in SDC Tables 4.2.2 through 4.2.5 the City's *Engineering Design Standards and Procedures Manual*, and the Development & Public Works Standard Construction Specifications.

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Table 4.2.2

Driveway Design Specifications				
Land Use	1-Way Driveway Width	2-Way Driveway Width	Transition Width	Driveway Throat Depth
	Min./Max.	Min./Max.	Min./Max.	
Single- <u>Unit Dwellings</u> and Duplexes (3) (4)	12'/16'	12'/24' (1)	3'/3'	N.A.
<u>Middle Housing (except duplexes)</u>	<u>See SDC 4.7.320-4.7.330</u>			
<u>Multiple Unit Housing</u>		24'/35' (1)	5'/8'	18' (2)
Commercial/Public Land (4) (5)	12'/18'	24'/35' (1)	8'/N.A.	18' (2)
Industrial (6)	12'/18'	24'/35' (1)	8'/N.A.	18' (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) A driveway serving a single-unit dwelling or duplex dwelling must be paved from the edge of existing street pavement to the property line and for a distance of at least 18 feet from the property line into the property when abutting a paved street; these driveways may be gravel surfaced for the remainder of their length. A residential driveway abutting an unimproved gravel street may have a gravel surface until the abutting street is paved. Permeable pavement is allowed on a residential driveway consistent with standards in the City's *Engineering Design Standards and Procedures Manual*.
- (4) Off-street vehicle parking is restricted to approved driveways and parking lots, and is not otherwise allowed between the street and primary building, consistent with Springfield Municipal Code Section 5.002(11).
- (5) Driveways for commercial uses must be paved for their entire length.
- (6) Driveways for industrial uses must be paved at least up to any employee or customer parking areas.

Table 4.2.3

Curb Return Driveway Design Specifications					
Land Use	Driveway Width (1)		Radius of Curb (2)		Driveway Throat Depth Minimum (3)
	Min.	Max.	Min.	Max.	
Single- <u>Unit Dwellings</u> and Duplexes	N.A.	N.A.	N.A.	N.A.	N.A.
<u>Middle Housing (except duplexes)</u>	<u>See SDC 4.7.320-4.7.330</u>				
<u>Multiple Unit Housing</u>	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.

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**Table 4.2.4
Minimum Separations Between a Driveway and the Nearest
Intersection Curb Return on the Same Side of the Street (1)**

Land Use	Street Type		
	Arterial	Collector	Local
Single-Unit Dwellings and Duplexes	200 feet	50 feet	30 feet
Middle Housing (except duplexes)			
Multiple Unit Housing	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 or parcel and/or use make compliance with these specifications unreasonable, a new driveway or an existing driveway required to be relocated by this Code must 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 must be designed and constructed as specified in the *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, must be directly opposed, unless a Traffic Impact Study indicates that an offset intersection benefits public safety to a greater degree.
- (B) Streets must be laid out to intersect as nearly as possible at right angles. The angle of intersection between two intersecting streets must be at least 80 degrees. At intersections, each local street must 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 must be straight or have a radius greater than 600 feet for a distance of 100 feet from each intersection.

4.2.130 Vision Clearance Area

- (A) All lots or parcels must maintain a Vision Clearance Area to provide sight distance for approaching traffic. Vision clearance areas must be shown on Site Plans for applicable land use applications.
 - (B) No screens, plantings, or other physical obstructions are permitted between two and a half and eight feet above the established height of the curb in the Vision Clearance Area.
- Items associated with utilities or publicly-owned structures—for example, poles, and signs, and existing street trees—may be permitted.

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(C) The Vision Clearance Area must be in the shape of a triangle. Two sides of the triangle must be property lines or a property line and edge of driveway for a distance specified in this Subsection. Where the property lines or driveway edge 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 or parcel joining the non-intersecting ends of the other two sides. The following measurements establish the Vision Clearance Area:

Table 4.2-5

Type of Intersection	Measurement Along Each Property Line
Any Street	20 feet
Any Alley	15 feet
Any Driveway	10 feet

The Director may require that the Vision Clearance Area be increased to be consistent with the sight distance standards and requirements in the AASHTO Green Book when safety concerns warrant the increase.

4.2.135 Sidewalks

(A) Sidewalks and planter strips abutting public streets must be located wholly within the public street right-of-way. Alternatively the applicant may propose a design that does not meet this standard, subject to Director approval.

(B) Sidewalks must be designed, constructed, replaced, or repaired as specified in the Engineering Design Standards and Procedures Manual, the Development & Public Works Standard Construction Specifications, and the Springfield Municipal Code.

(C) Concrete sidewalks must be provided according to SDC 4.2.105(C), Table 4.2.1, and the following criteria:

- (1) Sidewalks must conform to the existing or planned street grades.
- (2) Sidewalks must conform to current ADA standards.
- (3) Sidewalks must be separated from the curb by the planting strip. Alternatively, sidewalks may be proposed to not meet this standard, when necessary for connectivity, safety, or to comply with street design requirements, subject to approval by the Director.
- (4) New sidewalk width and type must be consistent with existing sidewalk design in the same block, but must physically transition to comply with current sidewalk standards. When replacing damaged sidewalk, new sidewalk must be located in the same position as the existing sidewalk.
- (5) Facilities including, but not limited to, mail boxes, water meters, valves, junction boxes, manholes, utility poles, trees, benches, fire hydrants, signs, and bus stops must not be located within the sidewalk, and must be removed or relocated prior to the construction or reconstruction of the sidewalk. Alternatively, the City Engineer

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may approve an alternative design to this standard if at least five feet of unobstructed width on arterial class streets and four feet on all other streets will remain around the facility.

(D) Planter strips are required as part of sidewalk construction. Planter strips must be at least four and a half feet wide (as measured from the back of curb to the edge of the sidewalk) and at least four and a half feet long. Planter strips must have approved landscaping consisting of street trees and ground cover allowed per the Engineering Design Standards and Procedures Manual. Tree wells set in concrete or sidewalk areas must be a minimum of four feet by four feet. Concrete, asphalt, or other impermeable pavement are not allowed to substitute for landscaping within planter strips.

Planter strips less than four and a half feet wide may be permitted when necessary for connectivity, safety, or to comply with street design requirements, subject to approval by the Director.

(E) Maintenance of sidewalks is the continuing obligation of the abutting property owner.

4.2.140 Street Trees

Street trees are those trees required 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, provide shade and visual interest, and enhance the pedestrian environment. 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 a planter strip or within individual tree wells in a sidewalk, round-about, or median.

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 must be planted in the required front yard or street side yard setback of private property as specified in the applicable land use district.

(A) **New Street Trees.** New street trees must be a minimum of two inches (dbh) caliper. New street trees must be selected from the City Street Tree List contained in Appendix 6A, Approved Street Tree List, in the Engineering Design Standards and Procedures Manual and installed as specified in Chapter 6 of the Engineering Design Standards and Procedures Manual.

(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 Engineering and Design Standards and Procedures Manual with a minimum caliper of two inches) if there is no excavation or filling for proposed development 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.

Existing street trees must be retained as specified in the Engineering Design Standards and Procedures Manual. Alternatively, existing street trees may be

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approved for removal through a land use decision or in conjunction with a street construction project based on the following street tree removal standards.

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(2) Street Tree Removal Standards

- (a) City removal of existing street trees within the public right-of-way is exempt from the tree felling regulations specified in SDC 5.19.100.
- (b) Existing street trees on private property cannot be removed without prior authorization by the Director. Removal of five or more street trees on private property is subject to the tree felling standards specified in SDC 5.19.100.
- (c) Existing street trees on private property must not be removed to accommodate additional or expanded driveways.

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(3) Street Tree Replacement Standards. Any street tree proposed to be removed must be replaced with a tree at least two inches in caliper.

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- (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 must 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.

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(C) Street Tree Maintenance Responsibility

- (1) Maintenance of street trees in the public right-of-way is performed by the City.
- (2) Maintenance of street trees on private property must be performed by the property owner.
- (3) Removal of street trees on private or public property does not constitute maintenance. Any removal of street trees on private property is subject to prior approval by the City as specified in SDC 4.2.140(B)(2)(b) above.

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4.2.145 Lighting Standards

Lighting design and placement for streets, paths, and accessways must conform to the following design standards and the Development & Public Works Standard Construction Specifications:

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(A) Lighting must be included with all new developments or redevelopment. Existing lighting must be upgraded to current standards with all new developments or redevelopment. The developer is responsible for lighting material and installation costs.

(B) Upon approval by the Director, a developer may install decorative lights, as may be permitted in this section and in the Development & Public Works Standard Construction Specifications.

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(C) Design Standards

(1) Lighting must comply with Illuminating Engineering Society, American National Standards Practice for Roadway Lighting – RP-8-14 and applicable National Electrical Safety Code (NESC) and National Electrical Code (NEC) standards.

(2) Intersections must be illuminated to a level equal to the sum of the average required illuminance of the two intersecting streets.

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(3) Mid-block crosswalks that are approved by the City Traffic Engineer must have two times the illumination required for the street.

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(4) Decorative poles with City-approved LED fixtures and lighting controls must be used on all streets within the Nodal Development Overlay District and where any refinement plan or plan district requires decorative lighting. Decorative poles may be used on streets, paths, and accessways in any other zone at the option of the developer as approved by the Director.

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(5) City-approved LED fixtures and lighting controls must be used when lighting is required along multi-use paths and accessways.

(6) Roadway style poles and “cobra head” fixtures with City-approved LED fixtures and lighting controls must be used along streets in all other locations.

(7) When roadway style poles are used on arterial and collector streets in any zone other than residential, they must be steel or aluminum. When roadway style poles are used on local and collector streets in residential zones, they must be fiberglass, steel, or aluminum.

(8) Where lot frontages are 80 feet or less, light poles must be located at property lines unless approved by the Director.

(9) The weak point illumination must not be less than 0.1 foot candles.

(10) Roadway style light poles set behind sidewalks must have eight foot arm length. Roadway style light poles set between curb and sidewalk or where no sidewalk exists must have six foot arm length.

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(11) Light pole handholes must be used instead of junction boxes. However, junction boxes for street lighting may be utilized for street crossings or where necessary to comply with electrical code standards cited above.

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(12) Pole Height

- (a) Lights on arterial and collector streets outside of a residential zone must have a 35-foot fixture mounting height.
- (b) Lights on local streets with a curb-to-curb width of 28 feet or greater and collectors within residential zones must have a 30-foot fixture mounting height.
- (c) Lights on local streets with a curb-to-curb width of less than 28 feet must have a 20-foot fixture mounting height.
- (d) Decorative light poles must be 12 feet tall. ~~Alternatively,~~ 16-foot tall decorative poles may be used if approved by the Director when the required illumination levels cannot be achieved with 12-foot tall decorative poles.
- (e) Lighting on local streets must be installed on the same side of the street and on the side of the street first constructed. ~~Alternatively,~~ where necessary to be consistent with the existing lighting design and placement the Director may approve an alternative to this standard through a Type 2 process.
- (f) Light poles must not be placed on the outside of curves with less than a 1,000-foot radius.

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4.2.150 Multi-Use Paths

- (A) Development abutting an existing or proposed multi-use path identified in the Springfield Transportation System Plan (including the Conceptual Street Map), City-adopted bicycle and pedestrian plan, or the adopted Willamalane Park and Recreation District Comprehensive Plan must include provisions for the extension of the multi-use path through the development area by the dedication of public easements or rights-of-way. The developer bears the cost of multi-use path improvements.
- (B) Multi-use paths that are dedicated as right-of-way or in a public easement must conform to the Oregon Bicycle and Pedestrian Plan, the Oregon Bike and Pedestrian Design Guidelines, AASHTO guidelines, this Code, and the ~~Engineering Design Standards and Procedures Manual.~~
- (C) The right-of-way or easement area for a multi-use path must include a minimum paved area of ten feet, a minimum clear zone of two feet on both sides of the path, and any additional width necessary to accommodate lighting required under this Section.
- (D) Where a multi-use path runs parallel and adjacent to a public street, the multi-use path must be separated from the edge of the street by a width of at least five feet or by a physical barrier that meets the standards in the Oregon Bike and Pedestrian Design Guidelines, AASHTO guidelines, or the National Association of City Transportation Officials Urban Bikeway Design Guide.

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(E) Lighting for multi-use paths must be installed according to the standards in SDC 4.2.145. Lighting must not obstruct the paved surface or two foot clear area on either side. All lighting must be installed within the right-of-way or public easement area.

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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 must be dedicated as public right-of-way during the development review process.

When site constraints preclude the ability to dedicate right-of-way without impacting setback requirements or other development standards, the Director may authorize dedication of a public easement or may otherwise modify the standards in this Section through a land use decision.

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(B) Accessways must comply with the following design standards:

(1) Where an accessway is proposed for only bicycle and/or pedestrian travel, the right-of-way must be 12 feet wide, with a ten foot wide paved surface of either asphalt concrete or Portland Cement concrete. Light standards may be installed within travel path, as long as a minimum eight foot wide clear path is maintained.

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(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 must be a minimum of 24 feet wide; consisting of a 12-foot wide area paved with either asphalt concrete or Portland Cement concrete and two additional four foot wide areas on both sides that are turf block, grass-crete, or other similar permeable material approved by the Director on a base of gravel capable of supporting fire equipment weighing 80,000 pounds. Light standards must be installed outside the 20-foot travel path, but within the public right-of-way.

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Commented [RM17]: Through what process? Based on what?

(3) Illumination for accessways must be installed in accordance with SDC 4.2.145.

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(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 must continue to the closest public street or developed accessway. The developer bears 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.

Commented [RM18]: Through what process? Based on what standards?

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Commented [RM19]: What are these?

Section 4.3.100 Infrastructure Standards—Utilities

Subsections:

- 4.3.105 Sanitary Sewers
- 4.3.110 Stormwater Management
- 4.3.115 Water Quality Protection
- 4.3.117 Natural Resource Protection Areas
- 4.3.120 Utility Provider Coordination
- 4.3.125 Underground Placement of Utilities
- 4.3.130 Water Service and Fire Protection
- 4.3.135 Major Electrical Power Transmission Lines
- 4.3.140 Public Easements
- 4.3.145 Wireless Telecommunications System (WTS) Facilities

4.3.105 Sanitary Sewer

- (A) All sanitary sewer design including supporting documentation must be prepared and stamped by an Oregon licensed Engineer.
- (B) Sanitary sewers must be installed to serve each new development within the city limits and to connect developments to existing sanitary sewer mains.
- (C) The sanitary sewer must be designed and constructed in conformance with Chapter 2 of the *Engineering Design Standards and Procedures Manual* (EDSPM).
- (D) The City Engineer must approve all sanitary sewer plans and proposed systems prior to development approval.
- (E) Proposed developments must provide dedication and improvements indicated in an adopted Capital Improvements Program or Public Facilities Plan. The developer must pay a proportional share of the cost according to adopted City Council policy.
- (F) For proposed developments in unincorporated urbanizable land, the Lane County Sanitarian must approve all septic system designs.

Commented [RM1]: Adopt this section of the EDSPM? Are all the standards there Clear and Objective?

Commented [RM2]: Prior to what development approval? If for a fourplex or cottage cluster development (middle housing) there will not be a land use decision, so in what form would approval of the sanitary sewer plans take?

Commented [RM3]: Is this specific enough? Use wastewater masterplan. PFSP????

Commented [RM4]: Should this be more specific?

4.3.110 Stormwater Management

- (A) Stormwater Management Regulations. By implementing the policies set forth in the currently approved Stormwater Management Plan, 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) Stormwater Management Improvements – General Standards

Commented [RM5]: Is this a purpose statement? Or approval criteria? Keep? Delete?

(1) All stormwater management system design including supporting documentation must be prepared and stamped by an Oregon licensed Engineer.

(2) A stormwater management system must be installed to serve each new development within the city limits.

(3) The stormwater management system must be designed and constructed in conformance with Section (C) below.

(4) The stormwater management system must be separated from any sanitary sewer system.

(5) Identification of Water Quality Limited Watercourses. The Director must 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 must contain watercourses recommended by the Director. Any revision to the WQLW Map must 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 standard:

(a) Water Quality Limited Watercourses (WQLW): Waters of the State that meet one or more of the following standards:

- (i) 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.
- (ii) 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.

(b) A direct tributary to a WQLW that satisfies the following standards:

(i) Any watercourse that flows directly into a WQLW. However, watercourses that flow into the WQLW as a piped connection, where the pipe system extends more than 200 feet upstream of the connection point are not considered as flowing into a WQLW under this standard.

(ii) 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

Deleted: The Approval Authority must grant development approval only where public and/or private stormwater management systems provisions have been made, consistent with the Standards of Chapter Stormwater Management Plan and the Engineering Design Standards and Procedures Manual....

Deleted: Surface water drainage patterns must be addressed on every Preliminary Site Plan, or Tentative Partition or Subdivision Plan.

Deleted: <#>Any development with a stormwater threshold management requirement of 1,000 square feet of impervious surface area is required to employ stormwater management practices consistent with the Springfield Engineering Design Standards and Procedures Manual, which minimize the amount and rate of surface water run-off into receiving streams. The following stormwater management practices may be required in order to relieve demand on the City's piped drainage system, alleviate future costs of treating the piped discharge, promote water quality, preserve groundwater and the vegetation and rivers it supports, and reduce peak storm flows:¶

- ¶ Temporary ponding of water;¶
- ¶ Permanent storage basins;¶
- ¶ Minimizing impervious surfaces;¶
- ¶ Emphasizing natural water percolation and natural drainageways;¶
- ¶ Preventing water flowing from the street in an uncontrolled fashion;¶
- ¶ Stabilizing natural drainageways as necessary below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion, as permitted/allowed by City, State and Federal regulations;¶
- ¶ On-site filtration or skimming of run-off, that will enter natural drainageways to maintain water quality;¶

... [1]

Commented [RM10]: Does this make sense? Only recommended water courses?

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water quality of the diverted flow at the discharge point has been degraded when compared with the water quality at the diversion point.

- (6) Protection of Riparian Area Functions. A developer is 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 include, but are not limited to:
- (a) Maintaining temperature;
 - (b) Maintaining channel stability;
 - (c) Providing flood storage;
 - (d) Providing groundwater recharge;
 - (e) Removing sediments;
 - (f) Reducing contaminants, for example: excess nutrients; oils and grease; metals; and fecal coliform;
 - (g) Moderating stormwater flows; and
 - (h) Providing fish and wildlife habitat.

Commented [RM11]: What are these practices?

(C) Stormwater Management Capacity Requirements – Design Standards

(1) Retain rainfall on-site utilizing structural stormwater controls that infiltrate, capture, and/or evapotranspire stormwater. The site performance standard of retaining rain fall on-site is met when 100% of the Numeric Stormwater Retention Requirement (NSRR) volume from the project site is routed to one or more structural stormwater controls with capacity to accommodate the stormwater runoff and will fully infiltrate (after any necessary treatment), evapotranspire, and/or be reused onsite without stormwater runoff discharging from the site. Evapotranspire and reuse can be used to meet the retention requirements but are not required prior to pursuing treatment or alternative compliance options discussed below. The NSRR volume is determined through one of the following methods.

(a) Volume-based method (for example, the first inch of each storm event).

Commented [RM12]: These are examples. Do we set the standard? Or what is the set standard?

(b) Storm event percentile-based method (for example, the 95th percentile storm event- 95% of the time the data is below this value).

Commented [RM13]: Example. What is the standard we must use? Or how is this determined?

(c) Annual average runoff-based method (for example, 80% of annual average runoff).

Commented [RM14]: Example. Where do we get the number we must use?

(2) As an alternative to meeting the clear and objective standard in (1) above, at sites where 100% of the NSRR volume cannot be retained due to technical infeasibility and/or site constraints, the Step-Wise Alternative Compliance procedure outlined below may be followed. Technical infeasibility and/or site constraint factors may include, but is not limited to, shallow bedrock, high groundwater, groundwater contamination, soil instability, or a land use that is inconsistent with capture and infiltration of stormwater.

(a) Step-Wise Alternative Compliance – Treatment Standard

(i) For projects that are unable to fully meet the 100% of the NSRR, the remainder of the rainfall/runoff associated with this retention requirement must be treated prior to discharge with a structural stormwater control. This stormwater structural control must be designed to remove a defined percentage of total suspended solids and may include an upper and lower bound to their treatment requirement that reflect the practical limitation of an engineered control (e.g., 80% removal of TSS for typical influent concentrations ranging from 100mg/L to 200 mg/L). The permit registrant should establish treatment requirements that target the equivalent water quality benefits as onsite retention of stormwater from new development or redevelopment also using a model, such as a continuous simulation model or other evaluation tool. The use of treatment trains of structural post-construction stormwater controls should be used, and priority must be given to implementing green infrastructure before considering hardscaped structural stormwater controls for stormwater treatment. Detention ponds are not a sufficient stand-alone treatment method and must be combined with other structural stormwater controls. Treating the volume of water that would otherwise be retained under the NSRR satisfies the retention requirement.

Commented [RM15]: We need to figure out what these thresholds are.

(b) Step-Wise Alternative Compliance – Structural Stormwater Control Design and Specifications

(i) For sites that utilize the treatment option to satisfy the NSRR, the City of Eugene Stormwater Manual must be used for structural stormwater controls... the permit registrant must provide a description of all allowable structural stormwater controls including site-specific design requirements, design requirements that do not inhibit maintenance conditions where each control applies, and operation and maintenance standards for each control. The permit registrant must identify conditions where the implementation of green infrastructure or equivalent approaches may be inapplicable.

Commented [RM16]: Is this where we rely on Eugene Stormwater Manual?

(3) For any component of a stormwater system that will be part of the public system, the proposed development must be approved through a Type II or higher Land Use Decision process and meet the discretionary standards contained in Chapter 3, Stormwater Quality, and Chapter 4, Stormwater Capacity of the EDSPM.

(D) Stormwater Study Standards

(1) A complete Stormwater Study, as outlined below, must be submitted for all developments that generate public and/or private stormwater runoff from more than one acre of land or generate peak flows in excess of 0.5 cfs. Applications for developments or redevelopments that create 5,000 square feet of new impervious surface or modify an existing stormwater management system with a capacity of 0.5 cfs or greater must also include a complete Stormwater Study.

An Oregon licensed Engineer must prepare the complete Stormwater Study. All developments containing or adjacent to a floodplain, stream, wetland, natural resource area, or wellhead protection zone must include in the submitted Stormwater Study a review and report on the impact to those.

(2) A Stormwater Study must include the following:

(a) A written narrative describing the proposed stormwater management system in detail, including connections to the public stormwater management system, a description addressing water quality measures (Best Management Practices) proposed, as well as any necessary capacity measures that may be required for development (i.e. – a detention pond) as determined by the Stormwater Study.

Commented [RM17]: Provide reference? Where or what are these standards?

Commented [RM18]: As determined in the study???

(b) A hydrological study map, that contains:

(i) The development site and adjacent areas that contribute in excess of 0.1 cfs from offsite flows, well defined, and an area beyond the development site of not less than 100 feet (or the area around beyond the development site to the extent of the contributing watershed area (this seems like overkill...)):

Commented [RM19]: Subjective. Any??? Or some threshold? Percentage or amount?

Commented [MC20R19]: we change this to any concentrated flow or sheet flow from more than 5000 sf (maybe the minimum lot size?-the size should definately be up for more discussion) or in excess of 0.1 cfs.

(ii) Streets adjacent to or hydrologically connected to the development area, and street names:

(iii) Flow arrows in streets and ditches:

(iv) Contours or spot elevations for verification of direction of overland flow and pipe cover; Contour intervals on the study map must be as follows:

<u>Slope</u> (%)	<u>Contour Interval</u> (Feet)
0 - 10	2
11 - 25	5
> 25	10

(v) Drainage areas of all sub-basins (in acres):

(vi) Collection points (nodes) at downstream limits of all sub-basins:

- (vii) A profile of the stormwater management system showing invert elevations, maintenance access hole top and bottom elevations, existing utilities, and existing and finished ground line elevations;
- (viii) Existing and proposed stormwater pipes and channels with sizes and/or cross-sections included;
- (ix) Future pipes in the system, complete with proposed sizes, slopes, pipe cover, and flow line elevations at maintenance access holes;
- (x) North arrow, scale, company name and logo, designer name, contact information, and date;
- (xi) Environmentally sensitive areas (e.g. gullies, ravines, swales, wetlands, steep slopes, springs, creeks, etc.) For natural drainage features show direction of flow; and
- (xii) 100-year flood plain with flood elevations and 100-year flood way, as applicable.

(c) Hydrologic calculations to establish runoff volumes and peak flows (see analysis method requirements and design event in the Section (5) below 4.03.2).

(d) Hydraulic calculations to establish pipe size, flow velocity, and hydraulic grade line.

(3) Land use applications will not be required to provide engineering level details for on-site pipe profiles (showing invert elevations, maintenance access hole top and bottom elevations, pipe cover, etc.) as part of application, unless needed to resolve an underground utility conflict. However, these details must be required prior to final development approval.

(E) Stormwater Study Types

(1) A Small Site Stormwater Study is required when ALL of the following criteria are met:

(a) The proposed development is on a site that is less than five acres in size for a residential development, or is a commercial, industrial, or mixed-use development that is on a site that is one acre or less in size.

(b) The study area drains into an existing public stormwater management system with available capacity, as determined by testing performed by an Oregon licensed Engineer in conformance with the Eugene Stormwater Manual, for the peak flow based on the storm event frequency required under Section 4.03.4 Hydrologic Calculations.

(c) The study area does not contain or is not abutting to a floodplain, stream, wetland, natural resource area, or well head protection zone. Only locally

Commented [RM21]: How are study areas defined? By who? Based on what?

Commented [MC22R21]: It is generally the development area, if it is larger than just that area it would be shared commercial site like the mall that has drainage flowing across numerous tax lots all in the same shared area.

Commented [RM23]: What does "established" mean? Shown on master plan?

Commented [MC24R23]: i think the existng you put in here captures it.

Commented [RM25]: How is available capacity determined?

Commented [MC26R25]: using an infiltration test that is defined in the Eugene manual or done by a qualified engineer.

Commented [KK27]: This should be for the discretionary path only. The clear and objective path should require meeting one of the numerical standards in the new MS4 permit, without overflow.

Commented [RM28]: DELETE???

Commented [RM29]: Changed from adjacent to abutting. Both terms are defined in the definitions section.

Commented [KK30]: This needs to be better defined. Within how far is considered "adjacent"? What type of "stream, wetland, natural resource area" does this include? Only those that are locally-significant or on the WQWL map? Or all potential streams, wetlands, and natural resource areas? If the latter, will be very difficult to define this in a clear and objective manner.

significant resources that are on an adopted inventory or map, or resources that are adopted as part of the WQWL map are applicable under this standard.

Commented [RM31]: Added this clarifying language to try to make C and O.

(2) A Mid-Level Site Stormwater Study is required when the criteria for a Small Site Stormwater Study cannot be met and when ALL of the following criteria are met:

- (a) The development area, including any hydraulically connected area on the same property, is less than 25 acres in size.
- (b) The development area, including any hydraulically connected area on the same property, drains to an established public system within the city limits.
- (c) The development area, including any hydraulically connected area on the same property, does not contain or is not adjacent to a floodplain, stream, wetland, natural resource area, or well head protection zone.

(3) A Full Site Stormwater Study is required when the criteria for a Small Site and Mid-Level Site Stormwater Study cannot be met and where ANY of the following conditions are met:

- (a) The development area, including any hydraulically connected area on the same property, is greater than 25 acres in size.
- (b) Developments that require creation of a new outfall and/or the stormwater from the new development will exceed the existing stormwater management system capacity.
- (c) The development area, including any hydraulically connected area on the same property, contains or is adjacent to a floodplain, stream, wetland, or natural resource area.
- (d) Any development that generates a peak flow in excess of 0.5 cfs, modifies an existing stormwater management system with a capacity of 0.5 cfs or greater, or is a redevelopment or new development that creates 5,000 square feet or more of new impervious area.

Commented [KK32]: This language is already in the header for the full-site stormwater study.

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4.3.115 Water Quality Protection

These regulations apply water quality protection to only those sites that require Minimum Development Standards Review as specified in SDC 5.15.100, Site Plan Review approval as specified in SDC 5.17.100, and Land Divisions (Partition Tentative Plan and Subdivision Tentative Plan) approval as specified in SDC 5.12.100. The following standards do not apply to single unit dwellings and duplexes in the R-1 District, unless as specified in SDC 4.3.115(A)(1). Existing buildings that are within the riparian areas specified in SDC 4.3.115(A)(1) and (2) are

not considered non-conforming. SDC 4.3-115(A)(2)(a) and (b) provide additional protection from a non-conforming status.

(A) When addressing criterion (E), as specified in SDC 5.12.125, for Land Divisions, and SDC 5.17.125 for Site Plan Review, to protect riparian areas along watercourses shown on the Water Quality Limited Watercourses (WQLW) Map, the following riparian area boundaries must 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 is 75 feet landward from the top of the bank. Existing native vegetative ground cover and trees must be preserved, conserved, and maintained between the ordinary low water line and the top of bank and 75 feet landward from the top of bank.

Within the Willamette Greenway, any change or intensification of use to a single unit dwelling or Middle Housing requires Site Plan Review as specified in SDC 3.3.315. through the Site Plan Review process, the Director may reduce the size of the required riparian area if there is a finding that the proposed development is in compliance with SDC 3.3.300, the Willamette Greenway Overlay District, SDC 3.2.280 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 is 50 feet landward from the top of the bank. Existing native vegetative ground cover and trees must be preserved, conserved, and maintained both between the ordinary low water line and the top of bank and 50 feet landward from the top of bank.

(a) For all watercourses subject to Subsection 4.3.115(A)(2), 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; and additional trees, especially in parking areas, exclusive of otherwise required water quality measures and landscape areas. The applicant has the burden of proof to demonstrate, to the satisfaction of the Director, equivalency in relation to both the amount of pervious land (as specified above) and riparian area function (as specified in SDC 4.3.110(G)).

(b) An existing building within a riparian area is not 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 SDC 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 Director and applicable State or Federal agency.

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- (4) If an expansion of the riparian area described in SDC 4.3.115(A)(1) and (2) occurs as a result of a Federal or State agency permit process, the applicant must:
 - (a) Resubmit the preliminary Site Plan for additional review, as specified in SDC 5.17.105;
 - (b) Submit a Site Plan Modification application, as specified in SDC 5.17.145; or
 - (c) Resubmit the Tentative Plan for additional review as specified in SDC 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 the preservation of views; or to allow maintenance vehicles to approach City maintained stormwater facilities including detention basins, outfalls, culverts and similar stormwater facilities as may be permitted by the Engineering Design Standards and Procedures Manual.
 - (2) The felling of hazardous trees for safety reasons as specified in SDC 5.19.100, Tree Felling.
 - (3) Riparian area restoration and enhancement including the removal of invasive plant species, where necessary.
 - (4) Flood control structures, where necessary.
 - (5) **Stormwater management systems** and outfalls, as specified in the Engineering Design Standards and Procedures Manual or as required by other regulating authorities.
 - (6) Multi-use paths for pedestrian and/or bicycle use must be permitted, provided that the multi-use path drains away from the watercourse. Multi-use paths must be located along the outer edge of the required riparian area and away from the watercourse. The multi-use path must be located at the outermost edge of the 75-foot-wide Riparian Setback to the maximum extent practicable. Utilities may be extended within a multi-use path.
 - (7) Water-dependent or water-related uses between the Willamette River and the Greenway Setback Line as may be permitted in the Willamette Greenway Overlay District.
 - (8) Private driveways, public street crossings, bridges, and necessary culverts when there is no other vehicle access to the property. Crossings must be preferably at right angles to the watercourse. Public and private utilities must be permitted within the driveway, public street, or bridge right-of-way.

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- (9) Repair, replacement, or improvement of utility facilities as long as the riparian area is restored to its original condition.
- (10) Routine repair and maintenance of existing structures, streets, driveways, utilities, accessory uses and other similar facilities.
- (11) Other activities similar to those listed above that do not diminish riparian function. The Director must make the interpretations as specified in SDC 5.11.100.
- (C) For protection of water quality and protection of riparian area functions as specified in SDC 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 must be **minimized**; and
 - (c) Hardening or armoring 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. The required riparian area landscaping must be installed as part of the building permit process and may be bonded as specified in SDC 5.17.150.
 - (6) Restore and enhance riparian areas that are degraded in riparian function.
 - (7) In applying SDC 4.3.115(C)(1) through (6), riparian area protection, preservation, restoration, and enhancement measures must be applied as follows:
 - (a) For new development and redevelopment, existing riparian area functions must be protected and preserved. Degraded functions must be restored or enhanced through the full riparian area width, as specified in SDC 4.3.115(A)(1) and (2), and extending through the full frontage of the lot/parcel along the watercourse on the Water Quality Limited Watercourse (WQLW) Map.

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- (b) For additions and expansions on any portion of a lot/parcel, existing riparian area functions must be protected and preserved through the full riparian area width specified in SDC 4.3.115(A)(1) and (2), 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 must 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 must start at the top of bank of the watercourse and work landward.

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4.3.117 Natural Resource Protection Areas

(A) The purpose of this Subsection is to protect identified natural resources in order to:

- (1) Implement the goals and policies of the Metro Plan;
- (2) Satisfy the requirements of Statewide Planning Goal 5;
- (3) Safeguard the City’s locally significant wetland and riparian areas, especially the hydrologic and ecologic functions these areas provide for the community;
- (4) Safeguard fish and wildlife habitat;
- (5) Safeguard water quality and natural hydrology, to control erosion and sedimentation, and to reduce the adverse effects of flooding;
- (6) Safeguard the amenity values and educational opportunities for City’s wetlands and riparian areas for the community; and
- (7) Improve and promote coordination among Federal, State, and local agencies regarding development activities near wetlands and riparian areas.

(B) This Subsection must apply to natural resource protection areas that include land within the wetland and/or the riparian resource boundary and the development setback area, specifically:

- (1) Locally significant protected wetlands, listed in the Springfield Local Wetland Inventory and shown on the Local Wetland Inventory Map.
 - (a) The City must determine which wetlands are locally significant through application of the Oregon Freshwater Wetland Assessment Methodology to the Local Wetland Inventory.
 - (b) Inventoried wetlands which are not deemed to be locally significant must not be subject to the development setbacks and other protections described in this Subsection, but must continue to be protected under permitting authority of applicable Federal and State agencies.

(c) During the application review process, if a property is found to contain a wetland that has not been inventoried, the applicable Federal and State agencies must be notified. Based upon the Federal and State agency review, both the Springfield Local Wetland Inventory and the Local Wetland Inventory Map may require amendment.

(2) Locally significant protected riparian areas, listed in the Springfield Inventory of Natural Resource Sites and shown on the Natural Resources Inventory Map. The City has determined which riparian areas are significant in accordance with rules adopted by the Oregon Department of Land Conservation and Development (DLCD).

(3) **EXCEPTIONS:** The protections described in this Subsection do not apply to:

- (a) Properties that received development approval or were submitted for processing before December 28, 2005.
- (b) Properties with approved wetland or riparian fill and mitigation plans, permits or other approved actions issued by the Oregon Department of State Lands (DSL) and or the US Army Corps of Engineers (COE) or other approving authority with jurisdiction over wetland and riparian resources.
- (c) Sites shown on the City's WQLW Map that are already protected with 50-foot or 75-foot development setbacks in accordance with SDC 4.3.115.

(4) Inventory map corrections: The Director may correct the location of a wetland or riparian boundary shown on the Local Wetland Inventory Map and/or the Natural Resources Inventory Map when it has been demonstrated by a property owner or applicant that a mapping error has occurred and the error has been verified by DSL. Wetland delineations verified by DSL must be used to automatically update and replace the City's Local Wetland Inventory mapping. No variance application is required for map corrections where approved delineations are provided.

(C) Development Setbacks for Locally Significant Wetland and Riparian Areas.

- (1) Development setbacks are the primary element of the City's protection program for locally significant wetland and riparian areas. Development setbacks are determined as follows:
 - (a) Locally significant wetlands on the Springfield Local Wetland Inventory which are not shown on the WQLW Map must be protected by a 25-foot wide development setback.
 - (b) Locally significant riparian areas identified on the Springfield Inventory of Natural Resource Sites which are not shown on the WQLW Map must be protected by a 25-foot wide development setback.
 - (c) Where a locally significant wetlands or riparian area is only partially shown on the WQLW Map, that portion which is not protected by the City's Stormwater

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Quality Management Program must be protected by a 25-foot wide development setback.

- (d) Development setbacks from locally significant wetland areas are measured from the delineated edge of the wetland as acknowledged by DSL.
- (e) Development setbacks from locally significant riparian areas are measured from the "top of bank" as defined in Chapter 6.
- (f) Where locally significant wetlands and riparian areas overlap, the development setback area is measured from the edge of the delineated wetland.

(2) The Springfield Local Inventory Map and the Springfield Inventory of Natural Resource Sites Map must be used to provide a visual reference for locating known wetland and riparian areas, but must not be relied upon as the final authority for locating the actual boundaries of these areas. The final authority is a delineation required as specified in SDC 5.12.120(B) and/or 5.17.120(B) in order to locate the boundaries of the resource for the purpose of applying development setbacks or other protections described in this Section.

(D) Site Plan Review as specified in SDC 5.17.100 is required for development in commercial, industrial, R-2, and R-3 land use districts where the multiple unit housing development is proposed within 150-feet of a locally significant wetland or riparian area.

Site Plan Review is not required for:

- (1) Single-unit dwellings and middle housing in the R-1 land use district. However, the natural resource protection standards of this Subsection apply to these single-unit dwellings and middle housing; and/or
- (2) Land divisions that comply with water quality protection standards specified in SDC 4.3.115.

(E) Permitted Uses Within Locally Significant Wetland and Riparian Natural Resource Protection Areas.

- (1) The following uses and activities are permitted within a locally significant wetland or riparian natural resource protection area, including the development setback area, with no additional State or Federal permits:
 - (a) Any use, building or structure that lawfully existed as of December 28, 2005 is allowed to continue and required maintenance may occur.
 - (b) The maintenance and alteration of pre-existing ornamental landscaping must be permitted as long as no additional native vegetation is disturbed.
 - (c) These uses permitted in Subsections (a) and (b), above are not affected by any change in ownership of property.

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(2) The following uses and activities are permitted within a locally significant wetland or riparian natural resource protection area, including the development setback area, provided that any applicable Federal, State, or local permits are secured:

- (a) Wetland and or riparian restoration and rehabilitation activities.
- (b) Restoration and enhancement of native vegetation, including the addition of canopy trees.
- (c) Cutting and removal of trees that pose a hazard to life or property due to threat of falling.
- (d) Perimeter mowing and other cutting necessary for hazard prevention.
- (e) Removal of non-native vegetation, if replaced with native plant species at a density that prevents soil erosion and encourages the future dominance of the native vegetation.
- (f) Normal farm practices such as grazing, plowing, planting, cultivating, and harvesting that meet the following standard and limitations:
 - (i) The farm practices were in existence or occurring on the property as of December 28, 2005;
 - (ii) The farm practices are of no greater scope or intensity than the operations that were in existence as of the December 28, 2005; and
 - (iii) Normal farm practices do not include new or expanded structures, streets, or other facilities involving placement of fill material, excavation, or new drainage measures.
- (g) Maintenance of existing drainage ways, ditches, or other structures to maintain flows at original design capacity and mitigate upstream flooding, provided that management practices avoid sedimentation and impact to native vegetation and any spoils are be placed in uplands.
- (h) Waterway restoration and rehabilitation activities such as channel widening, realignment to add meanders, bank grading, terracing, reconstruction of street crossings, or water flow improvements.
- (i) Maintenance and expansion of existing public drinking water facilities and the establishment of new public drinking water facilities. This includes essential and ancillary infrastructure and services needed for the operation of these drinking water facilities.
- (j) Replacement of a permanent, legal, non-conforming building or structure in existence as of December 28, 2005 with a building or structure on the same building footprint, if it does not disturb additional area, in accordance with the provisions of SDC 5.8.100, Non-Conforming Use. Access to and around the

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building footprint must be allowed as needed for the delivery of building materials and reconstruction, but this access must not cause unnecessary disturbance to vegetation within the resource protection area. Land within the resource protection area that is disturbed by reconstruction must be restored to its original condition.

- (k) Expansion of a permanent, legal, non-conforming building or structure in existence on December 28, 2005, if the expansion area is not within and does not disturb the locally significant wetland or riparian resource boundary, in accordance with the provisions of ~~SDC 5.8.100~~, **Non-Conforming Use**.
- (l) Emergency stream bank stabilization to remedy immediate threats to life or property (Federal, State, or local emergency authorization may be needed for in-stream work).
- (m) Maintenance and repair of existing streets, including repaving and repair of existing bridges, and culverts, provided that these practices avoid sedimentation and other discharges into the locally significant wetland or riparian resource boundary.
- (n) Public multi-use paths, access ways, trails, boardwalks, picnic areas, or interpretive and educational displays and overlooks, including benches and outdoor furniture;
- (o) Construction of public and private transportation facilities, sewers, drainage ways, utilities, and other infrastructure which cannot be feasibly located outside of the locally significant wetland or riparian resource boundary, as determined by the Director. These facilities are subject to the development standards specified in Subsections ~~(k)~~ and ~~(l)~~ above.
- (p) New fencing may be permitted by the Director where the applicant demonstrates that the following standard can be satisfied:
 - (i) The fencing must not affect the hydrology of the natural resource protection area;
 - (ii) The fencing must not present an obstruction that would increase flood velocity or intensity;
 - (iii) Fish habitat must not be adversely affected by the fencing;
 - (iv) The fencing must be the minimum necessary to achieve the applicant's purpose; and
 - (v) Applications for new fencing within a locally significant wetland or riparian resource boundary must contain a scale drawing that clearly depicts the resource boundary and the development area setback, where applicable.

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(F) The following uses and activities must be permitted within the development setback area only, provided all required Federal, State, or local permits are secured:

- (1) Docks, boat shelters, piers, boat ramps, and similar water dependent uses;
- (2) Utilities including but not limited to water, wastewater, stormwater, electrical facilities, natural gas facilities, telecommunications, or other public improvements;
- (3) Streets or bridges where necessary for access or crossings;
- (4) Bioswales or similar water quality improvement projects;
- (5) Public multi-use paths, access ways, trails, picnic areas, or interpretive and educational displays and overlooks, including benches and outdoor furniture; and
- (6) Wetland and riparian restoration.

(G) The following uses and activities must be prohibited within a locally significant wetland or riparian natural resource protection area, including the development setback area, unless permitted elsewhere in this Code:

- (1) Placement of new structures or impervious surfaces;
- (2) Excavation, drainage, grading, fill, or removal of vegetation except for fire protection purposes or removing hazard trees;
- (3) Expansion of areas of landscaping with non-native species, such as a lawn or garden, into the protected areas;
- (4) Disposal or temporary storage of refuse, yard debris, or other material;
- (5) Discharge or direct runoff of untreated stormwater; and
- (6) Uses not allowed in the list of permitted uses for the underlying zone.

(H) Conservation and Maintenance of Locally Significant Wetland and Riparian Areas and Development Area Setbacks. When approving applications for Land Divisions, Site Plans, Master Plans, Discretionary Use Permits, Variances, and Land and Drainage Alteration Permits or for development permits for properties containing all or a portion of a wetland or riparian area, the City must assure long term conservation and maintenance of the wetland or riparian area through one or more of the following methods:

- (1) The area must be protected in perpetuity by a conservation easement recorded on deeds and plats prescribing the conditions and restrictions specified in Subsections (E) through (G) above and any conditions imposed by State or Federal permits; or
- (2) The area must be protected in perpetuity through ownership and maintenance by a private nonprofit association through a conservation easement or through conditions, covenants, or restrictions (CC&Rs), prescribing the conditions and restrictions

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specified in Subsections (E) through (G) above and any conditions imposed by State or Federal permits; or

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(3) The area must be transferred by deed to a willing public agency or private conservation organization with a recorded conservation easement prescribing the conditions and restrictions specified in Subsections (E) through (G) above and any conditions imposed by State or Federal permits.

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(4) Other mechanisms for long-term protection and maintenance as deemed appropriate and acceptable by the Director. These mechanisms must be consistent with the purposes and requirements of this Section.

(I) Notification and Coordination with State Agencies. The Director must notify DSL in writing of all applications to the City for development activities, including development applications, Building Permits, and other development proposals, that may affect any wetland or riparian areas identified in the Springfield Local Wetlands Inventory or the Springfield Inventory of Natural Resources Map. This applies to both locally significant and non-significant wetlands and riparian areas.

(J) Development Setback Area Variances.

(1) Variance applications for development setback areas require compliance with either the Major Variance standards specified in SDC 5.21.130 or the Minor Variance standards specified in SDC 5.21.125; and

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(2) In the case of loss of use of the property, the following additional standards apply:

(a) The application of the standards of this Section renders the property unbuildable;

(b) The applicant has exhausted all other options available under mapping errors specified in Subsection (B)(4) above and the development area setback variance specified in Subsection (3) below;

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(c) There must be no significant adverse impacts on water quality, erosion, or slope stability, or these impacts have been mitigated to the greatest extent possible; and

(d) The loss of native vegetative cover must be minimized.

(3) In the case of varying the development setback area, such as averaging the setback area width, the applicant must submit a plan demonstrating compliance with the additional standard:

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(a) There must be equal or better protection of the wetland or riparian area to be ensured through restoration, enhancement, or similar means;

(b) In the case of setback averaging, the required plan must show the proposed average setback width with measurements made at no greater than 50-foot intervals over the distance the property involved in the setback averaging; and

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(c) In no case can the activities prohibited in Subsections (G)(1) through (G)(3), above occupy the locally significant riparian area or wetland or more than 50 percent of the development setback area.

(K) Transportation Facilities and Structures Development Standards. The following standards apply to transportation facilities and structures within wetland protection areas, including streets and driveways, bridges, bridge crossing support structures, culverts, and pedestrian and bike paths:

- (1) Wetland and riparian protection areas can be crossed only where there are no practicable alternatives to avoid the resource;
- (2) Transportation facilities and structures crossing wetland and riparian protection areas must be no wider than necessary to serve their intended purposes; and
- (3) Within buffer areas, new streets, driveways, and pedestrian and bike paths must be located or constructed so as not to alter the hydrology of the adjacent wetland or riparian corridor.

(L) Utility Development Standards. The following standards apply to permitted crossing, trenching, or boring for the purpose of developing a corridor for communication, energy, or other utility lines within or crossing properties within wetland or riparian protection areas:

- (1) Utility maintenance access roads in or crossing protected resources must meet applicable standards for transportation facilities and structures in protected resources as specified in Subsection (K), above; and
- (2) For underground utilities, the following additional standards apply:
 - (a) Boring under the waterway, directional drilling, or aerial crossing is preferable to trenching. If trenching is the only alternative, it must be conducted in a dry or dewatered area with stream flow diverted around the construction area to prevent turbidity;
 - (b) Common trenches, to the extent allowed by the Building Code, must be required in order to minimize disturbance of the protected resource;
 - (c) Materials removed or excavated during trenching, boring, or drilling must be deposited away from the protected resource, and either returned to the trench as back-fill, or if other material is to be used as back-fill in the trench, excess materials must be immediately removed from the protected resource and its associated buffer. Side-casting of removed material into a protected resource must not be permitted;
 - (d) Backfilling of trenches must utilize excavated soils from the site whenever possible. If other materials are used for backfill, they must not be of a pervious nature that would cause the trench to become a conduit for runoff or change the original hydrology of the protected wetland or riparian site;

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- (e) The ground elevation of a protected resource must not be altered as a result of utility trench construction or maintenance. The finished elevation must be the same as starting elevation; and
 - (f) Topsoil and sod must be conserved during trench construction or maintenance, and replaced on top of the trench.
- (3) Hydraulic impacts on protected resources and removal of native vegetation must be minimized; and
- (4) Where feasible, crossings of wetland and riparian protection areas must be perpendicular to the protected area to minimize the impact.
- (M)** Vegetation Management Standards. The following standards apply to vegetation in wetland and riparian protection areas:
- (1) Vegetation removal, pruning, or mowing in a locally significant wetland or riparian boundary must be the minimum necessary and in no case substantially impair any resource functions and values. Vegetation removal, pruning, or mowing in the development area setback must be the minimum necessary. Removal, pruning, or mowing of vegetation is allowed if the applicant demonstrates one of the following:
- (a) The action is necessary for the placement of a structure or other allowed use for which a Building Permit has been issued;
 - (b) The action is necessary for maintenance of an existing structure or transportation facility;
 - (c) The action is necessary for correction or prevention of a hazardous situation;
 - (d) The action is necessary for completion of a land survey;
 - (e) The action involves the maintenance of a landscaped area that existed prior to December 28, 2005;
 - (f) The action is part of an approved restoration, enhancement, mitigation, or erosion control plan, including, but not limited to, invasive or noxious species removal and replacement with native species, and wetland area restoration, mitigation, or enhancement; or
 - (g) The action is part of a landscape plan approved by the City, and any other appropriate agencies, in conjunction with a Building Permit that minimizes adverse impacts on protected resources.
- (2) Planting is permitted in accordance with the following standards:
- (a) The planting is part of an approved restoration, enhancement, mitigation, or erosion control plan;

- (b) The planting is part of a landscape plan using appropriate native plant species, and the plan is approved by the City in conjunction with approval of a Building Permit; or
- (c) The planting is to replace dead or damaged plants that were either part of a maintained landscape or part of the existing native plant community.

4.3.120 Utility Provider Coordination

- (A) All utility providers are responsible for coordinating utility installations with the City and the developer through the Development Review Committee or by separate written correspondence.
- (B) The developer is 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 must 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 are permitted subject to compliance with zoning district regulations and the Metro Plan's Public Facilities and Services Plan. Required landscaping and screening must be approved by the Director under Type 2 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 must 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 must 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 must 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 is 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 I 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 SDC 5.4.105(B)(2).

4.3.140 Public Easements

- (A) Utility Easements. The applicant must 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 is seven feet. The minimum width for all other public utility easements is seven feet. However, the utility provider or the 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 must be centered on a lot/parcel line.

- (B) Watercourse or Riparian Area Maintenance Easements. Where the Director has determined that a watercourse or riparian area will be part of the City's Stormwater Management System, a maintenance easement is required in order to maintain the functionality of these areas. For watercourses, the easement must be measured from either the top of the bank, ordinary high water mark or the delineated setback line. The easement must be a minimum of ten feet wide where no equipment is required for access or maintenance. The easement must be extended to a maximum of 25 feet wide to allow City maintenance vehicles to set up and perform the required maintenance.

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Section 4.4.100 Landscaping, Screening, and Fence Standards

Subsections:

4.4.105 Landscaping

4.4.110 Screening

4.4.115 Fences

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 required planting and irrigation, other than what is required by the Minimum Development Standards (Section 5.15.100), must not exceed ten percent of the value of the new development, including the cost of parking facilities.
- (D) The following areas of a lot/parcel must be landscaped, unless otherwise specified in this Code:
 - (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 must be covered with living plant materials within five years of the date of installation. The living plant materials must be distributed throughout the required planting area. The planting acceptable per 1,000 square feet of required planting area is as follows:

Commented [RM1]: What other sections???

Commented [RM2]: Clarify where this applies? All three applications? Under (B) above? Make more clear...

Commented [RM3]: Does this include all three areas as specified in (B) above? Make more clear. Could/should this apply to just (B)(1) above?

Doesn't apply to medians or planting strips. Look at section 4.2.135 for the standards for medians and planting strips. Check for consistency with MDS and 4.2.135.

(1) A minimum of two trees, not less than six feet in height, that are at least a two inch (dbh) caliper (at the time of planting, not including root ball); and

(2) Ten shrubs, five gallons or larger.

(3) Lawn and/or groundcover may be substituted for trees or shrubs, unless the trees or shrubbery are required for screening, when there are adequate provisions for ongoing maintenance.

These standards do not apply to single unit dwellings and middle housing in the R-1 District.

(F) Parking lot planting areas must include one canopy tree at least two inches (dbh) in caliper that meets City street tree standards as may be permitted by the *Engineering Design Standards and Procedures Manual* and at least four shrubs, five gallon or larger, for each 100 square feet of planting area. Shrubs that abut public right-of-way or that is placed in the interior of any parking lot must not exceed two and a half feet in height at maturity. Parking lot planting areas must include:

(1) Parking and driveway setback areas specified in the applicable land use 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 multiple unit housing design standards.

(G) All new required planting areas must be provided with a permanent underground irrigation system. Areas planted with native species or plant communities are exempt from this standard.

(H) Landscaped setbacks abutting required screening on the same property are exempted from planting requirements if the area is not visible from any public right-of-way or adjacent property.

(I) **Planting Installation Standards**

(1) Existing landscaping to be retained must be provided with protection which will remain through the construction process. The plants to be saved and the method of protection must be noted on the Landscape Plan.

(2) Existing trees to be retained on private property must 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 five year period. Trees to be saved must be provided with protection around the drip line, and including kept free from

Commented [RM4]: Don't allow this substitution??? Delete. Agreed by Rick S.

Shouldn't be required??? Bruce Berg in TAC on 4/1/21...

Shouldn't be allowed for parking lot trees, and screening trees???

Phil F. commented. Leave in... allow the substitution in median or parking strip area but not on private property.

Provide some limitation??? Some limitation/percentage??

Commented [RM5]: How would we enforce these standards on middle housing in other R zones? Or should we?

Commented [RM6]: Drip system?? Is this considered "underground"? Comment from TAC meeting 4/8/21. Clarify that drip system is allowed as part of underground system???

trunk abrasion. The trees to be saved and the method of protection must be noted on the Landscape Plan.

- (3) The Landscape Plan must 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 replacement of topsoil must be provided for and indicated on the Landscape Plan. All waste material must 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 must 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 is 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-unit housing developments.
- (B) Screening must be vegetative, earthen, and/or structural. Unless specified elsewhere in this Subsection, screening must be continuous to at least six feet above ground level. The following standards apply:
 - (1) **Vegetative Screening.** Evergreen shrubs must be planted to form a continuous hedge. When immediate screening is necessary, a sight-obscuring fence must be installed in place of, or in conjunction with the shrubs. The six-foot height standard specified in Subsection (B), above must occur within four years of planting.

For multiple unit housing development, the vegetative screening standards specified in Section 4.7.385(5) or 4.7.390 apply.

- (2) **Earthen Screening.** Earthen berms may be used to screen either visual or noise impacts. A berm must be combined with evergreen plantings or a fence to form an attractive sight and noise buffer. The maximum height of a berm is six feet along local streets and eight feet along collector and arterial streets or railroad rights-of-way. Alternatively, a different height is allowed if a licensed acoustical engineer determines a lower or higher height must be utilized. Height is 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 must be constructed as an earthen slope. The interior face of the berm may be constructed as an earthen slope or retained by a structure (wall or terrace) that meets the building code. The maximum slope is 1:3. The crest area must be a minimum of four feet wide. The slopes must be protected by trees, shrubs, and groundcover to prevent erosion. Berms must be irrigated as specified in Section 4.4.100. No part of a berm is allowed to encroach into an easement. The toe of a berm over three feet in height must be set back at least five feet from any property line, unless when abutting public right-of-way where the setback of the toe of the berm may be at a zero setback from the property line. Berms must not interfere with the drainage patterns of the property.
- (3) **Structural Screening.** A fence or masonry wall must be constructed to provide a 100 percent sight-obscuring screen.
- (a) No screen is allowed to exceed four feet in a residential district front yard setback, and all screening must 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 must be made from a non-metallic material and be of a subtle color to blend with surrounding vegetation.
 - (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 district, must be screened from view as specified in Subsections (1) and (3), above. All refuse materials must be contained within the screened area. See also Section 3.2.240(D)(3)(b) for multiple unit housing design standards. This standard does not apply to single unit dwellings or middle housing.
 - (d) When abutting a street, outdoor storage areas and storage yards must be screened with a five-foot planting strip between the storage and street as specified in Section 4.4.100.

Commented [RM7]: Delete? Not clear and objective for housing.

4.4.115 Fences

Fences must not exceed the height standards in Table 4.4.1 and must be located as follows:

(A) General

- (1) In any land use, overlay, or plan district not specifically listed in Table 4.4.1, fence standards are determined based upon the use. For a residential use it will be the residential land use district standard, commercial use will require the commercial land use district standard, and an industrial use will require the industrial land use district standard.

In mixed use areas, fence standards will 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 must 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 must be screened by a 100 percent sight obscuring fence when abutting residential districts 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 land use, overlay, and plan districts.

- (1) A construction permit is required for fences over six feet in height.
- (2) Fences within the Willamette Greenway Setback area are reviewed under Discretionary Use procedure for fences as specified in Section 5.9.120 and as required in Section 3.3.225.

Commented [RM8]: Is there a better way to word this or regulate it?

Table 4.4.1

Base Height by Land Use 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(8)	Y(8)	Y(8)	Y/N(8)	N

Commented [RM9]: Still allow?

Note: The numbers in the table above in parentheses refer to the numbered sections below under (C).

(C) Fence Standards

- (1) The fence must 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) Four foot high unslatted chain link—this standard does not apply to multiple unit housing developments.
 - (b) Three foot high sight obscuring fence.
- (3) In the Campus Industrial District the base height standard is six feet. In all other industrial districts, the base height standard is eight feet.
- (4) In the residential districts, a fence may be located along the property line. In all other districts, the fence must be located behind the street yard setback.
- (5) Situations where the base fence height may be exceeded:
 - (a) Eight feet 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 four or more travel lanes, may have fences of eight feet tall along common property lines and right-of-way.
 - (b) Ten feet for residential properties abutting commercial or industrial districts along common property lines, and around permitted storage areas in residential districts. Yards of a single unit dwelling do 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, must 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 must be permitted within 35 feet of a CI District perimeter or 20 feet of any development area perimeter or within interior lots/parcels of development areas.

A three feet maximum height decorative fence or masonry wall may be permitted as screening devices around parking lots.

(b) Chain link fences must be permitted only when combined with plantings of evergreen shrubs or climbing vines that will completely cover the fence(s) within five years of installation (as certified by a landscape architect or licensed nursery operator).

(c) Painted fences must match the building color scheme of the development area.

(7) No fence is allowed to exceed the two and a half foot height limitation within the vision clearance area as specified in Section 4.2.130.

(8) Barbed wire, razor wire, or electrified fencing is permitted atop a six-foot chain link fence. The total height of the fence and barbed wire must not exceed eight feet. These materials must not extend into the vertical plane of adjoining public sidewalks. Barbed wire or razor wire only fences are prohibited. Electrified fencing must be posted with warning signs every 24 feet.

(a) In the PLO District in the Downtown Exception Area and in the MUC, MUE, and MUR Districts, no barbed wire, razor wire, or electrified fences are 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, must be reviewed under Discretionary Use procedure as specified in Section 5.9.100, using the criteria specified in Subsection (C), below.

Commented [RM10]: Comment from TAC 4/8/21 Barb wire allowed in Residential? Should this still be allowed.

(D) 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 demonstrated a security problem exists at the site. The demonstration must 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, must 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

Subsections:

4.5-105 Purpose and Applicability

4.5-110 Illumination and Height

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) Light fixtures subject to the standards in this section are outdoor artificial illuminating devices, outdoor fixtures, lamps, and other similar devices, permanently installed or portable, used for flood lighting, general illumination, or advertisement. Such devices include, but are not limited to, lights for:
- (1) Buildings and structures;
 - (2) Recreational areas;
 - (3) Parking lot and maneuvering areas;
 - (4) Landscape areas;
 - (5) Streets and street signs;
 - (6) Product display areas;
 - (7) Building overhangs and open canopies;
 - (8) Holiday celebrations;
 - (9) Construction lights.
- (C) The following light fixtures or uses are exempt from complying with the outdoor lighting standards of this section. These exemptions do not prevent the City from adoption of later ordinances that may address the retrofitting or removal of outdoor lighting fixtures.
- (1) All outdoor light fixtures lawfully installed and operating prior to the effective date of the ordinance codified in this section, and not prohibited by this section. This exemption does not apply if an existing light fixture is replaced. The addition of supplementary shielding and/or re-aiming of existing fixtures that shine direct illumination or visible glare beyond the property line where the fixture is installed are encouraged to help improve safety and quality of life.

Commented [RM1]: How/why is this section different from SDC 4.2.145? Which section applies to what?

Commented [RM2]: Make recommendation to PC from TAC to revise to require applicable to all housing...

Commented [LA3]: subjective terminology

Commented [RM4R3]: Since used in purpose statement ok?

- (2) Residential low wattage lighting, as defined below, used for yards and driveways. These low wattage lights must not shine, glare, emit direct illumination, or cast a shadow onto adjacent property.
- (3) Commercial and industrial low wattage lighting used to highlight driveways and landscaping, or applied to a building providing they are properly aimed and shielded to not shine visible glare into the public right-of-way or onto adjacent or nearby properties.
- (4) Up-lighting intended to highlight part of a building or landscaping; provided, that the light distribution from the fixture is effectively contained by an overhanging architectural element or landscaping element and does not shine beyond the intended target including into the night sky. Such containment elements may include but are not limited to awnings, dense shrubs, or year-round dense evergreen tree canopies which will contain or limit illumination of the sky.
- (5) Correctional Institutions. Exterior lighting for correctional facilities must be shielded high-intensity discharge lighting except at the immediate entry area, in which case other lighting may be used that conforms to the intent of this section.
- (6) Low wattage lights used as decorations, such as holiday lights, for no more than 60 days in a calendar year are exempt from the requirements of this section.
- (7) Carnivals and fairs that require the use of temporary outdoor lighting fixtures are exempt except that permanent installations at dedicated sites must conform to the requirements of this section.
- (8) U.S. flags displayed by top-mounted lighting only. The illumination of all flags other than the U.S. flag must be extinguished at the end of public business hours or by 10:00 p.m., whichever is later.
- (9) Temporary lighting for television or movie film productions, roadway or utility construction or building construction not to exceed 60 days in any one location. Permanent installations at dedicated sites must conform to the requirements of this section.
- (10) All outdoor light fixtures used to highlight art features within a public right of way providing they are aimed and shielded to not shine visible glare into the public right-of-way or onto adjacent or nearby properties.
- (11) City street light standards and design criteria, which are regulated by SDC 4.2.145 and by the *Engineering Design Standards and Procedures Manual*.
- (12) 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

Commented [KK5]: Consider removing "decorative." Define by wattage and clear prohibited effects, otherwise not C&O for housing standards.

Commented [GK6]: Define low wattage? Is it different for commercial vs industrial?

Commented [RM7R6]: Defined below

Commented [GK8R6]: I see that now, wasn't to definitions yet.

Commented [LA9]: City

Commented [GK10]: What about state and federal? We may get them eventually.

Commented [KK11]: Consider removing holiday and just stating "decorative lights such as holiday lights," to include string lights put up for other reasons.

Commented [KK12]: Alternative is no more than 60 consecutive days, but that gives loophole of turning them off one night and then allowing them to be lit up the next under a new timeline.

Commented [LA13]: any one location? vicinity seems too ambiguous

Commented [RM14]: subjective... but wouldn't apply to housing so, ok?

Commented [RM15R14]: just say "aimed and shielded to not shine..."

Commented [KK16R14]: I like your edit.

Commented [GK17]: How would the flame at gateway fit into this code? It isn't shielded and is art related to transportation, maybe?

Commented [RM18]: Street lighting? Check on this.

Commented [RM19]: Check these standards and specs"

(13) Sign lighting and signs in general, which are regulated in the Springfield Municipal Code, 1997, Chapter 8.

(D) **Violations and Penalties.** For any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve or convert any lighting fixture, or cause the same to be done, contrary to or in violation of any provision of this section constitutes a violation of this Code. Each day a lighting fixture is in violation of this section constitutes a separate violation.

Commented [KK20]: Could consider ending at "violation." Our muni code is clear that violations of the development code are enforceable under the Civil Enforcement of Code Infractions section in chapter 5.

(E) **Definitions.** The following definitions apply to terms in this section:

- (1) End of business hours or end of business means (a) the end of normal or posted business hours when a business or institution is no longer open to serve customers or clients, and (b) the end of a shift or normal work hours when the majority of employees are gone from the business or institution.
- (2) Full cut-off means a light fixture designed and constructed so that light is directed down and no light is projected above the horizontal plane. [See illustrations below]
- (3) Glare means stray, unshielded light striking the eye that may result in (a) nuisance or annoyance such as light shining into a window; (b) discomfort causing squinting of the eyes; (c) disabling vision by reducing the ability of the eyes to see into shadows; or (d) reduction of visual performance.
- (4) High intensity discharge lamp lighting means high-pressure sodium, mercury vapor, metal halide, low-pressure sodium, induction, sulfur, xenon, and other similar lamps.
- (5) Installed means initial installation of outdoor lighting fixtures, poles, electrical wiring, and related mounting equipment following the effective date of the ordinance codified in this section. Projects with approved construction plans prior to effective date of the ordinance codified in this section are excluded from compliance with the ordinance in the initial installation only.
- (6) Low wattage lights means 12-volt direct current lights or individual lamps less than 0.25 watts each strung together within a translucent or transparent plastic cover.
- (7) Replacement means the installation of a new lighting fixture in place of an existing fixture, and/or the installation of a new lighting housing or head to an existing pole, bracket or wall, tree, or other structure. "Replacement" does not mean the changing of light bulbs or lamps in a fixture for the same or lower wattage bulbs.
- (8) Safety/Security. "Safety" means (a) sufficient lighting at building entrances, exits, walkways and parking areas to allow customers and employees to see any physical barriers and to be seen at all times as they access to vehicles and sidewalks, and (b) the use of full cut-off light fixtures above doors, at fire service stanchions, loading areas, and similar building access points.

Commented [LA21]: Should insert a definition for LED lighting

- (9) Shielding means an externally applied device such as a shroud or hood of metal, wood, opaque plastic or opaque painted glass so that light emitted by the fixture is directed downward below the horizontal plane onto the site and does not shine direct illumination or glare onto adjacent or nearby property.
- (10) Unshielded means light fixtures lacking any means to restrict the emitted light to below the horizontal plane or to shine or glare onto adjacent or nearby property.
- (11) Up lighting means a shielded light fixture usually installed on the ground or permanently mounted to an architectural element, tree, or other structure that has the light from the fixture directed in a contained distribution pattern above the horizontal plane to illuminate an adjacent or nearby building element, shrub, tree or other landscaping.



4.5.110 Lighting Standards

(A) **Standards for Installation and Operation of Outdoor Lighting.** Except as exempt by subsection (C) of SDC 4.5.105 above, new outdoor lighting fixtures installed after [date of adoption], are subject to the standards below. No provision of this section is intended to preempt Springfield Municipal Code 8.200 et seq, Signs, or applicable State codes.

- (1) All outdoor lighting fixtures subject to this section must be designed as a full cut-off fixture or have a shielding method to direct light emissions down onto the site and not shine direct illumination or glare onto adjacent properties.
- (2) All lighting for roadways, roadway signs, intersections, and pedestrian ways must be designed or have an opaque shielding method to direct light emissions downward and below the horizontal plane of the fixture in the permanently installed position.
- (3) The use of laser source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.

Commented [LA22]: is the Sign Code being incorporated into the Development Code? or is this a reference from another organization

Commented [KK23R22]: This isn't a sign code reference - our sign code is in SMC Chapter 8.

Commented [RM24]: Motion activated security light must not shine onto another property.... Word smith with KSK????

- (4) The operation of searchlights for advertising or promotional purposes is prohibited.
- (5) Outdoor lights at designated Historic Sites or within Historic Neighborhoods that are consistent with the architectural style or era of the building or property must be consistent with the provisions of this section.
- (6) Businesses and institutions with outdoor lighting, such as parking lot lights, building lights, landscaping lights, and other similar exterior lighting features, are encouraged to extinguish such lights at the end of the working day, except for lights necessary for personal and building safety.
- (7) All outdoor lighting used for public or private sports stadiums, sports areas, recreation facilities, outdoor performance areas, and other similar outdoor facilities must be extinguished within an hour after conclusion of the final event of the day, except as exempted herein.
- (8) Externally affixed neon lighting is prohibited except in the following manner: As a trim element that surrounds windows, doors, or building edges; when located on building facades that face street frontages or internal driveways within commercial shopping complexes; such lighting must not be located more than 15 feet from finished grade and must not be used to define a building roofline; and such lighting must not include flashing, intermittent or rotating lights. Notwithstanding the provisions of this section, all neon lighting associated with signs must be in accordance with the provisions of Springfield Municipal Code 8.200 et seq, Signs.
- (9) The operation of outdoor lighting used for public or private sports stadiums, sports areas, recreation facilities, outdoor performance areas, and other similar outdoor facilities must not occur later than the conclusion of the final event of the day when maintenance such as field grooming, irrigation, cleaning, and other similar maintenance activities are required, to have the facility ready for operation the following morning. Lights during after-events maintenance must be kept at the minimum level practicable.

(B) On-site lighting must be the minimum illumination necessary in compliance with the Illuminating Engineering Society of North America recommended practices for a given application, including parking areas and vehicle sales areas. All exterior light fixtures must 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 zones, wetlands, and other protected areas identified in this Code on the same property.

(C) Height

- (1) The height of a free standing exterior light fixture must not exceed 25 feet or the height of the principal permitted structure, whichever is less. In this case, height is

Commented [GK25]: These event lights should still be directed to not cast light outside the property. We had Hamlin adjust the lighting pattern to minimize spillover onto the adjacent ROW and natural areas.

Commented [RM26]: Matt Hilton comment from TAC. Re read to make sure it is worded ok.

Commented [RM27]: subjective. Specify a standard??? IES???

Commented [KK28R27]: Subjective is probably okay because this is a maintenance/enforcement issue and not a standard that applies to granting a ministerial permit. LUBA wouldn't take jurisdiction over an enforcement case anyway.

Commented [RM29]: What is Minimum necessary? How measured?

Commented [RM30]: Copy paste the standard from IES-Illuminating Engineering Society standard and cite if needed to justify, get from Michael, use "recommended practice" standard. Check Glenwood standard.

Commented [RM31]: Vehicle sales area call out??? Only in commercial zones.

Commented [RM32]: add stormwater facilities???

Commented [CM33R32]: I think some def warrant lighting for safety purposes.

measured as the vertical distance between the paved surface or finished grade and the bottom of the light fixture.

Commented [LA34]: suggest adding finished grade or similar terminology because not all light fixtures are installed in parking lots or paved areas

- (2) The Director may allow an increase to the standard in Subsection (C)(1), above, through a Type 2 or Type 3 approval process 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 must be the minimum necessary to achieve the desired result.

Commented [RM35]: Should be (C)(1) 25 height limit.

- (3) The height of a free standing exterior light fixture within 50 feet of any residential district, riparian zone, or wetland must not exceed 12 feet.

- (4) The height restriction in Subsection (C)(1), above does 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, in which case (B)(3) above applies.

Commented [RM36]: C 1, see above.

Section 4.6.100 Motor Vehicle Parking, Loading, and Bicycle Parking Standards

Subsections:

- 4.6.105 Vehicle Parking—Purpose and Applicability**
- 4.6.110 Motor Vehicle Parking—General**
- 4.6.115 Motor Vehicle Parking—Parking Lot Design**
- 4.6.120 Motor Vehicle Parking—Parking Lot Improvements**
- 4.6.125 Motor Vehicle Parking—Parking Space Requirements**
- 4.6.130 Loading Areas—Purpose and Applicability**
- 4.6.135 Loading Areas—Facility Design and Improvements**
- 4.6.140 Bicycle Parking—Purpose and Applicability**
- 4.6.145 Bicycle Parking—Facility Design**
- 4.6.150 Bicycle Parking—Facility Improvements**
- 4.6.155 Bicycle Parking—Number of Spaces Required**

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 must comply with the vehicle parking provisions of this Section.

4.6.110 Motor Vehicle Parking—General

- (A) Off-street parking spaces must be provided, consistent with requirements in SDC 4.6.125, Table 4.6.2, unless excepted as allowed herein, for:
 - (1) All new construction and expansion of multiple unit housing, commercial, industrial, and public and semi-public uses. If an existing development is expanded, new parking spaces must be provided in proportion to the increase only.
 - (2) Changes in use or the use category of an existing building or structure.
- (B) If parking has been provided to serve an existing use, the number of parking spaces cannot be reduced if the result would be fewer spaces than required by this Section, except as parking reductions are allowed below and under Special Provisions to Table 4.6.2.
- (C) Parking reductions under SDC 4.6-110(H) through (L) and Special Provisions to Table 4.6.2 must not reduce the number of ADA parking spaces required in accordance with the minimum parking in Table 4.6.2 or under SDC 4.6-110(M).
- (D) Required parking spaces must be available for the parking of passenger vehicles of residents, customers, patrons, visitors, and employees only, and must not be used for

Commented [RM1]: What does this mean? If an existing use has substandard parking, then spaces don't have to be added to bring the existing use into conformance? Should be more clear.

outdoor displays, storage of vehicles, equipment, or materials. Parking for company motor vehicles that remain on the premises overnight, or enclosures designed for the temporary collection of shopping carts, must be provided in addition to the number of parking spaces required by this Section.

- (E) 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 must be rounded up to the next whole number. Off-street parking facilities for one use must not be considered as providing parking facilities for any other use. Alternatively, the Director may approve joint use of parking facilities as may be permitted in Subsection (F), below.
- (F) The Director, upon application by all involved property owners, may authorize joint use of parking facilities, provided that:
 - (1) The applicant demonstrates 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 must 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 must provide for continuing maintenance of jointly used parking facilities;
 - (3) The agreement must be recorded at Lane County Deeds and Records at the applicant's expense.
- (G) When on-street parking is available directly abutting the property and there are no adopted plans to remove the on-street parking, parking spaces in a public right-of-way directly abutting the development area is allowed to 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 one space credit toward the required amount of off-street parking spaces. The developer is responsible for marking any on-street spaces.
- (H) Motor Vehicle Parking Space Reduction Credit for Additional Bicycle Parking. Additional bicycle parking beyond the minimum amount required in Table 4.6.3 that complies with the bike parking standards in SDC 4.6.145 and 4.6.150 may substitute up to 20 percent of off-street motor vehicle parking otherwise required in Table 4.6.2. For every two non-required bicycle parking spaces that meet the short- or long-term bicycle parking standards specified in Table 4.6.3, the motor vehicle parking requirement is reduced by one space. When existing parking converted to bicycle parking under this subsection results in surplus motor vehicle parking spaces, the surplus parking may be converted to another use in conformance with the requirements of this Code.

Commented [RM2]: Should this be changed?

Commented [RM3]: To what standards?

- (I) Motor Vehicle Parking Space Reduction Credit for Frequent Transit Corridors—Abutting Sites. Development sites abutting an existing or proposed Frequent Transit Corridor may request a reduction of up to 15 percent from minimum off-street motor vehicle parking required in Table 4.6.2.
- (J) Motor Vehicle Parking Space Reduction Credit for Frequent Transit Corridors—Nearby Sites. Development sites not abutting but within 1/4-mile of an existing or proposed Frequent Transit Corridor may request a reduction of up to 10 percent from minimum off-street motor vehicle parking required in Table 4.6.2.
- (K) Reduction Credit for ADA Improvements for Frequent Transit Corridors. Development sites abutting or within 1/4 mile of an existing or proposed Frequent Transit Corridor may receive a reduction of up to 10 percent from the minimum off-street motor vehicle parking required in Table 4.6.2 in exchange for contribution to the City for ADA improvements in the public right-of-way. The required contribution will be equal to the Base Curb Ramp Fee multiplied by each set of four parking spaces to be reduced, rounded up to the next whole number (e.g. one Base Curb Ramp Fee for one to four parking spaces reduced, double the Base Curb Ramp Fee for five to eight parking spaces reduced, etc.). The Base Curb Ramp Fee must be set by Council resolution and must be approximately the cost of constructing one ADA-compliant curb ramp. Nothing in this subsection waives or alters any requirement for a developer to construct or provide on-site or off-site ADA improvements.
- (L) Outside of the Downtown Exception Area and Glenwood Riverfront Mixed-Use Plan District, a cumulative maximum reduction of 20 percent of the minimum off-street parking required in Table 4.6.2 may be applied using the credits, allowances, and exceptions to minimum parking requirements established in this Code.
- (M) Right Size Parking Alternative—Minimum. The Approval Authority may authorize an alternative parking standard that is less than the minimum off-street parking standard in SDC 4.6.125, including reductions in excess of the cumulative maximum reduction specified in SDC 4.6.110(K) above. The alternative parking standard must be one of the following:
 - (1) The average peak period parking demand identified for the use in the current version of the Institute of Transportation Engineers (ITE) Parking Manual, for the day(s) of the week with the highest parking demand; or
 - (2) The peak parking demand identified by the applicant and supported by information that a reasonable person would rely upon as determined by the Approval Authority. This information may include, but is not limited to, transportation demand management or a parking study for a similar development.
- (N) Right Size Parking Alternative—Maximum. The Approval Authority may authorize an alternative parking standard that is more than 125 percent of the minimum off-street parking standard in SDC 4.6.125. The alternative parking standard must be the peak parking

Commented [RM4]: What counts as "proposed"?

Commented [RM5]: See comment above. Should be more clear.

Commented [RM6]: same

demand identified by a parking generation study conducted according to the ITE Manual of Transportation Engineering Studies and prepared by a licensed engineer.

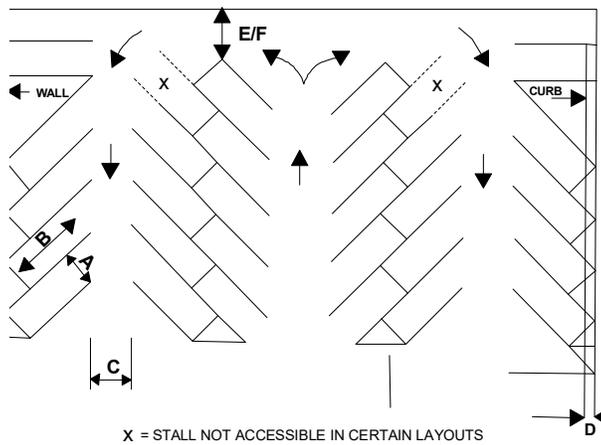
4.6.115 Motor Vehicle Parking—Parking Lot Design

All off-street parking areas must comply with the following dimensional standards:

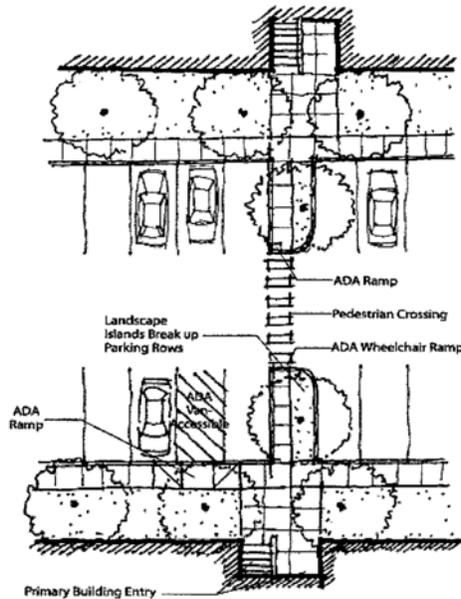
Table 4.6.1

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 <td 24.0	24.0	

**Figure 4.6-A
Parking Lot Design**



**Figure 4.6.A
Parking Lot Design**



4.6.120 Motor Vehicle Parking—Parking Lot Improvements

All parking areas must conform to the setback, vision clearance, planting, and screening provisions of this Code and must be completed prior to occupancy. Required parking spaces must be improved as follows:

- (A) All parking lots, bays, and spaces must have a durable, dust free surfacing of Asphaltic concrete, Portland cement concrete, or other materials as approved by the City Engineer. Permeable pavement meeting standards in the *Engineering Design Standards and Procedures Manual* may be allowed by the City Engineer for parking areas and driveways. Parking lot surfacing must not encroach upon the public right-of-way.
- (B) Stormwater management system improvements must be provided to manage all on-site run-off. The stormwater management system improvements must provide for the on-site collection of stormwater to eliminate sheet flow onto sidewalks, public rights-of-way, and abutting private property. All stormwater management system improvements must meet the standards in SDC 4.3.110, and the *Engineering Design Standards and Procedures Manual*, Chapters 3 and 4.

Commented [RM7]: Not clear

Commented [RM8]: Based on what standards?

(C) All parking spaces fronting a sidewalk, alley, street, landscaped area, or structure must be provided with a secured wheel bumper or linear curb not less than six inches in height to be set back from the front of the stall a minimum of two feet to allow for vehicle encroachment. Wheel bumpers must be a minimum of six feet in length. Curbs must be constructed in conformance with the Standard Construction Specifications.

Alternatively, the sidewalk or landscaped area may be widened two feet beyond the minimum dimension required to allow for vehicle encroachment. A curb not less than six inches in height must protect the widened sidewalks and planter areas.

(D) Backing into the public right-of-way, other than alleys is prohibited. However, a parking areas of less than four spaces on a lot/parcel in a residential land use district may back into the public right-of-way.

(E) All spaces must be permanently and clearly marked. Alternatively, the applicant may propose unmarked spaces if supported by a report stamped by an Oregon licensed Engineer indicating that that the spaces should not be marked for safety considerations. Old striping must not be visible after being replaced by new striping.

Commented [RM9]: When would this happen? Under what conditions?

(F) Not more than 30 percent of the total parking spaces in a parking lot may be designated for compact cars. Alternatively, a greater percentage may be authorized by the Director if a report stamped by an Oregon licensed Engineer indicates that greater than 30 percent of the total parking spaces is appropriate for the use. All compact spaces must be signed and/or the space painted with the words "Compact Car Only."

Commented [RM10]: Consider allowing 100% compact???. Conversation from TAC 4/8/21. Allow 100% without study.

(G) Parking Spaces for People with Disabilities.

Commented [RM11]: Is there a spec for the sign or painting? Should we reference EDSPM or Construction specs?

(1) Parking spaces for people with disabilities and accessible passenger loading zones that serve a particular building must be located as close as possible to a building entrance.

Commented [RM12]: Not clear? What about "as close as the closest non accessible space" or something more clear.

(2) The number and dimensions of parking spaces for people with disabilities must be as specified in Section 1106 of the Oregon Structural Specialty Code.

4.6.125 Motor Vehicle Parking—Parking Space Requirements

(A) Table 4.6.2 establishes minimum off-street parking standards according to use, which apply to that use in any land use district.

(B) The minimum parking standard for any use not specified in Table 4.6.2 is the average peak period parking demand identified for that use in the current version of the ITE Parking Manual, for the day(s) of the week with the highest parking demand.

- (C) The maximum off-street parking standard for any use that is not a residential use is 125 percent of the minimum off-street parking standard. There is no maximum off-street parking standard for residential uses.
- (D) Parking standards established in Table 4.6.2 may be modified as provided in SDC 4.6.110.

Table 4.6.2

Use	Minimum Parking Standard
Residential Uses	
Single unit dwelling, detached	Two spaces for each dwelling, not including an accessory dwelling unit. One space for each dwelling when paved on street parking, in conformance with SDC 4.6.110(G) is available abutting the property and there are no adopted plans to remove the on-street parking.
Duplex	Two off-street parking spaces for each duplex.
Triplex	For lots or parcels of less than 3,000 square feet: one space total. For lots or parcels greater than or equal to 3,000 square feet and less than 5,000 square feet: two spaces total. For lot or parcels greater than or equal to 5,000 square feet: three spaces total.
Fourplex	For lots or parcels of less than 3,000 square feet: one space total. For lots or parcels greater than or equal to 3,000 square feet and less than 5,000 square feet: two spaces total. For lots or parcels greater than or equal to 5,000 square feet and less than 7,000 square feet: three spaces total. For lot or parcels greater than or equal to 7,000 square feet: four spaces total.
Townhome (attached)	One space for each townhome dwelling unit
Cottage clusters	One space for each dwelling unit in a cottage cluster
Multiple unit housing	One space for each dwelling unit
Group care facilities	One quarter space for each bedroom or dwelling unit plus 1 per full time employee on the busiest shift.
Boarding and rooming houses (see SDC 4.7-215)	One half of an additional parking space for each boarding room in addition to any parking for a primary use.
Commercial/Industrial Uses	
Child care center	One space for each 350 square feet of gross area, plus one drop off space for each 700 square feet of gross floor area.
Hotel/motel or bed and breakfast facilities	One space plus one space for each guest room.

Commented [RM13]: Could just rely on 4.6.110(G) and delete this???

Commented [RM14]: These are the most that we can require in conformance with HB 2001. If we limit triplex and fourplex to the min. lot sizes of 5,000 and 7,000 then we can simplify these standards. If we allow them on lot sizes under 5 and 7k, then these would apply.

Use	Minimum Parking Standard
Eating and drinking establishments	One space for each 100 square feet of gross floor area.
Retail trade and services (including shopping centers)	One space for every 300 square feet of gross floor area.
Manufacture and assembly, and other primary industrial uses. Includes warehousing.	One space for each 1000 square feet of gross floor area
Warehouse commercial sales (including bulky merchandise)	One space for each 600 square feet of gross floor area.
Public and Institutional Uses	
Educational facilities	One space for each classroom, plus one for each 100 square feet of the largest public assembly area.
Public utility facility	None, unless utility vehicles will be parked overnight.
Recreational facilities, and religious, social and public institutions	One space for each 100 square feet of floor area in the primary assembly area and One for each 200 square feet of gross floor area for the remainder of the building.
Transportation facilities	One space for each 300 square feet of gross floor area not including vehicle storage areas.

Special Provisions.

- (A) Downtown Exception Area. Within the Downtown Exception Area, all lots/parcels and uses are exempt from the minimum off-street parking space requirements of this Section. However, if the Director determines there is a need for off-street parking, the Director may require an Institute of Transportation Engineering (ITE) Parking Generation Report to determine the off-street parking requirements.
- (B) Commercial Districts.
 - (1) Parking lots in the Neighborhood Commercial (NC) District must be designed so that a landscaped separator is in between every seven spaces . A development in the NC district that requires more than 25 parking spaces must locate half of all the required spaces over 25 behind proposed buildings.
 - (2) Parking lots must be used exclusively for the parking of vehicles. However, 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 or where otherwise allowed under this Code or the Springfield Municipal Code.
 - (3) A minimum of four off-street parking spaces is required for all sites in commercial zoning districts that require parking, unless reduced under SDC 4.6.110(M).
- (C) Light-Medium Industrial (LMI), Heavy Industrial (HI), and Special Heavy Industrial (SHI) Districts. In addition to reductions permitted in accordance with the provisions of SDC

4.6.110, parking spaces may be reduced in LMI, HI, or SHI land use districts 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 must be held in reserve for future use.

(D) Campus Industrial (CI) District.

- (1)** To the greatest extent practicable, parking must 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 must 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 five 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 three 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 must:
- (i)** Be prohibited in all front and street-side yards;
- (ii)** Meet the building setback standards specified in SDC 3.2.420; and
- (iii)** Be screened as specified in SDC 3.2.445.

(E) Medical Services (MS) District. Motor vehicle parking standards are 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 are determined based upon standards for similar uses in Table 4.6.2. Uses not listed require a Parking Study.

(G) Mixed Use Districts.

(1) Nonresidential Requirements. Off-street surface parking must meet the minimum parking requirement for the various commercial and industrial uses in Table 4.6.2 unless reduced under applicable provisions in this Code.

(2) Residential Requirements. Minimum off-street parking standards for residential uses must comply with the standards specified in Table 4.6.2 unless reduced under applicable provisions in 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 must 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 must be located off-street and provided in addition to the required parking spaces.

(B) Vehicles in the loading area must not protrude into a public right-of-way or sidewalk. When no other reasonable alternative exists, loading areas must be located so that vehicles are not required to back or maneuver in the public right-of-way or internal travel aisles.

Commented [RM15]: Not sure this makes sense. Reword? Keep? Remove?

(C) The minimum sizes required for commercial and industrial loading areas are as follows:

(1) Two hundred fifty square feet for buildings of 5,000 to 20,000 square feet of gross floor area.

(2) Five hundred square feet for buildings of 20,000 to 50,000 square feet of gross floor area.

(3) Seven hundred fifty square feet for buildings in excess of 50,000 square feet of gross floor area.

(D) The required loading area must not be less than ten feet wide by 25 feet long and have an unobstructed height of 14 feet.

- (E) A school having a capacity greater than 25 students must 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 land use 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 must comply with the bicycle parking provisions of this Section.

4.6.145 Bicycle Parking—Facility Design

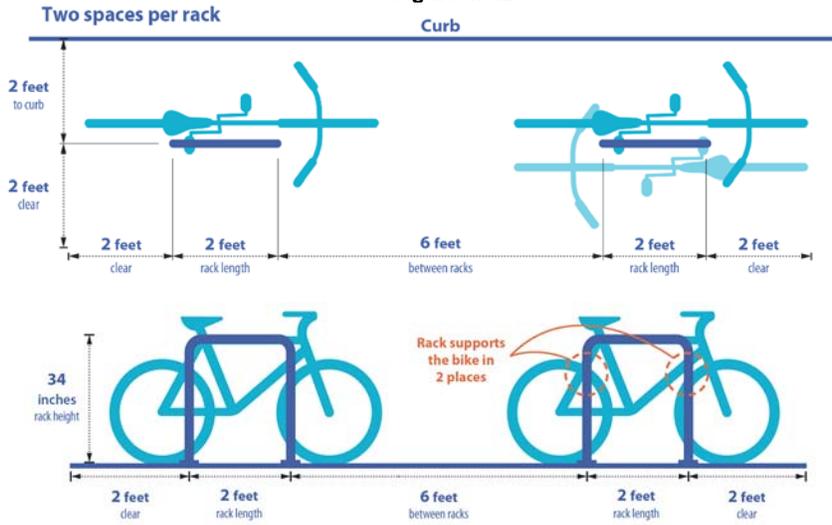
- (A) Required bicycle parking spaces and facilities must be a powder coated staple or inverted-U rack as shown in Figure 4.6.B. Alternatively, the required bicycle parking spaces must fulfill the criteria for quality bicycle parking, which are as follows:
 - (1) Supports the bicycle frame in a stable position without damage to wheels, frames, or components and provides two points of contact;
 - (2) Allows locking of the frame and one or both wheels with a U-lock;
 - (3) Is securely anchored to the ground or to a structure;
 - (4) Resists cutting, rusting, bending, or deformation, both from natural causes and from human abuse;
 - (5) Powder coated or durable, non-scratching surface; and
 - (6) Works well for a variety of bicycle frame types (e.g., should work for step-through frame as well as diamond frame, children’s bicycles as well as adult bicycles, recumbent as well as other styles of adaptive bicycles).
- (B) Required bicycle parking spaces and facilities must be constructed and installed in accordance with SDC 4.6.150 and Figures 4.6.B and 4.6.C. Bicycle parking must be provided at ground level unless an elevator with bicycle wayfinding signage directs users

Commented [RM16]: What determines if it is "clear" signage? To what standards?

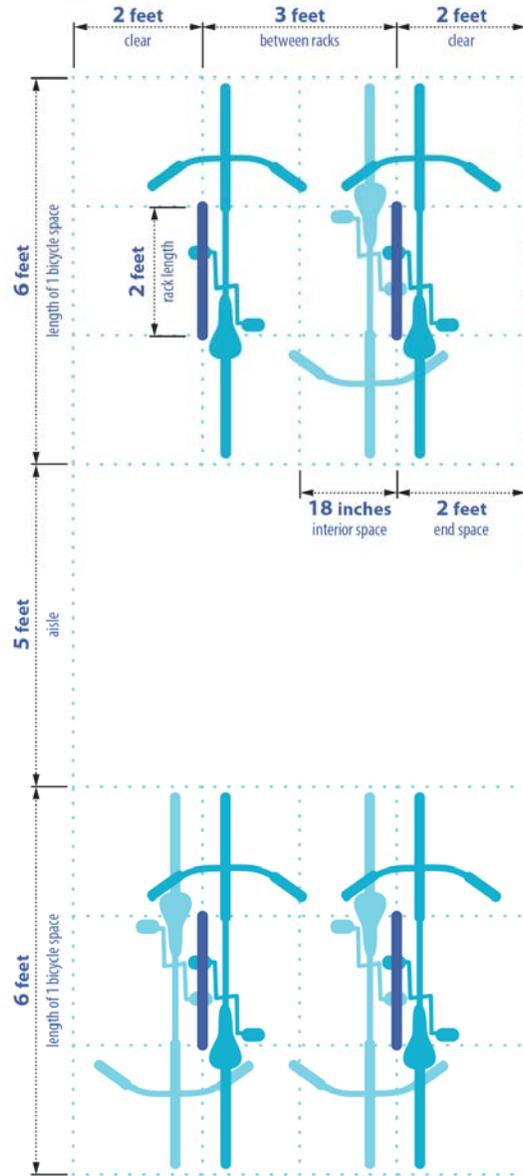
to an approved bicycle storage area. Each required bicycle parking space must allow a bicycle to be placed in the space without removing another bicycle from another space.

- (C) All required long-term bicycle parking spaces must be sheltered from precipitation, in conformance with (D)(3) below, and include lighting in conformance with the lighting standards in SDC 4.5.100.
- (D) Short-term bicycle parking must be sheltered as follows:
 - (1) If ten or fewer short-term bicycle parking spaces are required, no shelter is required for short-term bicycle parking.
 - (2) If more than ten short-term bicycle parking spaces are required, at least 50 percent of the short-term bicycle parking spaces in excess of ten must be sheltered.
 - (3) Shelters must have a minimum seven foot overhead clearance and must completely cover the bicycle parking rack and any bicycles that are parked in the way the rack was designed to be used.
- (E) Bicycle parking that accommodates oversized bicycles and alternative bicycle types must be provided as follows:
 - (1) Each oversized bicycle parking space must provide minimum clear area of four feet by eight feet as shown in Figure 4.6.C.
 - (2) At least ten percent of the long-term bicycle parking spaces for commercial uses and residential uses must be oversized bicycle parking spaces.
 - (3) At least ten percent of the short-term bicycle parking spaces for schools (elementary through high school) must be oversized bicycle parking spaces.

Figure 4.6.B



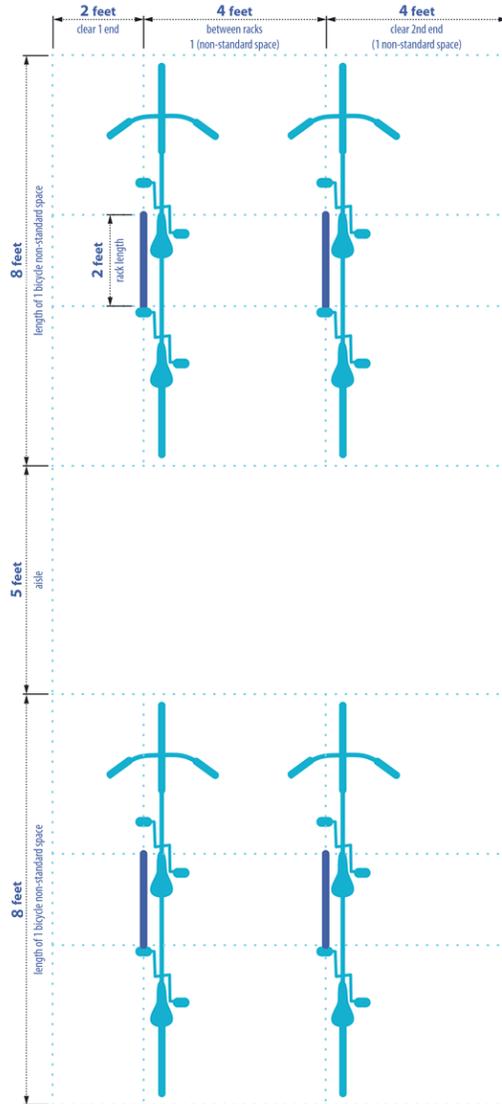
Two spaces per rack



May 6, 2021

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Figure 4.6.C



4.6.150 Bicycle Parking—Facility Improvements

(A) Bicycle Parking Location and Security.

- (1) Bicycle parking racks, shelters, or lockers must be securely anchored to the ground or to a structure.
- (2) Exterior long-term bicycle parking must be located within 200 feet from the main building entrance, primary point of entry to the use, or employee entrance.
- (3) Exterior short-term bicycle parking must:
 - (a) Be located no further than 50 feet from the main building entrance or primary point of entry to the use, as determined by the City, but not further away than the closest on-site automobile parking space excluding designated accessible parking spaces, whichever distance is less; and
 - (b) Be clearly visible from the main building entrance or primary point of entry to the use.
- (4) Bicycle parking must be separated from motor vehicle parking by a barrier, curb, or sufficient distance to prevent damage to parked bicycles.
- (5) Where bicycle parking facilities are not directly visible and obvious from the public right-of-way, signs must be provided to direct bicyclists to the bicycle parking. Directions to sheltered facilities inside a structure may be signed or supplied by the employer, as appropriate. Short-term parking must be available to the general public.
- (6) 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. Alternatively, the Director may allow, through a land use decision process, bicycle parking on upper stories within multi-story residential building when an elevator is provided.
- (7) In order for bicycle parking and bicycle racks to be located to avoid conflict with pedestrian movement and access, bicycle parking must be located outside of the public right of way and public or private sidewalk area. Paved access from bicycle parking spaces to the public right-of-way must be provided by at-grade or ramp access. Paved pedestrian access must be provided from the bicycle parking area to the building entrance. Alternatively, bicycle parking may be located in the public sidewalk or right-of-way where there is a minimum five feet between the parked bicycle and the storefront and does not conflict with pedestrian accessibility.
- (8) For multiple unit housing with required bike parking, requirements may be met through the provision of individual garages or storage units. For housing relying on a

Commented [RM17]: Not clear?

Commented [RM18]: Are there standards for ramp access? ADA accessible?

Commented [RM19]: What constitutes a conflict with pedestrian accessibility? What standards are used to determine this?

common garage and without storage units, bicycle racks must be provided in the garage.

- (B) Employers with changing rooms and shower facilities or other additional amenities may be eligible for a ten percent reduction of Transportation System Development Charges if the Director determines that those facilities encourage bicycling or other active modes of transportation by employees or patrons.

4.6.155 Bicycle Parking—Number of Spaces Required

- (A) The required minimum number of bicycle parking spaces for each principal use is four spaces, unless otherwise specified in Table 4.6.3. Additional bicycle parking spaces may be required at common use areas. When the number of required spaces results in a fractional number, the total number of required spaces will be rounded up to the next whole number. When application of the long- and short-term bicycle parking percentages results in a fractional number of long- and short-term spaces, the number of long-term spaces required will be rounded up to the next whole number; the remaining number of required spaces will be designated as short-term bicycle parking.
- (B) The following parking standards have been established according to use and apply to that use in any land use district.

Commented [RM20]: Based on what? Determined through a site plan review process?

Table 4.6.3 Minimum Required Bicycle Parking Spaces

Use Category	Specific Uses	Number of Required Spaces	Long- and Short-Term Bicycle Parking Percentages
Residential			
	Single unit dwelling & middle housing	Zero	N/A
	Multiple unit housing	One per dwelling unit	75% long-term 25% short-term
	Dormitories	One space per every three occupants	50% long-term 50% short-term
	Assisted care and day cares	One per five employees	75% long-term 25% short-term
	Other residential uses	One per dwelling unit	50% long-term 50% short-term
Commercial			
	General retail	One per 3,000 square feet of floor area	25% long-term 75% short-term
	Eating and drinking establishments	One per 600 square feet of floor area	25% long-term 75% short-term
	Service establishments	One per 2,000 square feet of floor area	25% long-term 75% short-term

Use Category	Specific Uses	Number of Required Spaces	Long- and Short-Term Bicycle Parking Percentages
	Art institution/gallery	One per 1,500 square feet of floor area	25% long-term 75% short-term
	Drive-through only establishments	Two for employee parking (minimum of four does not apply)	100% long-term
	Lodging	One per ten rentable rooms	75% long-term 25% short-term
	Office, including medical offices and clinics	Three quarters of a space per 5,000 square feet of floor area	75% long-term 25% short-term
	Industrial and wholesale	One quarter of a space per employee OR one per 4,000 square feet of floor area, whichever is less	75% long-term 25% short-term
Institutional			
	Government related uses	One per 3,000 square feet of floor area	25% long-term 75% short-term
	Schools (elementary through high school)	One per ten students based on planned capacity	25% long-term 75% short-term
	Parks and playgrounds	Eight per park or playground	100% short-term
	Recreation, amusement, and entertainment facilities	One per 1,000 square feet of floor area	25% long-term 75% short-term
	Universities/colleges	One per five full-time students	25% long-term 75% short-term
	Hospitals and medical centers	One per 3,000 square feet of floor area	75% long-term 25% short-term
	Religious institutions and places of worship	One per 20 seats or 40 feet of bench length (fixed seating) OR One per 500 square feet of floor area (no fixed seating)	100% short-term
Transportation-Related			
	Structured parking	Ten percent of the number of vehicle parking spaces provided	75% long-term 25% short-term
	Transit station	Ten percent of the number of vehicle parking spaces provided (if no vehicle parking is provided, the minimum of four applies)	50% long-term 50% short-term
	Transit park & ride	Ten percent of the number of vehicle parking spaces provided	50% long-term 50% short-term

Section 5.1	<u>Development Review and Procedures</u>
5.1.100	Purpose and Applicability
5.1.200	General Provisions
5.1.300	Type 1 Procedures
5.1.400	Type 2 and Type 3 Procedures
5.1.500	Quasi-Judicial Hearings
5.1.600	Type 4 Procedures
5.1.700	Reconsideration
5.1.800	Appeals
5.1.900	Proceedings on Remand
5.1.1000	Limitations on Approvals
5.1.1100	Declaratory Ruling
5.1.1200	Development Agreements
5.1.1300	Summary of Development Application Types

5.1.100 Purpose and Applicability

- 5.1.105 Purpose
- 5.1.110 Applicability

5.1.105 Purpose

- (A) This section of the Springfield Development Code (SDC) provides uniform procedures for the granting or denial of applications and determinations by the City of Springfield under the applicable State of Oregon statutes and rules, Springfield Comprehensive Plan, Springfield Development Code, and other ordinances which by their terms incorporate by reference the procedures in this section.
- (B) All applications required by this Code are reviewed using Type 1, 2, 3, and 4 procedures. The procedure "type" assigned to each application governs the decision-making process for that application. SDC 5.1.300, 5.1.400 and 5.1.600 describe the four review procedure types. SDC 5.1.1200 lists the applications' procedure types.

5.1.110 Applicability

- (A) The provisions of this section do not apply to the issuance, suspension, or revocation of any on-site sewage disposal, sign, building, electrical or plumbing permits, except as they relate to consideration of permitted uses.
- (B) For lands located inside the Springfield Urban Growth Boundary, but outside the City limits, the applicability of this Code is set forth through intergovernmental agreements.
- (C) The following developments and activities do not require Type 1, 2, 3, or 4 review procedures, but must conform to all other applicable provisions of this Code or any other applicable Code as determined by the Director.
 - (1) Normal maintenance, replacement, or enhancement of existing landscaping consistent with approved plans.

Commented [RM1]: Not clear and objective??? Does it need to be? Is this language ok here?

Development approval may be required for replacement or enhancement of landscaping as specified in SDC 3.3.300, 3.3.500, 5.17.100, 4.1.100, 5.12.100 and 5.19.100.

- (2) An emergency measure necessary for the safety or protection of life or property when authorized by the Director. An emergency measure may be conditioned by the requirement to obtain Development Approval at a later date.
 - (3) Special Events sponsored by non-profit organizations and public agencies that conform to all applicable statutes, ordinances, or regulations necessary to protect the public health and safety. A Special Event is an activity sponsored by a non-profit organization or public agency that is 14 calendar days or less in duration and includes, but is not limited to school carnivals, benefit dinners, concerts, bazaars, festivals, neighborhood fairs, and revival meetings.
 - (4) Agricultural uses and structures on any lot or parcel two acres or larger where the underlying land use district allows this use and on any size lot or parcel with a valid farm deferral tax classification from the Oregon State Department of Revenue.
 - (5) 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, 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 distribution lines, gas distribution lines, or communication connections are also exempt. See SDC 4.3.145 for additional information concerning siting standards and the review process for certain wireless telecommunications systems facilities.
 - (6) Excavation or filling of land as specified in Springfield Municipal Code except for any excavation or filling of land within the Flood Plain Overlay District within the Willamette Greenway Overlay District, or where an inventoried and locally-significant Goal 5 resource is present, that is subject to the standards of this Code.
 - (7) A Single unit dwelling or a duplex within the city limits on a lawfully created lot or parcel in the R-2 or R-3 land use district that does not require Site Plan Review as determined in SDC 5.17.100.
 - (8) A Single unit dwelling in the City's urbanizable area on a lawfully created lot or parcel in the R-1 land use district that is less than 5 acres.
- (D) The Building Official will not issue a Building Permit for which Development Approval is required and has not been obtained.

5.1.200 General Provisions

- 5.1.205 Effect of Determinations Made Outside of Established Processes**
- 5.1.210 Pre-Development Meetings**
- 5.1.215 Submission of Materials**
- 5.1.220 Application Submittal Standards**
- 5.1.225 Acceptance of Application**

Commented [GK2]: what does "14 calendar days or less" mean? Within 14 calendar days of application? Less than 14 calendar days from application/notification? The way it is phrased doesn't make sense to me.

Commented [RM3]: Check term used elsewhere in draft/current code.

Commented [MM4]: Is this in the current Code?

Commented [RM5R4]: No I don't think so, but I can double check. Much of this section is all new.

Commented [KK6R4]: This is verbatim from the current code. I have had questions previously about whether this is actually consistent with the rest of the code. For example, we DO require development approval for lots of utilities named in this section: substations, treatment facilities, reservoirs, transmission lines. It would be good to discuss this section with Jeff specifically.

Commented [RM7]: How does/should this apply to SFD's? If we are saying that SFD's don't go through any review, even a type 1 review, the under the middle housing rules we can't subject middle housing to any process. Technically isn't the setback and height check we do at the front counter or as part of the building permit review for SFD's a Type 1 review? If so this should be removed???

Commented [KK8R7]: Under the current process, detached single dwellings do not require any Type 1 permit application or Type 1 approval. They are issued based on a building permit only. The header to this section, however, states that the standards still "apply" - but it is confusing because some of the exemptions in the section obviously don't require compliance with all development standards, such as emergency facilities or special events.

One way to resolve this issue would be to have a list of the types of developments that require a "building permit only" where the standards are applied at the building permit stage, and second list (this list) of things that are not at all subject to the development code.

- 5.1.230 **Withdrawal of Application**
- 5.1.235 **Applicable Standards**
- 5.1.240 **Development Review Committee**
- 5.1.245 **Notice to Public Agencies**
- 5.1.250 **Conflicting Procedures**
- 5.1.255 **Time Computation**

5.1.205 Effect of Determinations Made Outside of Established Processes

- (A) Any informal interpretation or determination, or any statement made outside the declaratory ruling process according to SDC 5.1.1100 or outside the process for approval or denial of a Type 2 or 3 application in conformance with SDC 5.1.400 is considered to be only a statement of opinion and not a final action. Such informal interpretations, determinations, or statements are not deemed to constitute final City action affecting a change in the status of a person's property or conferring any rights, including any reliance rights, on any person.

5.1.210 Pre-Development Meetings

- (A) The City has established three pre-development meeting processes to assist prospective applicants through the application review process.
 - (1) **Development Initiation Meeting (DIM).** The purpose of a Development Initiation Meeting is to give a prospective applicant the opportunity to discuss a limited number of development topics with City staff. The discussions can be general or specific depending on the questions submitted with the application. The Development Initiation Meeting is voluntary, unless specifically required elsewhere in this Code.
 - (2) **Pre-Application Meeting.** A pre-application meeting is highly recommended for complex applications or for applicants who are unfamiliar with the land use process. The purpose of the meeting is to acquaint the applicant with the substantive and procedural standards of the Development Code and to identify issues likely to arise in processing an application.

The Pre-Application Meeting is required for a Master Plan application as specified in SDC 5.13.115.
 - (3) **Application Completeness Check Meeting.** The purpose of the Completeness Check Meeting is to determine whether the proposed development application is complete prior to acceptance of the application for processing by the City. A complete application is required for the review process. The Completeness Check Meeting will examine if the submittal standards of SDC 5.1.220 are met. A Completeness Check Meeting is required for all Type 2, 3 and 4 land use applications. The Pre-Submittal Meeting is required even if the meetings specified in Subsections (1) and (2) have been utilized. An application will be reviewed for completeness according to SDC 5.1.405.

Commented [RM9]: Where is it/should it be required?

Commented [MM10R9]: 3.4-215 (Glenwood). That section should be amended to reflect the new name.

Commented [KK11R9]: A DIM is required for High and Moderate visibility wireless telecom facilities (SDC 4.3-145.H.1).

A DIM is not truly mandatory in Glenwood; the applicant can choose the Pre-Application Report instead.

Commented [GK12]: How is this different from either a DIM or Pre-Submittal?

Commented [RM13R12]: Good question. Do we still need all three different types of meetings?

Commented [KK14R12]: I think you could combine the two - it will require a change to the language in Glenwood that provides an option between the two types of meetings, though.

Commented [KK15]: Remove the Director's ability to exempt the Completeness Check - ORS 197.307(4) requires "clear and objective... procedures"

If there really isn't a reason for a full meeting, it will just be a very short meeting.

5.1.215 Submission of Materials

(A) **General.** The submission of any materials by any party including application materials, supplemental information, written comments, testimony, evidence, exhibits, or other documents that are entered into the record of any land use application must be submitted either at the offices of the Director or at a public hearing, unless specified otherwise by the hearing notice or Hearings Authority prior to the close of the record. Materials are considered submitted when received, or in the case of materials submitted at a public hearing, placed before the Hearings Authority.

Commented [KK16]: Hearing Official implies a singular person. Hearing Authority is more in line with the use of "Review Authority"

Commented [KK17]: This section states that it applies to application materials, but later sections state that materials are not considered submitted when received.

(B) **Electronic Materials**

(1) When application or appeal materials are over 20 pages in length, an applicant or appellant must provide an identical electronic version and hard copy of the submitted materials. Any other party submitting materials into the record that are over 20 pages is also encouraged to submit identical electronic and hard copies. Any electronic materials must be in a portable document format (PDF). This provision should not be interpreted to prohibit electronic submittals of materials less than 20 pages in length. The Director will scan submitted materials upon request for a fee set by Resolution of the Council.

Commented [KK18]: Are the hard copy materials not considered "received" until the electronic copy is provided? Are they considered "placed before the decision-maker" if no electronic copy is provided?

Commented [KK19]: Clear and objective procedures required for housing - ORS 197.307. We'd have to convert them to a PDF for the LUBA record, anyway.

Commented [KK20]: Flagging that we would need Council to set this fee.

(2) When electronic materials over 20 pages in length are submitted by any party for inclusion in an application record, an identical hard copy of the materials must also be submitted unless this requirement is waived by the Director.

(C) **Deadline.** Where any materials, including both hard and electronic copies, are required to be submitted to the offices of the Director subject to a date-certain deadline, the materials must be received by the Director by 5:00 PM on that date.

Commented [KK21]: This deadline doesn't apply if materials are able to be provided at a public hearing.

5.1.220 Application Submittal Standards

(A) **Property Owner.** For the purposes of this section, the term 'property owner' means the owner of record and does not include a person or organization that holds a security interest.

Commented [KK22]: Oregon law generally prohibits contract purchasers from constructing improvements without the owner's consent, under the doctrine of "waste." Once a land sale contract is complete, the buyer is the owner of record anyway. I also think we don't want to be in the position of asking to verify potentially unrecorded land sale contracts.

(B) Applications must:

- (1) Be submitted by the property owner or a person who has written authorization from the property owner as defined herein to make the application;
- (2) Be submitted to the Director;
- (3) Be completed on an application form prescribed by the Director;
- (4) Contain all applicable information requested on the application form;
- (5) Include supporting information required by this code ;
- (6) Be accompanied by the appropriate filing fee or documentation of an approved fee waiver as provided in this Code;

- (7) Provide proof of ownership in the form of a deed, or other recorded document; and
- (8) Include concurrent applications where a proposal involves more than one application for the same property.

(C) The following applications are not subject to the ownership requirement set forth in subsection (B)(1) of this section:

- (1) Applications submitted by or on behalf of a public entity or public utility having the power of eminent domain with respect to the property subject to the application;
- (2) Applications for development proposals sited on lands owned by the State or the Federal government; or
- (3) Applications for Development Initiation Meetings.

5.1.225 Acceptance of Application

(A) An application submitted to the Director will not be considered accepted for processing solely because of having been received. Upon receipt of an application, the Director will date stamp the application and verify that the appropriate application fee and materials have been submitted before accepting the application for processing.

(B) Acceptance of an application for processing will not preclude a later determination that the application is incomplete.

(C) An application will be reviewed for completeness according to SDC 5.1.405.

5.1.230 Withdrawal of Application

(A) An applicant may withdraw an application in writing at any time prior to the time a decision becomes final. If the property owner is not the applicant, no consent to withdraw the application is needed from the property owner.

5.1.235 Applicable Standards

(A) If an application was complete when first submitted, or the applicant submits additional information according to SDC 5.1.410 within 180 days of the date the application was first submitted, review of the application will be based upon the standards that were applicable at the time the application was first submitted.

5.1.240 Development Review Committee

(A) The Development Review Committee (DRC) is chaired by the Director and composed of representatives from City Departments and Divisions. When applicable, agencies including, but not limited to, Springfield Utility Board, utilities, the Lane Transit District, Lane Regional Air Pollution Authority, and the Oregon Department of Transportation may also participate. The DRC reviews development applications and provides technical assistance and input to the Review Authority regarding the standards and criteria of this Code.

Commented [KK23]: This would be a change from recent practice - since the review of a plan amendment/zone change looks at all permitted uses and not the particular proposed use, it seems like would create traps for the review process.

Current code (5.4-105) states: F. Where a proposal involves more than 1 application for the same property, the applicant may submit concurrent applications.

Commented [RM24R23]: Since the same term "may" is used, I am not sure what the difference is.

Commented [KK25]: This seems inconsistent with 5.1.215(A).

5.1.245 Notice to Public Agencies

(A) In addition to any notice required by this Code, written notice must be provided to public agencies as prescribed below.

- (1) **Department of Land Conservation and Development.** The City must notify the Department of Land Conservation and Development (DLCD) according to ORS 197.610 when any application proposes a change to an acknowledged comprehensive plan or land use regulation. The City must provide this notice within the time period designated by DLCD rule.
- (2) **Oregon Department of State Lands.** The City must notify the Oregon Department of State Lands (DSL) in writing of any development application that involves lands that are wholly or partially within areas that are identified on the Statewide Wetlands Inventory. Notice will be in writing using the DSL Wetland Land Use Notification Form, and must be sent within five working days of acceptance of a complete application. (See ORS 227.350)
- (3) **Department of Fish and Wildlife.** The City will notify the Oregon Department of Fish and Wildlife (ODFW) in writing of any development application that involves lands that are wholly or partially within the riparian corridor. ODFW may make recommendations to the Review Authority on strategies to avoid or replace habitat that is damaged by the proposed development, consistent with the standards and criteria of approval of this Code. (See OAR chapter 635, division 415)
- (4) **Parks and Recreation Department.** The City will notify the Oregon Parks and Recreation Department (OPRD) in writing of any development application that involves lands that are wholly or partially within the Willamette River Greenway.
- (5) **Lane County.** The City must notify Lane County in writing of any development application or any appeal outside City limits but within the Springfield Urban Growth Boundary, except for applications for annexation to the City. Lane County will automatically be considered a party to such applications.
- (6) **Other Agencies.** The City will notify other public agencies, as appropriate, that have statutory or administrative rule authority to review or issue State permits associated with local development applications.

Commented [KK26]: Since this may be required by either Type 3 or Type 4 applications, I'm moving the DLCD application notice requirements to this section.

Commented [KK27]: This is not required/demanded by ODFW regulations. This language adds a separate criteria of approval into a notice requirement, which is also problematic (must include a condition requiring compliance with ODFW mitigation requirements). Our locally significant riparian resource code and standards should be adequate. ODFW does not have supervening authority to condition local land use actions, either, under the rules in OAR chapter 635, division 415. Rather, the City can consult ODFW for input on how to meet local criteria and can get recommendations from ODFW. Here's a good explanation from ODFW about it's role under these rules:
<https://www.dfw.state.or.us/lands/guidance.aspx>
<https://www.dfw.state.or.us/lands/guidance.aspx>

Commented [RM28]: Do we do this now?

Commented [KK29]: This is required under our IGA with Lane County for the urban fringe area.

5.1.250 Conflicting Procedures

(A) Notwithstanding the provisions of this section, where other provisions of the Springfield Development Code, Springfield Municipal Code, or other City of Springfield ordinances specify procedures that provide greater public notice and comment opportunities, the procedures that provide the most public notice and/or comment opportunity will apply.

5.1.255 Time Computation

(A) Except when otherwise provided, the time within which an act is required to be done is computed by excluding the first day and including the last day, unless the last day is a Saturday, Sunday, legal holiday, or any day on which the City is not open for business pursuant to a City ordinance, in which case it will also be excluded.

(B) For the purposes of determining whether a person has complied with a time limitation in this Code for filing any document with the Director, the time prescribed by this Code does not include the day on which the specific period begins to run. The designated period also does include the last day unless the last day is:

- (1) A legal holiday or Saturday;
- (2) A day in which the offices of the Director are closed for the purpose of filing development applications and other documents;
- (3) A day on which the offices of the Director are closed by order of the City Manager, to the extent provided by the order; or
- (4) A day on which the offices of the Director are closed before the end of the normal hours during which development applications and other documents may be filed.

(C) If the last day of a designated period is excluded under the subsection (B) of this section, the act must be performed on the next day that the offices of the Director are open for the purpose of filing pleadings and other documents.

5.1.300 Type 1 Procedures

- 5.1.305 Type 1 Ministerial Application Procedures**
- 5.1.310 Completeness Check**
- 5.1.315 Decision**
- 5.1.320 Appeal**

5.1.305 Type 1 Procedures

- (A) The Type 1 procedure involves the ministerial review of an application based on clear and objective standards. In general, potential impacts of development allowed through a Type 1 application have been recognized through the adoption of standards. The Type 1 procedure does not require interpretation or exercise of policy or legal judgement when evaluating development standards. A Type 1 determination is made by the Director without public notice or a hearing.
- (B) The Director may elevate a Type 1 application to a Type 2 application when there is a need to interpret or exercise policy or legal judgment, or to apply discretionary land use standards. The Director's decision to elevate a Type 1 application to a Type 2 application is not an appealable decision.
- (C) The applicant may elevate a Type 1 application to a Type 2 application by submitting a Type 2 application and paying the applicable fee associated with the Type 2 process.
- (D) A Type 1 application is reviewed according to the following procedures.

5.1.310 Completeness Check

A. The Director must determine application completeness according to SDC 5.1.405.

Commented [KK30]: I'd like to add this language to account for days that DPW is not open - either due to emergency, or snow storm, or some other issue/event. This is based on language about courts in ORS 174.120, which is the same statute that the first section is based upon.

5.1.315 Decision

- (A) The Director's decision must address all of the applicable approval standards and/or development standards. The Director may approve, approve with conditions, or deny the application.
- (B) The Director's decision for a Type 1 application 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.

Commented [RM31]: For Type 1????

5.1.320 Appeal

- (A) A Type 1 determination is not appealed at the City level except as otherwise provided in the Springfield Development Code or if found to constitute a permit and authorized by the Director.

Commented [RM32]: Defined in definitions, based on ORS 227.160(2)

5.1.400 Type 2 and Type 3 Procedures

- 5.1.405 **Completeness Check**
- 5.1.410 **Timelines**
- 5.1.415 **Type 2 Application – Administrative Procedures**
- 5.1.420 **Type 3 Application – Quasi-Judicial Procedures**
- 5.1.425 **Mailed Notice of Application**
- 5.1.430 **Contents of Mailed Notice**
- 5.1.435 **Posted Notice of Application**
- 5.1.440 **Published Notice of Application**
- 5.1.445 **Type 2 and 3 Review and Decision**
- 5.1.450 **Modification of Application**
- 5.1.455 **Site Specific Plan Amendment and Zone Change**
- 5.1.460 **Expedited Land Division**

5.1.405 Completeness Check

- (A) Within 30 days of an application being received, the Director will evaluate the application for completeness according to subsections (1) through (5) below.
 - (1) Applications must be submitted to the Director as provided in SDC 5.1.215, 5.1.220, and 5.1.225.
 - (2) Applications will be evaluated for completeness with applicable application submittal standards of SDC 5.1.220.
 - (3) **Supplementation of Application within First 30 days of Submittal.** An applicant may not submit any supplemental information for an application within the first 30 days following acceptance of the application or until the application has been deemed complete, whichever is first, except when requested according to (5) below, or otherwise authorized by the Director. Any supplemental information submitted by an applicant in violation of this section will not be considered in determining whether the application is complete and will be returned to the applicant.

- (4) **Complete Application.** An application will be deemed complete if the application submittal standards have been fully satisfied upon initial filing or through the procedures set forth in subsection (5)(a)-(c) below. When the Director deems the application complete, the Director will notify the applicant in writing. If the Director has not issued in writing a completeness determination within 30 days from the date the application is received by the Director, the application is automatically deemed complete on the 31st day after it was received.
- (5) **Incomplete Application.** Except as otherwise provided for through a Completeness Check Meeting, if a Type 2 or Type 3 application is incomplete, the City must notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application will be deemed complete for the purpose of SDC 5.1.410(1) upon receipt by the Director of:
 - (a) All of the missing information;
 - (b) Some of the missing information and written notice from the applicant that no other information will be provided; or
 - (c) Written notice from the applicant that none of the missing information will be provided.

Commented [KK33]: Do you plan to assign "permit" and "limited land use" definitions to particular applications under our code? If not, I would just state that it applies to Type 2 and Type 3. Not all Type 2 decisions are limited land use decisions, but all permits, limited land use decisions, or zone changes would be included in this way of phrasing it.

5.1.410 Timelines

(A) 120-day Time Limit

- (1) Except as provided in subsections (B) through (D) of this section, the City must take final action on a Type 2 or Type 3 application , including resolution of all local appeals, within 120 days after the application is deemed complete according to SDC 5.1.405.
- (2) Applications for the following determinations or approvals are exempt from the 120-day time limit established by this section:
 - (a) Type 2 or Type 3 applications submitted concurrently with a comprehensive plan amendment;
 - (b) Revocation proceedings;
 - (c) Declaratory rulings;
 - (d) Consideration of remanded applications; and
 - (e) Adoption and modification of Master plans.

Commented [KK34]: These are always Type 4, so I would just use the Type 2 and Type 3 scope and omit this.

(B) 100-day Time Limit

- (1) Except as provided in subsection (C) and (D) of this section, the City must take final action on a qualifying application, including resolution of all local appeals, within 100 days after the application is deemed complete according to SDC 5.1.405.
- (2) **Definitions.** For the purposes of this section only, the following definitions apply:

Commented [KK35]: From ORS 197.311, added by SB 1051 in 2017

(a) "Affordable housing" means housing that is affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the development is built or for the state, whichever is greater.

(b) "Multifamily residential building" means a building in which three or more residential units each have space for eating, living and sleeping and permanent provisions for cooking and sanitation.

(3) An application qualifies for a final action within 100 days under this subsection if:

(a) The application is for development of a multifamily residential building containing five or more residential units within the urban growth boundary;

(b) At least 50 percent of the residential units included in the development will be sold or rented as affordable housing; and

(c) The development is subject to a covenant appurtenant that restricts the owner and each successive owner of the development or a residential unit within the development from selling or renting any residential unit described in paragraph (c) of this subsection as housing that is not affordable housing for a period of 60 years from the date of the certificate of occupancy.

(C) **Void Application.** On the 181st day after first being submitted, an incomplete application is void if the applicant has been notified of missing information and the application has not been deemed complete according to SDC 5.1.405(5)(a)-(c).

(D) **Extension.** The 120-day time limit in subsection (A) or the 100-day time limit in subsection (B) may be extended for a specified period of time at the written request of the applicant. The total of all extensions cannot exceed 245 days.

5.1.415 Type 2 Procedures

(A) Type 2 procedures involve the Director's interpretation and exercise of discretion when evaluating approval standards. Uses or development evaluated through this process are uses that are conditionally permitted or allowed after Director review that may require the imposition of conditions of approval to ensure compliance with development and approval standards.

(B) A Type 2 decision is made by the Director after public notice, but without a public hearing, unless appealed. A Type 2 application is reviewed according to the procedures below, unless the Director determines that the application should be reviewed as a Type 3 decision. A Type 2 decision may be appealed according to SDC 5.1.800.

5.1.420 Type 3 Procedures

(A) Type 3 quasi-judicial decisions involve discretion but implement established policy. A request will generally be considered a quasi-judicial decision if it involves the following factors:

(1) The process is bound to result in a decision;

- (2) The decision is bound to apply preexisting criteria to concrete facts; and
- (3) The action is customarily directed at a closely circumscribed factual situation or small number of persons.

Although no factor is considered determinative and each must be weighed, the more definitively these factors are answered affirmatively, the more it will be considered a quasi-judicial decision.

(B) Type 3 decisions are made by the following Hearings Authority after a public hearing following the quasi-judicial hearings procedures of SDC 5.1.500:

- (1) Type 3 applications that do not require adoption of an ordinance and that involve property entirely within City limits are made by the Planning Commission.
- (2) Type 3 applications that involve property entirely or partially outside of City limits and entirely within the Springfield Urban Growth Boundary are made by the Hearing Officer.
- (3) The City Council is the sole review authority for vacations and annexations.
- (4) The City Council is the final decision maker in Type 3 development applications that require the adoption of an ordinance and are within City limits, including but not limited to site-specific comprehensive plan or refinement plan amendments. Except for vacations and annexations, the Planning Commission will conduct a quasi-judicial public hearing and make a recommendation to the City Council to approve, approve with conditions, or deny the application.
- (5) The City Council and Lane County Board of Commissioners are the final decision-makers in Type 3 development applications that require adoption of an ordinance and are entirely or partially outside City limits but within the Springfield Urban Growth Boundary, including but not limited to site-specific comprehensive plan or refinement plan amendments, according to the procedures in SDC 5.14.130.

Commented [KK36]: By IGA with Lane Co, we must use a Hearing Official for applications outside City limits.

In the past, when a property is partially annexed, both the Planning Commission and Hearing Official heard these applications jointly. But, this creates a lot of procedural headaches and nothing prevents us from giving a Hearing Official some jurisdiction to make decisions inside City limits. Using only the Hearing Official for those decisions would greatly simplify things, but it would be a policy change.

Commented [KK37]: Metro plan amendment approval processes - I think we'd follow the same procedures for the very rare quasi-judicial code amendment.

5.1.425 Mailed Notice of Application

- (A) Notice of a Type 2 application must be mailed at least 14 days prior to the issuance of a decision to persons listed below. Notice of a Type 3 application must be mailed at least 20 days before the hearing, or, if more than one hearing is provided, at least 10 days before the first hearing. The applicant is responsible for the cost (i.e., mailing, etc.) of any notice. The notice must include all the applicable information specified under SDC 5.1.430. Written notice must be sent by mail to the following persons:
- (1) The Applicant.
 - (2) Owners of record of property, as shown on the most recent property tax assessment roll, located within 300 feet of the property that is the subject of the notice.

- (3) The designated land use chair(s) of a neighborhood association recognized by the City of Springfield, where any property within the notice area specified in subsection (A)(2) of this section is within the boundaries of a recognized neighborhood association.
- (B) The notice requirements of this section will be deemed met when the Director can provide an affidavit or other certification that such notice was given.
- (C) The Director may increase the minimum notice area up to 400 feet beyond what is otherwise required under subsection (A)(2) of this section, at their sole discretion.

5.1.430 Contents of Mailed Notice

- (A) All required mailed notices must contain the following:
 - (1) A map locating the subject property;
 - (2) Identification of the application by City 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 or from an applicable comprehensive plan, functional plan, or refinement plan that applies to the decision;
 - (7) The name and phone number of the assigned planner;
 - (8) If the application proposes a change to a zoning map, refinement plan map, or comprehensive plan map, a copy of the map that is to be altered;
 - (9) A statement that the application, all documents and evidence relied upon by the applicant, and the applicable standards are available for inspection at no cost and that copies will be provided at reasonable cost;
 - (10) The date, time, and location of any hearing or date by which written comments must be received.
 - (11) A statement that any person may comment in writing and include a general explanation of the requirements for submission of testimony and the procedures for conduct of testimony including, but not limited to, a party's right to request a continuance or to have the record held open.;
 - (12) A statement briefly summarizing the local decision-making process for the particular application;

Commented [MM38]: Community Development Division? Again, see prior comment with these names having lifespans.

- (13) For Type 2 applications, a statement that issues which may provide the basis for an appeal must be raised in writing prior to the expiration of the comment period, and that issues must be raised with sufficient information to enable the Review Authority to respond to the issue; and
- (14) For Type 3 applications, a statement that failure to raise an issue in a hearing, in person or in writing, or failure to provide statements or evidence sufficient to afford the Review Authority an opportunity to respond to the issue preclude appeal to the Oregon Land Use Board of Appeals based on that issue.

5.1.435 Posted Notice of Application

- (A) Notice of a Type 2 or Type 3 application must be posted on the subject property by the applicant/property owner throughout the duration of the required public comment period. The applicant must post one sign, approved by the Director, on the subject property that is located within ten feet of any abutting public way. Failure of applicant/property owner to maintain posting of the sign throughout the duration of the required public comment period does not invalidate a land use approval.
- (B) Notice of an application for a utility facility line must be posted along the proposed route at intervals of not less than 500 feet. The notice must be posted as close as practicable to, and be visible from, any public way in the vicinity of the proposed route.

Commented [KK39]: Just flagging that this is a change to procedures in having the applicant make the posting - probably a good way to conserve staff resource. We'll have to provide the notice to the applicant, though.

Commented [KK40]: What is the source for this notice requirement? This doesn't seem to stem from the current code.

5.1.440 Published Notice of Application

- (A) Notice of a Type 3 application must be published in a newspaper of general circulation in the city of Springfield at least 20 days before the hearing, or, if more than one hearing is provided, at least 10 days before the first hearing.
- (B) The published notice must include the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration.

Commented [KK41]: Let's keep this overall section 5.1.400 limited to Type 2 and Type 3, and add the language for Type 4 elsewhere if needed.

5.1.445 Type 2 and 3 Review and Decision

- (A) **Review and Decision.** Upon determination of completeness required by SDC 5.1.405, a Type 2 or 3 application will be reviewed according to the following procedures:
 - (1) Notice of application will be made if required or elected by the Director or applicant, as provided in SDC 5.1.425, 5.1.435, and 5.1.440.
 - (2) Any person may comment in writing on an application within 14 days from the date notice was mailed or a longer period as specified in the notice for a Type 2 application, or until the close of the public record for a Type 3 application.
 - (3) The Director must distribute the application to the Development Review Committee and the Historic Commission for comments as applicable.
 - (4) At the conclusion of the comment period specified by the notice of application, or upon determination of application completeness if notice of application is not required or elected by the Director or applicant, the application and written comments will be reviewed and a written decision prepared.

- (5) Each decision must include a finding as to when the proposed Type 2 or 3 application was deemed complete and formally accepted as such by the Director.
 - (6) Each decision must include a finding that the property subject to the proposed land use action is a lot of record as that term is defined in this Code.
 - (7) Approval or denial of a Type 2 or 3 application must be based upon and accompanied by a written statement that explains the standards considered relevant to the decision, states the facts relied upon in rendering the decision, and explains the justification for the decision based upon the standards and facts set forth.
 - (8) Any portion of an application not addressed in a Review Authority's decision is deemed to have been denied.
 - (9) Notice of the Hearings Authority's decision must be in writing and mailed to all parties within two days of the date of the written decision. However, one person may be designated by the Review Authority to be the recipient of the decision for a group, organization, group of petitioners or similar collection of individual participants.
 - (10) If the decision changes an acknowledged comprehensive plan or land use regulation, notice must be provided to the Department of Land Conservation & Development according to ORS 197.615.
 - (11) A Type 2 or 3 decision may be appealed according to the procedures in SDC 5.1.800.
- (B) **Final Decision.** A decision on a Type 2 or 3 application is not final until the Review Authority issues a written decision, the decision or notice of the decision has been mailed, and the appeal period to the next higher Review Authority within the City has expired.
- (C) **Appeal to the Oregon Land Use Board of Appeals (LUBA).** Appeals of the final City decision by the Hearings Officer or City Council may be appealed to the Land Use Board of Appeals according to ORS 197.830, as further described at SDC 5.1.800.
- (D) Unless a temporary use permit has been issued, no building permit will be issued until a decision is final. Appeal of a final decision to LUBA does not affect the finality of a decision for purposes of issuing building permits, unless stayed by LUBA or by court order. If an applicant elects at their own discretion to proceed under a land use action with a pending LUBA appeal, they must proceed only if:
- (1) The applicant accepts each and every risk of loss and damage that may result if the application is reversed or modified or denied upon remand, and further agrees in writing to hold the City, its officers, agents, and employees harmless from such loss and damage.
 - (2) The applicant agrees in writing to restore the site to its original condition if the application for the land use approval is reversed or denied upon remand, or to modify or restore any portions of the site as required by a decision that is modified upon remand.

- (3) The applicant posts a bond or other form of security acceptable to the Review Authority in an amount sufficient to cover the costs of restoration of the site to its pre-approval condition.

5.1.450 Modification of Application

- (A) An applicant may modify an application at any time during the approval process up until the issuance of a Type 2 decision, or the close of the record for a Type 3 decision, subject to the provisions of SDC 5.1.405 and this section.
- (B) The Review Authority must not consider any evidence submitted by or on behalf of an applicant that would constitute modification of an application (as that term is defined in SDC 6.1.100, Definitions), unless the applicant submits an application for a modification, pays all required modification fees and agrees in writing to restart the 120-day time limit as of the date the modification is submitted. The 120-day time limit for an application, as modified, may be restarted as many times as there are modifications up to a total of 365 days from the day the application was accepted as complete.
- (C) The Review Authority may require that the application be re-noticed and additional hearings be held.
- (D) Up until the issue of a Type 2 decision or the day a hearing is opened for receipt of oral testimony for a Type 3 decision, the Director has the sole authority to determine whether an applicant's submittal constitutes a modification. After such time, the Hearings Authority makes any modification determination. For both Type 2 and Type 3 decisions, the Review Authority's determination on whether a submittal constitutes a modification is appealable only to LUBA and is appealable only after a final decision is entered by the City on an application.

Commented [RM42]: Should this be moved to the General Provisions Section??? Not sure it applies to Type 1 applications?
This partially replaces existing section SDC 5.17.145.

Commented [RM43]: What happens after 365 days? Check ORS/OARs...
Commented [KK44R43]: This isn't from the ORS - basically, they've have to withdraw application and pay a new application fee/start over.

Commented [MM45]: Is this the Hearings Official or the hearings official? I think latter as it applies to Planning Commission, too.

5.1.455 Site-Specific Plan Amendments and Zone Changes

- (A) Any change initiated by an individual that includes a plan amendment and zone change for specific real property may be accompanied by the appropriate applications for a specific development proposal. Approval of such a plan amendment and zone change accompanied by a specific development proposal may be conditioned upon initiation of the development proposal within a specified time period, at the discretion of the Hearings Authority, to ensure no greater intensity of use than that contemplated in the proceeding. Approvals of site-specific plan amendments and zone changes that are not accompanied by applications for a specific development proposal must be based on evaluation of the highest impact uses authorized in the proposed zone.

Commented [MM46]: Here again, upper case or lower case?

Commented [KK48]: This is now in the first section about Type 3 quasi-judicial procedures.

5.1.460 Expedited Land Division

- (A) An application for or 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 SDC 5.12.100 apply during application submittal and processing.

Commented [MM47]: Same question as above.

Commented [MM49]: Really? And, is it Hearings Officer or Hearings Official?

5.1.500 **Quasi-Judicial Hearings**

- 5.1.505** **Filing of Staff Report for Hearing**
- 5.1.510** **Burden of Proof**
- 5.1.515** **Nature of Evidence**
- 5.1.520** **Limitation on Oral Presentations**
- 5.1.525** **Standing**
- 5.1.530** **Record**
- 5.1.535** **Disclosure of Ex Parte Contacts**
- 5.1.540** **Disclosure of Personal Knowledge**
- 5.1.545** **Challenge for Bias, Prejudgment or Personal Interest**
- 5.1.550** **Hearings Procedure**
- 5.1.555** **Setting the Hearing**
- 5.1.560** **Close of the Record**
- 5.1.565** **Continuances or Record Extensions**
- 5.1.570** **Reopening the Record**

5.1.505 **Filing of Staff Report for Hearing**

- (A) The Director will set a hearing date at the time an application is deemed complete as provided in SDC 5.1.560, if the application requires a hearing in the judgment of the Director.
- (B) A staff report must be completed seven days prior to the first hearing. If the report is not completed by such time, the hearing must be held as scheduled, but at the hearing or in writing prior to the hearing, any party may request a continuance of the hearing to a date that is at least seven days after the date the initial staff report is complete. The Hearings Authority has discretion whether to grant a continuance under these circumstances.
- (C) A copy of the staff report must be mailed to the applicant, made available at a reasonable cost to such other persons who request a copy, and filed with the Hearings Authority.
- (D) Notwithstanding subsection (B) of this section, oral or written modifications and additions to the staff report must be allowed prior to or at the hearing.

Commented [KK50]: I've never been clear in our code whether this is required for the first hearing, or all subsequent hearings. I think state law supports it being the first hearing.

Commented [MM51]: Maybe do a word search and make sure each instance is upper case or lower case? I'm going to stop noting each instance where I have a question.

5.1.510 **Burden of Proof**

- (A) Throughout all local land use proceedings the burden of proof rests on the applicant.

5.1.515 **Nature of Evidence**

- (A) All relevant evidence must be received according to SDC 5.1.215.

5.1.520 **Limitation on Oral Presentations**

- (A) The Hearings Authority may set reasonable time limits on oral testimony.

5.1.525 **Standing.**

- (A) Any interested person may appear and be heard in a Type 3 hearing, except that in appeals heard on the record, a person must have participated in a previous proceeding on the subject application.
- (B) Any person appearing on the record at a hearing (including appeals) or presenting written evidence in conjunction with an administrative action or hearing has standing and is a party. A person whose participation consists only of signing a petition will not be considered a party.

5.1.530 Record

- (A) An electronic recording of the hearing must be made.
- (B) All exhibits presented must be marked to show the identity of the person offering the exhibit.
- (C) Exhibits must be numbered in the order presented and must be dated.
- (D) When exhibits are introduced, the exhibit number or letter must be read into the record.
- (E) When a digital storage device is submitted into the record, a transcript of the contents must also be submitted.

5.1.535 Disclosure of Ex Parte Contacts

- (A) Prior to making a decision, the Hearings Authority or any member thereof must not communicate directly or indirectly with any party or their representative in connection with any issue involved in a pending hearing except upon notice and opportunity for all parties to participate. Should such communication – whether written or oral – occur, the Hearings Authority member must:
 - (1) Publicly announce for the record the substance of such communication; and
 - (2) Announce the parties' right to rebut the substance of the ex parte communication during the hearing.
 - (3) Communication between City staff and members of the Planning Commission or City Council is not considered to be an ex parte contact.

5.1.540 Disclosure of Personal Knowledge

- (A) If the Hearings Authority or any member thereof uses personal knowledge acquired outside of the hearing process in rendering a decision, the Hearings Authority or member thereof must state the substance of that knowledge on the record and allow all parties the opportunity to rebut such statement on the record.
- (B) For the purposes of this section, a site visit by the Hearings Authority or member thereof is deemed to fall within this rule. After the site visit has concluded, the Hearing Authority or member thereof must disclose its observations and conclusions gained from the site visit on the record and allow all parties the opportunity to rebut such observations or conclusions.

Commented [KK52]: Communication between City staff and the Hearing Officer is ex parte contact under state law.

5.1.545 Challenge for Bias, Prejudgment or Personal Interest

Prior to or at the commencement of a hearing, any party may challenge the qualification of the Hearings Authority, or a member thereof, for bias or conflict of interest. The challenge must be made on the record and be documented with specific reasons supported by facts. Should qualifications be challenged, the Hearings Authority or the member must disqualify themselves, withdraw, or make a statement on the record of their capacity to hear the matter.

5.1.550 Hearings Procedure

(A) A hearing must be conducted as follows:

- (1) The Hearings Authority must explain the purpose of the hearing and announce the order of proceedings, including reasonable time limits on presentations by parties.
- (2) A statement by the Hearings Authority must declare any ex parte contacts, bias, or conflicts of interest.
- (3) Any facts received, noticed, or recognized outside of the hearing must be stated for the record.
- (4) Challenges to the Hearing Authority's or its member's qualifications to hear the matter must be stated and challenges entertained.
- (5) At the commencement of a hearing in a quasi-judicial Type 3 decision, the Hearings Authority or their designee must make a statement to those in attendance that:
 - (a) Lists the applicable substantive criteria;
 - (b) States that testimony, arguments, and evidence must be directed toward that criteria or other criteria in the Comprehensive Plan or land use regulations which the person believes to apply to the decision;
 - (c) States that failure to raise an issue accompanied by statements or evidence sufficient to afford the Hearings Authority and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.
- (6) At the commencement of the initial public hearing, the Hearings Authority or its designee must make a statement to the applicant that the applicant's failure to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the Hearings Authority to respond to the issue precludes an action for damages in circuit court. An applicant is not required to raise constitutional or other issues relating to proposed conditions of approval unless the conditions of approval are stated with sufficient specificity to enable the applicant to respond to the conditions prior to the close of the final local hearing.
- (7) An issue which may be the basis for an appeal to the Oregon Land Use Board of Appeals must be raised not later than the close of the record at or following the final hearing on the proposal before the local government. Such issues must be raised

Commented [KK53]: This special statute was appealed because the Government Ethics Law applies to all public officials in this situation, so there was no need to call out Planning Commissioner separately.

and accompanied by statements or evidence sufficient to afford the Hearings Authority and the parties an adequate opportunity to respond to each issue.

- (8)** Order of Presentation.
 - (a)** Explanation of procedural requirements.
 - (b)** Open the hearing.
 - (c)** Statement of ex parte contacts, bias, or conflicts of interest.
 - (d)** Challenge for bias or conflicts of interest.
 - (e)** Staff report.
 - (f)** Applicant testimony.
 - (g)** Testimony by those in favor of the application.
 - (h)** Testimony by those neutral.
 - (i)** Testimony by those opposed to the application.
 - (j)** Applicant rebuttal.
 - (k)** Staff comment.
 - (l)** Questions from or to the chair may be entertained at any time at the Hearings Authority's discretion prior to close of hearing.
 - (m)** Close the hearing.
 - (n)** Close of the record.
 - (o)** Deliberation.
 - (p)** Decision.

- (9)** In appeal proceedings, the applicant is the party who initiated the application which is under appeal. Those person(s) opposed to the application must testify under the "Testimony by those opposed to the application" portion of the appeal proceeding. Those persons in favor of the application must testify under the "Testimony by those in favor of the application" portion of the appeal proceeding.

- (10)** The record must be available for public review at the hearing.

5.1.555 Setting the Hearing

- (A)** After an application is deemed accepted a hearing date must be set. A hearing date may be changed by the City staff, or the Hearings Authority up until the time notice of the hearing is mailed. After the notice of hearing is mailed, changes in the hearing date must be processed as a continuance in accordance with SDC 5.1.570, unless a new notice of hearing is provided at the City's expense.

- (B)** If an applicant requests that a hearing date be changed before notice of hearing is mailed, such request can be granted only if the applicant agrees that the extended time period for the hearing will not count against the 120-day time limit set forth in ORS 227.178.

5.1.560 Close of the Record

- (A)** Except as set forth herein, the record must be closed to further testimony or submission of further argument or evidence at the end of the presentations before the Hearings Authority.

- (B)** If the hearing is continued or the record is held open under SDC 5.1.570, further evidence or testimony must be taken only according to the provisions of that section.

- (C) Otherwise, further testimony or evidence will be allowed only if the record is reopened under SDC 5.1.580, Reopening the Record.
- (D) An applicant must be allowed, unless waived, to submit final written arguments in support of its application after the written record has closed to other parties, within such time limits as the Hearings Authority sets. The Hearings Authority must allow applicant at least seven days to submit their argument, which time is not counted against the 120-day time limit.

5.1.565 Continuances or Record Extensions

(A) Grounds.

- (1) Prior to or at the initial hearing, an applicant must receive a continuance upon any request if accompanied by a corresponding extension of the 120-day time limit. If a continuance request is made after the published or mailed notice has been provided by the City, but at least seven days prior to the hearing, the hearing place must be posted with notification of cancellation and a revised notice with the new hearing date, place and time must be mailed to all persons who received the original notification. The applicant is responsible for any costs for providing notice of the continuance. If a continuance request is made less than seven days prior to the hearing, the Hearings Official must take evidence at the scheduled hearing date from any party wishing to testify at that time after notifying those present of the continuance.
- (2) Any party is entitled to a continuance of the initial evidentiary hearing or to have the record left open in such a proceeding in the following instances: upon the party's request made prior to the close of the hearing for time to present additional evidence or testimony.
- (3) Any party is entitled to a continuance of the initial evidentiary hearing where additional documents or evidence containing new facts or analysis are submitted by any party less than seven days before the hearing, or upon a showing that denying a continuance would prejudice the party's substantial procedural rights.

(B) Except for continuance requests made under subsection (A)(1)-(3) of this section, the choice between granting a continuance or leaving the record open is at the discretion of the Hearings Authority. After a choice has been made between leaving the record open or granting a continuance, the hearing is governed thereafter by the provisions that relate to the path chosen.

(C) Hearing Continuances

- (1) If the Hearings Authority grants a continuance, the hearing must be continued to a date, time, and place certain at least seven days from the date of the initial hearing.
- (2) An opportunity must be provided at the continued hearing for persons to rebut new evidence and testimony received at the continued hearing.

(D) **Leaving Record Open.** If the Hearings Authority leaves the record open for additional written evidence or testimony after the conclusion of the hearing, the Hearings Authority

Commented [KK55]: This is more than required by law (as decided by LUBA). Right to request the record be left open applies to the "first" evidentiary hearing, which doesn't include a continued hearing.

Commented [KK54]: We should discuss this with Sandy. This isn't a policy we're required to have, and this would be different than in the past. We have cancelled PC or CC hearings for good reasons upon less notice. The McKenzie wildfires are one example, staff realizing that an applicant submitted incorrect information, or staff mistakes in the findings/staff report that are big issues is another reason (for example, vacation hearing rescheduled because applicant didn't meet requirements to initiate the vacation by petition).

must allow for response to written evidence or testimony submitted during the period the record is held open.

- (E) A continuance or record extension granted under this section is subject to the 120-day time limit unless the continuance or extension is requested or otherwise agreed to by the applicant. When the record is left open or a continuance is granted after a request by an applicant, the time during which the 120-day time limit is suspended includes the time period made available to the applicant and any time period given to parties to respond to the applicant's submittal.

5.1.570 Reopening the Record

- (A) The Hearings Authority may reopen the record at its discretion, either upon request or on its own initiative. The Hearings Authority must not reopen the record at the request of an applicant unless the applicant has agreed in writing to an extension or a waiver of the 120-day time limit.

(B) Procedures.

- (1) Except as otherwise provided for in this section, the manner of testimony (whether oral or written) and time limits for testimony to be offered upon reopening of the record is be at the discretion at the Hearings Authority.
- (2) The Hearings Authority must give written notice to the parties that the record is being reopened, stating the reason for reopening the record and how parties can respond. The parties must be allowed to raise new issues that relate to the new evidence, testimony, or criteria for decision-making that apply to the matter at issue.

5.1.600 Type 4 Procedures

- 5.1.605 Type 4 Application – Legislative Procedures**
- 5.1.610 Hearing Required**
- 5.1.615 Notice**
- 5.1.620 Initiation of a Legislative Change**
- 5.1.625 Review Authority**
- 5.1.630 Final Decision**
- 5.1.635 Corrections**

5.1.605 Type 4 Legislative Applications

- (A) A Type 4 process applies to a legislative matter involving the creation, revision, or large-scale implementation of public policy including, but not limited to adoption of land use regulations that apply to entire districts, the annexation of large areas initiated by the City, and comprehensive plan, functional plan, or refinement plan amendments that are not quasi-judicial in nature.
- (B) A Type 4 Legislative decision is made after public notice, public hearings, and a recommendation by the Planning Commission to the City Council, except the City Council is the sole review authority for vacations and annexations.

5.1.610 Hearing Required

- (A) No legislative change can be adopted without review by the Planning Commission and a final public hearing before the City Council, except the City Council is the sole review authority for vacations and annexations. Public hearings are set at the discretion of the Director, unless otherwise required by State law.

5.1.615 Notice

(A) Published Notice.

- (1) Notice of a Type 4 legislative change must be published in a newspaper of general circulation in the City at least 20 days prior to each public hearing.
- (2) The published notice must state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration.

Commented [KK56]: add the 10+10 language from mailed notices?

(B) Posted Notice. Notice must be posted at the discretion of the Director.

(C) Individual Notice. Notice must be mailed as provided in ORS 227.186 prior to the first hearing on an ordinance to rezone property or the first hearing on an ordinance to adopt or amend a comprehensive plan that would require property to be rezoned to comply with the amended or new plan.

Commented [KK57]: With change, we should no longer have site-specific Type 4 decisions. Changing this to reflect BM 56 notice.

(D) Neighborhood Associations. Notice of Type 4 legislative changes must be mailed to the designated land use chair of any neighborhood association recognized by the City of Springfield, where the legislative change affects any land within the boundary of such neighborhood association.

(E) The Director will distribute the application to the Development Review Committee or the Historic Commission for comments, where applicable.

5.1.620 Initiation of a Legislative Change

- (A) Requests for a plan map or text amendment of the Springfield Comprehensive Plan or its implementing documents may be initiated by an individual, corporation, or public agency upon submittal of an application, supporting documentation and payment of required fees. The City Council, Planning Commission, or Director may also initiate legislative changes.

5.1.625 Review Authority

- (A) A Type 4 legislative change entirely within City limits must be reviewed by the Planning Commission prior to action being taken by the City Council, except the City Council is the sole review authority for annexations and vacations.
- (B) A Type 4 legislative change to a comprehensive plan that is entirely or partially outside City limits and within the Springfield Urban Growth boundary must be reviewed jointly with Lane County as provided in SDC 5.14-130.

(C) A Type 4 legislative change to land use regulations that apply entirely or partially outside City limits must be reviewed by the Planning Commission, and Lane County Planning Commission at Lane County's discretion, prior to action being taken jointly by the City Council and Lane County Board of Commissioners.

5.1.630 Final Decision

- (A) All Type 4 legislative changes must be adopted by ordinance.
- (B) The Planning Commission must make a recommendation to the City Council to approve, approve with conditions, or deny the application. The Planning Commission's recommendation must address all of the applicable approval standards and criteria and any written or oral testimony.
- (C) The City Council may approve, approve with conditions, or deny the application. The City Council's decision must include findings that address all the applicable approval standards and/or development standards and any written or oral testimony.
- (D) The City Council's decision is the City's final decision. The decision becomes effective 30 days after the decision is made if there is no emergency clause in the adopting Ordinance, unless provided otherwise on the face of the ordinance. Notwithstanding the effective date of an ordinance as specified above, the effective date of annexations must be as prescribed in ORS 222.040, 222.180, or 222.465. Notice of decision is mailed to the applicant, property owner, those persons who submitted written or oral testimony, those who requested notice, and as required by ORS 222 State law and SDC 5.7.150. Where required, the notice of decision must also be mailed to the Department of Land Conservation and Development as specified in ORS 197.615 and by DLCD rule.
- (E) 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 City Council, as appropriate.
- (F) The City Council's decision may be appealed within 21 calendar days to the Land Use Board of Appeals as specified in ORS 197.830 and SDC 5.1.800.

Commented [KK58]: For legislative decisions, there is no specific development authorized.

Commented [KK59]: I'd like to separate out the date a decision is "final" for appeal purposes and the date it's effective. We don't want to give parties an extra 30 days to file an appeal.

5.1.635 Corrections

(A) The City Attorney may renumber sections and parts of sections of ordinances, change the wording of titles, rearrange sections, change reference numbers to agree with renumbered chapters, sections, or other parts, substitute the proper subsection, section, or chapter or other division numbers, strike out figures or words that are merely repetitious, change capitalization for the purpose of uniformity, and correct clerical or typographical errors. In preparing revisions described herein, the City Attorney shall not alter the sense, meaning, effect, or substance of any ordinance.

Commented [KK60]: Currently, the City Attorney has authority to correct editorial and clerical errors in the code. I've copied language (and updated it slightly for clarity) from the municipal code that provides this authority.

5.1.700 Reconsideration

- 5.1.705 Reconsideration**
- 5.1.710 Procedure**
- 5.1.715 Limitation on Reconsideration**

5.1.705 Reconsideration

- (A) An applicant may request that the Review Authority's decision be reconsidered as set forth herein. A request for reconsideration must be accompanied by a fee established by the City and by applicant's written consent that the 120-day time limit will not run during the period of the reconsideration and the resulting extended appeal period. The fee will be waived when, in the opinion of the Director, the reconsideration is requested to correct a clerical or technical error that is the City's fault.
- (B) Grounds for reconsideration of a Type 1 or Type 2 decision are limited to the following instances:

 - (1) The applicant's submission of additional documents or evidence, that merely clarifies or supports the pending application, directed to one or more discreet aspects of the decision. The new information must not constitute a modification of application as defined herein.
 - (2) Correction of an error in a condition established by the Review Authority where the condition is not supported by the record or is not supported by law.
 - (3) Correction of errors that are technical or clerical in nature.
- (C) Grounds for reconsideration of the Hearing Authority's decision are limited to the following instances where an alleged error substantially affects the rights of the applicant:

 - (1) Correction of an error in a condition established by the Hearings Authority where the condition is not supported by the record or is not supported by law;
 - (2) Correction of errors that are technical or clerical in nature.

5.1.710 Procedure

- (A) A request for reconsideration must be filed with the Director within 12 days of the date the decision was mailed. The request must identify the condition or issue to be considered and must specify how the applicant would be adversely affected if the issue were to remain uncorrected.
- (B) Upon receipt of a request for reconsideration of a Type 1 or 2 decision, the Director must determine whether the request for reconsideration has merit. No comment period or prior notice is required for an administrative reconsideration.
- (C) Upon receipt of a request for reconsideration of a Type 3 decision, the Director must notify all parties to the proceeding of the request and allow for a ten-day comment period on the request. In those instances, in which the only grounds for reconsideration of a Type 3 decision are technical or clerical in nature, at the end of the comment period, the Director must determine whether the request for reconsideration has merit. In all other instances, at the end of the comment period, the Hearings Authority must determine whether the request for reconsideration has merit.
- (D) The Review Authority must modify the decision upon a determination that the request has merit and the issue substantially affects the applicant. Notice of the modification must be

sent to all parties to the proceeding. If the Review Authority determines that no modification is warranted, a denial must be issued and sent to all parties to the proceeding.

- (E) Filing a request for a reconsideration is not be a precondition for appealing a decision.
- (F) Filing a request for reconsideration stays the deadline for any party to file an appeal of the Review Authority's decision. A new 12-day appeal period for all parties to the proceeding commences upon mailing of a modification or upon mailing a determination that a modification is not warranted. The new 12-day appeal period will not be calculated as part of the 120-day time limit. If an opponent files an appeal and an applicant has requested reconsideration, the opponent's appeal must be stayed pending disposition of the request for modification. If the decision is not modified, the appeal will be processed according to the procedures set forth in SDC 5.1.800. If the decision is modified, the appellant must, within 12 days of the mailing of the modified decision, file in writing a statement requesting that its appeal be activated or the appeal will be automatically dismissed.

5.1.715 Limitation on Reconsideration

- (A) No decision can be reconsidered more than once before the same Review Authority.

5.1.800 Appeals

- 5.1.805 Who May Appeal**
- 5.1.810 Filing Appeals**
- 5.1.815 Notice of Appeal**
- 5.1.820 Determination of Jurisdictional Defects**
- 5.1.825 Consolidation of Multiple Appeals**
- 5.1.830 Scope of Review**
- 5.1.835 Hearing on Appeal**
- 5.1.840 Re-hearing**
- 5.1.845 Remands**
- 5.1.850 Withdrawal of an Appeal**

5.1.805 Who May Appeal

- (A) The following may file an appeal:
 - (1) A party; or
 - (2) A person entitled to notice and to whom no notice was mailed.
- (B) A person to whom notice is mailed is deemed notified even if notice is not received.

5.1.810 Filing Appeals

- (A) To file an appeal, an appellant must file a completed notice of appeal on a form prescribed by the Director and pay an appeal fee.
- (B) Unless a request for reconsideration has been filed, the notice of appeal and appeal fee must be received by the Community Development Director no later than the close of the

public counter on the twelfth day following mailing of the decision. If a decision has been modified on reconsideration, an appeal must be filed no later than the twelfth day following mailing of the decision as modified. Notices of appeals must not be received by facsimile machine or e-mail.

- (C) In the case of an appeal of a Type 2 decision to the Hearings Officer or to the Planning Commission, the Hearings Authority's decision on appeal is final 12 days after the decision is mailed. Except that, within 12 days after the decision is mailed, the City Council may, on its own motion and at its discretion, call up the a decision of the Planning Commission and conduct an on the record review of the decision on the record and limited to issues identified in the Council's motion.
- (D) In the case of an appeal of a Type 3 decision, the City Council's decision whether to grant review is discretionary. If the City Council declines review, the appellant may be entitled to a partial refund according to the City's adopted Fees Resolution.
- (E) The Hearings Officer's decision on a Type 3 decision or upon appeal of a Type 2 decision is the City's final decision and is appealable only.

Commented [KK61]: Submittal of document section earlier much earlier sets the deadline as close of business. Easier to keep all of the time computation/deadline calculating sections in one place to avoid inconsistencies.

Commented [KK62]: This is required by our urban transition IGA with Lane County.

Commented [KK63]: This is required by our urban transition IGA with Lane County.

5.1.815 Notice of Appeal

- (A) The Notice of Appeal must contain:
 - (1) A description of the decision which is being appealed, including the date of decision.
 - (2) A statement describing the interest the person who is appealing has in the decision. Only persons who have proper standing as provided by the law, and who have participated in the decision being appealed (if provision for such participation was provided in the previous proceeding), may appeal the decision. The statement of interest must demonstrate the person's standing and participation.
 - (3) A description of the issues sought to be raised by the appeal; and a statement that the issues were raised during the proceeding that produced the decision being appealed. This description must include the specific criteria relied upon as the basis for the appeal, and an explanation of why the decision has not complied with the standards or requirements of the criteria. The issues raised by the appeal must be stated with sufficient specificity to afford the reviewing authority an opportunity to resolve each issue raised.
 - (4) In the case of a discretionary appeal request to the City Council, the Notice of Appeal must include the following additional information to assist the City Council in deciding whether to grant discretionary review of the decision being appealed:
 - (a) How the appeal presents issues that have significant public policy or community-wide implications for the City, as opposed to more limited issues which primarily involve the directly affected property or persons involved in the land use decision being appealed.
 - (b) Why it is necessary or desirable for the City Council to review these issues; and why the issues cannot be adequately and fairly reviewed by the Oregon Land Use Board of Appeals.

5.1.820 Determination of Jurisdictional Defects

- (A) Any failure to conform to the requirements of SDC 5.1.810, Filing Appeals, and 5.1.815, Notice of Appeal, will constitute a jurisdictional defect and the appeal will be dismissed.
- (B) Determination of jurisdictional defects in an appeal must be made by the Review Authority to which an appeal has been made.

5.1.825 Consolidation of Multiple Appeals

- (A) If more than one party files a notice of appeal on a land use action decision, the appeals must be consolidated and noticed and heard as one proceeding.
- (B) In instances of multiple appeals where separate appellants have asked for a differing scope of review, any grant of de novo review must control over a separate request for a more limited review on appeal.

5.1.830 Scope of Review

(A) **Before Hearings Official or Planning Commission.** The review of a Type 2 decision on appeal before the Hearings Officer or Planning Commission is de novo.

(B) **Before the Council.**

- (1) Review of land use decisions by the City Council on appeal is discretionary. A decision by the City Council to not grant discretionary review of the appeal is the final determination of the City and will be considered to be an adoption by the Council of the decision being appealed, including any interpretations of this code or of the plan provisions included in the decision. The final decision may be appealed to the Land Use Board of Appeals as provided by law. The City Council's decision whether to grant discretionary review will be made without testimony or argument from persons interested in the appeal.
- (2) The scope of review for appeals that are granted discretionary review by the City Council must be:
 - (a) Restricted to the issues raised in the Notice of Appeal, or as prescribed by the City Council; and
 - (b) Be conducted during an appeal hearing before the City Council on the record made as part of the decision being appealed.
- (3) The record for discretionary review by the City Council must include:
 - (a) The land use application or request which is the subject of the appeal, any staff report, and all written comments, exhibits, or any other materials or information considered by the decision-maker in the proceedings that produced the decision being appealed.

Commented [KK64]: This is a change in policy, but not necessarily any "capital P" Policy in a comp plan or Goal 1 plan.

- (b) A written transcript of all proceedings before the decision-maker, or a stipulated written summary of the proceedings submitted by all of the parties to the appeal.
- (c) Appellants must submit the transcript or stipulated written summary of the proceedings to the Community Development Division no later than the close of the day five days prior to the date set for receipt of written arguments.
- (d) An appellant is excused from providing a transcript or stipulated written summary of the proceedings if the appellant was prevented from complying by:
 - (i) The Director's inability to supply the appellant with an audio recording of the prior proceeding; or
 - (ii) Defects on the audio recording of the prior proceeding that make it not reasonably possible for the appellant to supply a transcript. Appellants must comply to the maximum extent reasonably and practicably possible.
- (4) An appeal hearing before the City Council must be conducted according to such procedures as the City Council prescribes, which may include an opportunity for presentations by the parties to the appeal.
- (5) Decisions reviewed by the City Council can be affirmed, remanded, reversed, or modified in whole or in part by the City Council.

5.1.835 Hearing on Appeal

- (A) The appellant and all other parties to the decision below must be mailed notice of the hearing on appeal at least 20 days prior to any de novo hearing or deadline for submission of written arguments.
- (B) Except as otherwise provided in this section, the appeal must be heard as provided in SDC 5.1.500, Quasi-Judicial Hearings. The applicant must proceed first in all appeals.
- (C) The order of Review Authority must be as provided in SDC 5.1.510, Hearings Authority.
- (D) The record of the proceeding from which appeal is taken must be a part of the record on appeal.
- (E) The record for a review on the record must consist of the following:
 - (1) Minutes and audio recordings of any prior hearing, if available;
 - (2) All written and graphic materials that were part of the record below;
 - (3) The Review Authority's decision appealed from;
 - (4) Written arguments, based upon the record developed below, submitted by any party to the decision;
 - (5) A staff report and staff comment based on the record; and

(6) Other information deemed relevant by the Review Authority.

(F) The City Council must not consider any new factual information in an “on the record” proceeding. Brief oral argument by the applicant and the appellant on the record may be allowed by the City Council.

5.1.840 Re-hearing

(A) Re-hearings are not allowed.

5.1.845 Remands

(A) Applications must not be remanded to a lower level Review Authority after appeal, except by City Council as provided in SDC 5.1.830(B)(5).

5.1.850 Withdrawal of an Appeal

(A) An appeal may be withdrawn in writing by an appellant at any time prior to the rendering of a final decision. Subject to the existence of other appeals on the same application, in such event the appeal proceedings must terminate as of the date the withdrawal is received. An appeal may be withdrawn under this section regardless of whether other non-filing parties have relied upon the appeal filed by the appellant.

5.1.900 Proceedings on Remand

- 5.1.905 Purpose**
- 5.1.910 Hearings Official**
- 5.1.915 Notice and Hearings Requirements**
- 5.1.920 Scope of Proceeding**
- 5.1.925 Effect of Reversal**

5.1.905 Purpose

(A) This section governs the procedures to be followed where a decision of the City has been remanded by the Land Use Board of Appeals (LUBA), the Department of Land Conservation and Development (DLCD), the Land Conservation and Development Commission (LCDC), or the Appellate Courts.

5.1.910 Review Authority

(A) The Review Authority for a remanded decision must be the last Review Authority from which the appeal to LUBA or submittal to DLCD was taken, except that in voluntary or stipulated remands, the City Council may decide that it will hear the case on remand.

5.1.915 Notice and Hearings Requirements

(A) The City must conduct a review on any remanded decision if requested by the applicant in writing or initiated by the City for a City project. The remand procedure must be according to the applicable provisions of this section and the decision by LUBA, DLCD, LCDC, or Appellate Court, and applicable State law. Unless State law requires otherwise, only those

persons who were parties to the proceedings before the City are entitled to notice and entitled to participate in any hearing on remand.

- (B) The review procedures must comply with State law and with the requirements of this Code for either legislative or quasi-judicial procedures, whichever was employed for the initial decision or as required by the remand.

5.1.920 Scope of Proceeding

- (A) On remand, the Review Authority must review only those issues that LUBA, DLCD, LCDC, or an appellate court required to be addressed. The Review Authority has the discretion to reopen the record as it deems appropriate.
- (B) If additional testimony is required to comply with the remand, parties may raise new, unresolved issues that relate to new evidence directed toward the issue on remand. Other issues that were resolved by LUBA, DLCD, LCDC, or the Appellate Court or that were not appealed are deemed to be waived and may not be reopened.
- (C) Notwithstanding subsections (A) and (B) above, for remands of City-initiated legislative amendments or for any voluntary or stipulated remand reviewed by the City Council, the City Council may allow the introduction and processing of new work tasks, issues, evidence, and testimony if the Council determines that the information or task is necessary and/or valuable.

5.1.925 Effect of Reversal

- (A) A decision reversed by LUBA, DLCD, LCDC, or an appellate court that results in a final appellate judgment or order of reversal cannot be further heard by the City in the absence of an amended or a new application. Submission of a revised application is governed by the time limit set forth in SDC 5.1.1030, Limitation on Refiling Applications.

5.1.1000 Limitations on Approvals

- 5.1.1005 Expiration of Approval**
- 5.1.1010 Initiation of Use**
- 5.1.1015 Modification of Approval**
- 5.1.1020 Transfer of Approval**
- 5.1.1025 Revocation of Approval**
- 5.1.1030 Limitations on Refiling Applications**

5.1.1005 Expiration of Approval

- (A) **Scope**
 - (1) Except as otherwise provided herein, this section applies to and describes the duration of all development approvals provided for under this code.
 - (2) This section does not apply to:
 - (a) Those determinations made by declaratory ruling, such as verifications of nonconforming uses and lot of record determinations that involve a

determination of the legal status of a property, rather than whether a particular application for a specific land use meets the applicable standards of the code. Such determinations are final unless appealed and are not subject to any time limits;

- (b) Temporary use permits of all kinds, which are governed by applicable ordinance provisions specifying the duration of such permits;
- (c) Quasi-judicial and legislative plan and map amendments;
- (d) Master Plans, which are governed by SDC 5.13.100, Master Plans; or
- (e) Annexations; or
- (f) Vacations.

Commented [KK65]: There isn't an earlier class of master plans that didn't have an expiration date, that we want to pull into the scope of this section. So, I think there's no need to reference an approved-after-date.

(B) Duration of Approvals

- (1) A permit for a discretionary approval is void two years after the date of the final decision if the use approved in the permit is not initiated within that time period, unless otherwise specified in the approval, by other provisions of this Code, and or unless the approval period is extended pursuant to subsection (C) below.
- (2) Approval of tentative land division plats is void two years after the date of preliminary approval, if the final plat has not been recorded with Lane County, unless otherwise specified in the approval, by other provisions of this Code, and or unless the approval period is extended pursuant to subsection (C) below.

A one-year extension may be approved by the Director if the applicant can demonstrate sufficient progress to reasonably assure the plat will be recorded at the end of the third year, and if:

- (a) An applicant makes a written request for an extension of the development approval period; and
 - (b) The request is submitted to the Director prior to the expiration of the approval period.
- (3) In the case of a development approval authorized under applicable approval standards to be completed in phases, each phase must be consistent with the time specified in the approval. In no case can the total time period for all phases be greater than five years.

(C) Time Extensions

- (1) Unless prohibited by the approval or other provisions of this Code, the Director may grant one extension of up to one year for a development approval that contained a two-year initial duration of approval, if:

- (a) An applicant makes a written request on the form provided by the Director for an extension of the development approval period, accompanied by the required fee; and
 - (b) The request for extension is submitted to the Director prior to the expiration of the approval period, but not earlier than six months before the expiration date of the permit.
- (2) The Director may grant one or more additional extensions if authorized by a City Council resolution which recognizes a City-wide need for an additional limited-duration extension, not to exceed two years. The additional extension may be granted if:
- (a) The applicant has exhausted all other extension opportunities;
 - (b) The applicant makes a written request for an extension of the development approval period; and
 - (c) The request is submitted to the Director prior to the expiration of the approval period.
- (3) In addition to, or in lieu of, the extensions provided under subsections (C)(1) and (C)(2) above, the Director may grant an additional extension based upon good cause, provided that:
- (a) The request for an extension is made in writing prior to expiration of the original approval;
 - (b) There are special or unusual circumstances that exist which warrant an extension;
 - (c) No material changes of surrounding land uses or zoning has occurred; and
 - (d) No new land use regulations have been adopted that affect the applicant's proposed development.
- (4) Approval of an extension granted under this section is an administrative decision and is not a land use decision or a limited land use decision as described in ORS 197.015 or this code. An extension is not subject to appeal and will be processed as a Type 1 application.

(D) Effect of Appeals. The time period set forth in subsection (B) of this section will be tolled upon filing of an appeal to LUBA, until all appeals are resolved.

5.1.1010 Initiation of Use

(A) For the purposes of this Section, development undertaken under a development approval described in SDC 5.1.1005, Expiration of Approval, has been "initiated" if it is determined that:

- (1) The proposed use has lawfully occurred;

- (2) Substantial construction toward completion of the development approval has taken place; or
 - (3) Where construction is not required by the approval, the conditions of a permit or approval have been substantially exercised and any failure to fully comply with the conditions is not the fault of the applicant.
- (B) For the purposes of this section, **substantial construction** has occurred when the holder of an approval has physically altered the land or structure or changed the use thereof and such alteration or change is directed toward the completion and is sufficient in terms of time, labor or money spent to demonstrate a good faith effort to complete the development.
- (C) Initiation of use must not be granted in lieu of a phased approval.
- (D) A determination of whether a land use has been initiated must be processed as a declaratory ruling.

5.1.1015 Modification of Approval

- (A) An approval may be modified at any time after a decision becomes final.

(B) Modification of Type 2 Approval Procedures

- (1) A modification of a Type 2 approval that does not have significant additional impacts on surrounding properties must be reviewed only under the standards applicable to the aspect(s) of the proposal that are to be modified.
 - (2) A modification that has significant additional impacts on surrounding properties must be reviewed under all standards applicable to the entire approval and may, at the discretion of the Director, require the filing of a new application.
 - (3) A modification must not be considered to have significant additional impacts on surrounding properties if the identified impacts could be addressed under the applicable provisions of this code at the time of future development (e.g., a future site plan review or conditional use permit application).
 - (4) A modification that is a new proposal must be filed as a new application.
- (C) An application for a modification of a Type 1 approval must be processed as a Type 1 application. All other modifications must be processed as a Type 2 application unless elevated to a Type 3 process by the Director.
- (D) The original approval time limitation is governed by SDC 5.1.1005.
- (E) Modifications of development approvals must meet the approval standards required in subsection (B) of this section in the appropriate corresponding section of this code (e.g., modification of a site plan review approval is subject to SDC 5.17; modification of a discretionary use permit is subject to SDC 5.9, modification of a master plan is subject to the applicable sections in SDC 5.13).

Commented [KK66]: Should this be limited to Type 2 only? Wouldn't a modification to a Type 3 permit or zone change require a new application and hearing process? Modifications to Type 4 definitely require a new ordinance and PAPA/periodic review procedures.

5.1.1020 Transfer of Approval

(A) Except as otherwise provided in this code, a development approval is deemed to run with the land and be transferable to applicant's successors in interest.

5.1.1025 Revocation of Approval

(A) Proceedings to revoke a development approval must be initiated by the Director by giving notice of intent to revoke to the property owner.

(B) The Director may revoke a development approval for the following reasons:

- (1) The conditions or terms of development approval are violated; or
- (2) The project is not in substantial conformance with the approved plans or decision; or
- (3) The applicant or the applicant's representative made a material misstatement of fact in the application or supporting documents and such misstatement was relied upon by the Review Authority in making its decision whether to accept or approve the application.

(C) Revocations must be processed as a declaratory ruling according to SDC 5.1.1100.

5.1.1030 Limitations on Refiling Applications

(A) An application for a property owner-initiated Plan Amendment, which a substantially similar application relating to the same property or tract has been denied within the previous year, will not be accepted. At the Director's discretion, an earlier refile may be allowed if it can be demonstrated that the basis for the original denial has been eliminated.

5.1.1100 Declaratory Ruling

- 5.1.1105 Availability of Declaratory Ruling**
- 5.1.1110 Who May Apply**
- 5.1.1115 Procedures**
- 5.1.1120 Effect of Declaratory Ruling**
- 5.1.1125 Revocation of Approval**
- 5.1.1130 Limitations on Refiling Applications**

5.1.1105 Availability of Declaratory Ruling

(A) Subject to the other provisions of this section, the Declaratory Ruling process is available for the City's comprehensive plan and this Code for the following categories of rulings. Such a determination or interpretation is known as a "declaratory ruling" and will be processed according to this section. In all cases, as part of making a determination or interpretation the Review Authority Director (where appropriate) or Hearings Official (where appropriate) has the authority to declare the rights and obligations of persons affected by the ruling.

- (1) Interpreting a provision of the Springfield Comprehensive Plan, Metro Plan, functional plan, or refinement plan, or implementing ordinances (and other documents incorporated by reference) in which there is doubt or a dispute as to its meaning or application;
 - (2) Interpreting a provision or limitation of a development approval issued by the City in which there is doubt or a dispute as to its meaning or application;
 - (3) Determining whether an approval has been initiated or considering the revocation of a previously issued development approval;
 - (4) Determining the validity and scope of a nonconforming use; and
 - (5) Determining whether a lot is a lot of record.
- (B) A declaratory ruling is available only in instances involving a fact-specific controversy and to resolve and determine the particular rights and obligations of particular parties to the controversy. Declaratory proceedings must not be used to grant an advisory opinion on a specific quasi-judicial development application. Declaratory proceedings must not be used as a substitute for seeking an amendment of general applicability to a legislative enactment.
- (C) Declaratory rulings must not be used as a substitute for an appeal of a decision or for a modification of an approval. In the case of a ruling on a City development approval, a declaratory ruling is not available until 60 days after a decision is final.
- (D) The Director may refuse to accept, and the Hearings Authority may deny an application for a declaratory ruling if:
- (1) The Director or Hearings Authority determines that the question presented can be decided in conjunction with approving or denying a pending application or if in the Director or Hearings Official's Authority's judgment the requested determination should be made as part of a decision on a development application not yet filed; or
 - (2) The Director or Hearings Authority determines that there is an enforcement case pending in circuit court in which the same issue necessarily will be decided as to the applicant and the applicant failed to file the request for a declaratory ruling within two weeks after being cited or served with a complaint. The Director or Hearings Authority's determination to not accept or to deny an application under this section will be the City's final decision.

5.1.1110 Who May Apply

- (A) The following may initiate a declaratory ruling under this section:
- (1) The owner of a property requesting a declaratory ruling relating to the use of the owner's property;
 - (2) In cases where the request is to interpret a previously issued development approval, the holder of the approval; or

- (3) In all cases arising under SDC 5.1.1105, Availability of Declaratory Ruling, the Director.

No other person is entitle to initiate a declaratory ruling.

- (B) A request for a declaratory ruling must be initiated by filing an application with the Director and, except for applications initiated by the Director, must be accompanied by such fees as have been set by the City Council. Each application for a declaratory ruling must include the precise question on which a ruling is sought. The application must set forth whatever facts are relevant and necessary for making the determination and such other information as may be required by the Director.

5.1.1120 Procedures

- (A) Declaratory rulings will be processed as either a Type 2 or Type 3 application.

5.1.1130 Effect of Declaratory Ruling

- (A) A declaratory ruling will be conclusive on the subject of the ruling and bind the parties thereto as to the determination made.
- (B) SDC 5.1.1030 Limitations on Refiling Applications notwithstanding, and except as specifically allowed therein, parties to a declaratory ruling are not entitled to reapply for a declaratory ruling on the same question.
- (C) Except when a declaratory ruling is made by the City Council, the ruling does not constitute a final policy of the City of Springfield.

5.1.1200 Development Agreements

- 5.1.1205 Purpose
- 5.1.1210 Applicability
- 5.1.1215 Initiation
- 5.1.1220 Negotiations
- 5.1.1225 Adoption
- 5.1.1230 Hearings Official

5.1.1205 Purpose

- (A) The purpose of this section is to clarify the authority and procedures for City Council consideration of Development Agreements authorized by ORS Chapter 94 outside the land use process.

5.1.1210 Applicability

- (A) The City Council may establish a Development Agreement between the City and any person having a legal or equitable interest in real property for the development of that property. Development Agreements that do not include a development application are not governed by the City's Development Code and may be established in any manner deemed appropriate by the Council, consistent with the Council's authority under the City's Charter. Development Agreements that contain a development application are governed by this

Commented [RM67]: KSK to review this section...
This would replace existing section 5.17.140

section. The following include but are not limited to situations that may require a Development Agreement as described by this section:

- (1) Multiple party or partnership situations;
- (2) Large infrastructure requirements;
- (3) Timing issues;
- (4) Litigation;
- (5) Urban renewal.

5.1.1215 Initiation

- (A) Development Agreements governed by this section may be initiated by the Council on its own motion or in response to a request by City staff, following consultation with any person having a legal or equitable interest in the property that is the subject of the proposed Development Agreement. Neither City staff nor the Council are required to proceed with consideration of a request for a Development Agreement.

5.1.1220 Negotiation

- (A) Negotiations between the parties to a Development Agreement must commence upon a request by the City Council to identified City staff to establish a Memorandum of Understanding (MOU) regarding the anticipated scope of the Development Agreement.

5.1.1225 Adoption

- (A) The provisions of ORS 94.504 through 94.528 must be followed in the adoption of a Development Agreement under this section. Once a preliminary agreement is reached between the parties, the owner or owners of the property that is the subject of the Development Agreement must submit an application to the Director for adoption of the Development Agreement and for any development application requested in connection with the Development Agreement.

5.1.1230 Hearings Authority

- (A) Notwithstanding any other provision of this code to the contrary, the City Council is the Hearings Authority for a Development Agreement. The Council may appoint the Planning Commission to serve as the Hearings Authority for specific development applications associated with a proposed Development Agreement, prior to the final decision on the Development Agreement as a whole. In that event, the Council must establish a schedule for such decisions, and must consider, but will not be bound by, such decisions.

5.1.1300 Summary of Development Application Types

There are four types of procedures: Type 1, 2, 3, and 4. Table 5.1.1300 lists the City's development applications and their required types of procedure(s).

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	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 Nonconforming 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
Duplex and Attached Single-Family Dwelling Design Standards	Type I	4.7-142
Emergency Medical Hardship	Type II	5.10-100
Establishment of Historic Landmark Inventory	Type III	3.3-900
Expansion/Modification of a Non-Conforming Use	Type II	5.8-100
Expedited Land Division	Type II	5.1-145
Extraterritorial Extension of Water or Sewer Service	Type IV	3.3-825
Final Site Plan Equivalent	Type I	5.17-100
Final Site Plan Review/Development Agreement	Type I	5.17-100
Floodplain Development	Type I	3.3-400
Hillside Development Overlay District	Type II	3.3-500
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 III/no formal review	5.11-100/3.4-260
Land Use Compatibility Statement	Type I	3.1-100
Major or Minor Replat Tentative Plan	Type II	5.12-100
Major or Minor Replat Plat	Type I	5.12-100
Major Variance	Type III	5.21-100
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 Tentative Plan	Type II	5.12-100

Commented [RM68]: Need to go through this list and verify each type etc. Double check section numbers. Change Type numbers from roman to standard.

Commented [MM69]: These should also be updated to 'Historic'

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 Tentative Plan	Type II	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	3.3-300/3.4-280
Wireless Telecommunications Systems Facilities	Type I, II, or III	4.3-145
<u>Land Use District</u> Map Amendment	Type III	5.22-100

Deleted: Zoning

Section 5.15.100 Minimum Development Standards (MDS)

Subsections:

- 5.15.105 Purpose**
- 5.15.110 Applicability**
- 5.15.115 Submittal Standards**
- 5.15.120 Review**
- 5.15.125 Approval Standards**
- 5.15.130 Development in Accordance with Permit Approval**

5.15.105 Purpose

- (A) The purpose of Minimum Development Standards (MDS) review is to:
- (1) Minimize development review for minor development, additions, expansions, or changes of use;
 - (2) Ensure compliance with applicable development standards; and
 - (3) Protect the public health, safety, and welfare.

5.15.110 Applicability

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

Commented [RM1]: Should we include mixed use districts?

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

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

Commented [RM2]: Mapped? Or adopted?

There are two types of Minimum Development Standards review procedures which are applied subject to applicability and locational standards. The Director determines the appropriate MDS process from the following list of MDS applicability standards:

- (1) The MDS Minor process is used for:
- (a) New construction on a vacant development site where the new construction does not exceed 50,000 square feet of impervious area;
 - (b) Addition or expansion on a development site where the addition or expansion does not exceed 50 percent of the existing building area or up to 50,000 square feet of new impervious area or new gross floor area, whichever is less.

- (c) An outdoor use or parking area expansion of up to 50 percent of the existing outdoor use area or parking area or up to 5,000 square feet of new outdoor use area or parking area, whichever is less;
 - (d) A change in land use category or building occupancy of a structure or property that requires new additional parking spaces; or
 - (e) Relocating or reconfiguring an existing driveway that does not increase a nonconformity or create a nonconformity.
- (B) MDS provisions only apply to properties located within Springfield's land use jurisdiction. Development proposals that do not conform to the MDS applicability standards require Site Plan Review according to SDC 5.17.
- (C) An MDS application may be submitted concurrently with a complete Building Permit application; the applicant assumes all liability and responsibility if concurrent reviews necessitate the revision of either permit in response to review.
- (D) Where there is an MDS application for addition, expansion, or change of use category for a building or property containing multiple uses, the entire property may be brought into compliance with the standards specified in SDC 5.15.125, or the application may request that required improvements be reviewed, approved, and installed in proportion to the relative impacts of the businesses on the property.

5.15.115 Submittal Standards

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

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

Commented [RM3]: Double check code ref.

Commented [RM4R3]: 5.4 has been incorporated into the new 5.1

Commented [RM5]: Not clear and objective for housing??? Not an approval criteria...Ok?

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

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

Commented [RM6]: Is this the right distance

5.15.120 Review

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

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

5.15.125 Approval Standards

(A) In order to grant MDS approval, the Director must verify compliance with all applicable standards specified below.

- (1) The proposed land use is a permitted use or is allowed as a discretionary use in the land use district.
- (2) If a use is allowed as a discretionary use, in addition to meeting the standards below, a Discretionary Use application must be approved in conformance with the standards in SDC 5.9.100.
- (3) A five foot wide landscaped planter strip, including street trees, with approved irrigation or approved drought resistant plants in conformance with SDC 4.4.100 and 4.2.140 must be installed between the sidewalk and parking areas or buildings with the following exceptions:
 - (a) Where there is an unimproved street, a four-foot-wide landscaped area, in conformance with the applicable standards of SDC 4.4.105, Landscaping, must be provided along the frontage of the property. This landscape area is required to be set back one foot from the property line;
 - (b) Where there is not a four foot wide area between existing improvements and the front property line for a landscaped area as required in (3)(a) above, due to existing buildings, street width, paved parking, changes of elevation, or location of utilities including catch basins, one of the following must be provided:
 - (i) Fencing along the front property line located immediately behind the property line in conformance with SDC 4.4.115, Fences. The fencing must be either wrought iron or masonry and is subject to the fence height standards of the applicable zoning district and the vision clearance setbacks of SDC 4.2-130; or
 - (ii) Provide a landscaped area, in conformance with the applicable standards of SDC 4.4.105, Landscaping, that is equivalent in square foot area to the amount required in Subsection (a) above. This equivalent area must be placed at the property corners or other areas of the property that are visible from the street.
- (4) Waste storage must be screened with a fence or wall. The fence or wall must be:
 - (a) Between 5 and 6 feet in height.
 - (b) Made of wood, metal, masonry, or other permanent materials that are 100 percent sight obscuring on all sides except for a gate access area.
 - (c) A gate access to the waste storage must have at least 50 percent site-obscuring screening such as cyclone fencing with slats.

Commented [RM7]: For all trash receptacles, or over a certain size? What if the development is using just plastic roll carts?

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

Commented [RM8]: To what standards? Ask Kyle. None in EDSPM or Eugene stormwater manual.

5.15.130 Development in Accordance with Permit Approval

- (A) Final approvals and/or occupancy is contingent upon the completion of all required site improvements. Development must not commence until the applicant has received all the appropriate land use and development approvals including but not limited to: Final

Minimum Development Standards review approval, grading permits, and building permits. Construction of any public improvements must not commence until the City has approved all required public improvement plans (e.g., utilities, streets, public land dedication, etc.). The City may require the applicant to enter into an agreement (e.g., for phased developments and developments with required public improvements), and may require bonding or other assurances for improvements, in accordance with SDC 5.15.135, Bonding and Assurances for Development.

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

- (1) A Temporary Certificate of Occupancy may be issued prior to complete installation and approval of improvements if security is filed with the City.
- (2) Required security must equal 120 percent of the cost of the design, materials and labor, as determined by the Director. Required security must consist of cash, certified check, time certificate or deposit, or lending agency certification to the City that funds are being held until completion.
- (3) If the installation of improvements is not completed within the period stipulated by the Final Approval, or if the improvements have been improperly installed, the security may be used by the City to complete the installation, or the security may be held by the City and other enforcement powers employed to prevent final occupancy until the improvements are completed. Upon completion of the improvements as certified by the Director, any portion of the remaining security deposited with the City, including any accrued interest, will be returned.

Section 5.17.100 Site Plan Review

Subsections:

- 5.17.105 Purpose**
- 5.17.110 Applicability**
- 5.17.115 Submittal Standards**
- 5.17.120 Review**
- 5.17.125 Approval Standards**
- 5.17.130 Final Site Plan**
- 5.17.135 Development in Accordance with Permit Approval**

5.17.105 Purpose

(A) The purpose of Site Plan Review is to:

- (1) Facilitate and enhance the value of development;
- (2) Regulate the manner in which land is used and developed;
- (3) Ensure the provision of public facilities and services;
- (4) 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;
- (5) Provide for connectivity between different uses;
- (6) Promote the use of a complete range of transportation modes including and walking, bicycling, and transit facilities;
- (7) Implement the Springfield Comprehensive Plan, applicable refinement plans, specific area plans, and development plans;
- (8) Minimize adverse effects on surrounding property owners and the general public through specific approval conditions; and
- (9) Protect the public health and safety.

5.17.110 Applicability

(A) The Site Plan Review process is used for:

- (1) The following categories of multiple unit housing, commercial, public and semi-public, and industrial development or uses, including construction of impervious surfaces for parking lots and storage areas:
 - (a) New development on vacant sites and redevelopment, except where a proposed development qualifies for a Minimum Development Standards review in accordance with SDC 5.15;
 - (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, except where a proposed development qualifies for a Minimum Development Standards review according to SDC 5.15;
 - (c) Additions, expansions, and changes of use, regardless of size or intervening use, that:

Commented [MR1]: Clear and objective process required for needed housing. Need to have "needed housing" clear and objective approval standards (per references) in Section 5.17.125 like in 4.2.105(E) for transportation.

- (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 property in a residential land use district or residentially designated land (as measured from the property line of the subject property);

Commented [RM2]: Keep? Even for change of use? See also note in MDS. Is 50' the correct number to use if kept?

- (d) Discretionary Uses, except where a proposed development qualifies for a Minimum Development Standards review in accordance with SDC 5.15; and
- (e) Any uses listed in the applicable land use district, overlay, or plan district, which specifically require Site Plan Review.

(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 a property to complete a site plan modification process specified in (C) below, or for future additions or expansions.

Commented [MR3]: Old date? New date?

Commented [RM4]: Double check this. Still needed?

(C) Existing lawfully developed sites that do not conform to the current standards of this code are only required to meet current standards on the portions of the site affected by the proposed alteration or expansion. Any alterations to the site must meet current code standards.

Commented [MR5]: This language is to partially replace the language of existing section 5.17.145, together with the proposed language below for modification of application and modification of decision.

(D) A Site Plan Review application may be submitted concurrently with a complete Building Permit application; the applicant assumes all liability and responsibility if concurrent reviews necessitate the revision of either permit in response to review.

Commented [RM6]: Comment from Kristina Kraaz
This language shows up in many applications – consider moving it to a generally-applicable section like 5.1-105 (where it currently states that no building permit will be issued before development approval).

5.17.115 Submittal Standards

Application materials must be submitted as required below in addition to the requirements in SDC 5.1.215, Application Requirements. Applications that do not include all the necessary information may be deemed incomplete in accordance with SDC 5.1.220, Acceptance of Application.

(A) **General requirements.** All plans submitted under this section must:

Commented [MR7]: See also SDC 5.4.105

- (1) Be prepared by an design professional, licensed in the state of Oregon, when required by state law, such as:

- (a) engineer;
 - (b) architect;
 - (c) landscape architect;
 - (d) land surveyor; or
 - (e) Other qualified professional as determined by the Director.
- (2) Be drawn to scale with the scale indicated on the plans, and the scale sized appropriately for the area involved and sufficient to show detail of the plan related to the approval standards;
 - (3) Include a north arrow and date of preparation and/or revision;
 - (4) Provide the physical address of the subject property, if applicable, and the County assessor's tax map and lot number;
 - (5) Provide the names and addresses of all persons listed as owners on the most recently recorded deed;
 - (6) Provide the name, address, email address, and telephone number of any person that assisted in preparing the application materials or plans; and
 - (7) Show the size of the property and development area in acres or square feet.
- (B) **Existing Site Conditions Plan.** The application must include an existing site conditions plan that shows, for the entire property and the surrounding property to a distance of 150 feet from the subject property boundaries:
- (1) The property boundaries, dimensions, and gross area;
 - (2) Topographic contour lines at one-foot intervals for slopes equal to or less than ten percent and at two-foot intervals for slopes greater than ten percent;
 - (3) The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements;
 - (4) Potential natural hazard areas, including areas mapped by the City, County, or State as having a potential for geologic hazards;
 - (5) Soil types and water table information as mapped and specified in the *Soils Survey of Lane County*;
 - (6) Resource areas, including wetlands on the City's Local Wetlands Inventory, streams, surface mines, and wildlife habitat identified by the City or any natural resource regulatory agencies as requiring protection;
 - (7) The name, location, dimensions, direction of flow, and top of bank of all watercourses that are shown on the Water Quality Limited Watercourse Map and their riparian areas;

- (8) 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;
 - (9) The Time of Travel Zones, as specified in SDC 3.3-200 and delineated on the Wellhead Protection Areas Map on file in the Development Services Department;
 - (10) Features, including existing structures, pavement, large rock outcroppings, drainage ways, canals and ditches;
 - (11) The location, size and species of trees and other vegetation having a caliper (diameter) of six inches or greater at four feet above grade; and
 - (12) Locally or federally designated historic and cultural resources.
- (C) **Proposed Site Plan.** The application must include a site plan that shows:
- (1) The proposed development site, including boundaries, dimensions, and gross area;
 - (2) Existing site features, including trees, identified on the site analysis map, if any, which are proposed to be retained, removed, or modified by the proposed development;
 - (3) The location and dimensions of all existing and proposed structures, utilities, pavement, and other improvements on the site and adjacent to the site for a distance of 150 feet;
 - (4) Setback dimensions for all existing and proposed buildings;
 - (5) Loading and service areas for waste disposal, loading, and delivery; and
 - (6) Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements.
- (D) **Utility and Improvement Plan.** The application must include a utility and improvement plan that shows:
- (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;
 - (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;
 - (4) The location and size of existing and proposed utilities on and adjacent to the site including sanitary sewer mains, stormwater management systems, water mains,

power, gas, telephone, and communications connections including cable, internet, and television cable, etc.;

- (5) The proposed connection points of the proposed utilities; and
- (6) The location and size of existing and proposed easement and public dedications.

(E) Landscape Plan. The application must include a landscape plan that shows:

- (1) Existing and proposed building and pavement outlines;
- (2) The location and dimensions of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;
- (3) Existing and proposed abutting street right-of-way landscaping;
- (4) Screening as specified in SDC 4.4.110;
- (5) Plantings, either existing or proposed, used in erosion control and stormwater treatment facilities;
- (6) Details of a permanent irrigation system, unless specifically exempted as specified in SDC 4.4.100;
- (7) Street trees as specified in SDC 4.2.140;
- (8) A specifications list for all landscaping materials to be used;
- (9) A planting schedule containing the location, size, and species of the existing and proposed plant materials (at time of planting);
- (10) The anticipated size of all proposed plants at two years, or at maturity, whichever is first; and
- (11) A description of planting methods as specified in SDC 4.4.100.

(F) Access, Circulation, Parking, and Lighting Plan. The application must include an Access, Circulation, Parking, and Lighting that shows:

- (1) The location, dimensions and number of typical, compact, and disabled parking spaces; including aisles, landscaped areas, wheel bumpers, directional signs and striping;
- (2) The location and dimensions of all site circulation for vehicles, pedestrians, and bicycles including entrances and exits to the site, and loading and service areas;
- (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) On-site lighting including the location, orientation, and maximum height of all proposed exterior light fixtures, both free standing and attached.
 - (5) For lighting, 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;
 - (6) The location, type, number, and dimensions of all bicycle parking spaces;
 - (7) The amount of gross floor area applicable to the parking requirement for the proposed use;
 - (8) The location of off-street loading areas;
 - (9) Existing and proposed transit facilities;
 - (10) A copy of a Right-of-way Approach Permit application, where the property has frontage on an Oregon Department of Transportation (ODOT) facility; and
 - (11) A Traffic Impact Study prepared by an Oregon Licensed Traffic Engineer when required by and as specified in SDC 4.2.105(A)(4).
- (G) **Grading, Paving, and Stormwater Management Plan.** The application must include a grading, paving, and stormwater management plan that shows:
- (1) The stormwater management system for the entire development area;
 - (2) The roof drainage patterns and discharge locations;
 - (3) The pervious and impervious area drainage patterns;
 - (4) 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 drainage ways to be retained; and
 - (5) The existing and proposed elevations, site grades, and contours.
- (H) **Phased Development Plan.** The application must include a Phased Development Plan if phasing is proposed. The plan must indicate any proposed phases for development, including the boundaries and sequencing of each phase as specified in SDC 5.17.115. Phasing must 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.
- (I) **Narrative.** The application must include a written letter, narrative, or report documenting how the proposal is in compliance with the applicable approval criteria contained in SDC 5.17.125, Site Plan Review Approval Standards.

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- (J) **Deed Restrictions.** The application must include submit copies of all existing and proposed restrictions or covenants.
- (K) **Additional Information.** The Director may require an applicant to submit additional information at the time of Site Plan Review application submittal. At the applicant's expense, additional studies, reports, or exhibits prepared by qualified professionals may be required to address specific site features or concerns to demonstrate compliance with approval standards. Additional information may include, but is not limited to the following items:
 - (1) Evidence that any required Federal or State permit has been applied for or approved;
 - (2) A Geotechnical Report prepared by an Oregon-licensed engineer, if the required Site Assessment specified in SDC 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*.
- (L) **Septic Systems.** If the properties are not served by the City sewer system in accordance with SDC 4.3.105, the application must include documentation from the Department of Environmental Quality or its agent that indicates that the proposed development will be in compliance with all applicable requirements for sanitary septic systems when such systems exist on the properties affected by the development.

Commented [MR8]: Keep this? Not ok for Site Plan approvals?
Use for Middle housing approvals.

5.17.120 Review

- (A) Pre-Application Options. Although voluntary, prospective applicants are encouraged to request a Development Initiation Meeting or Pre-Application Meeting as specified in SDC 5.1.210.
- (B) Site Plan Review applications are reviewed under the Type 2 procedure in accordance with SDC 5.1.400.
- (C) Required public improvements and any additional required land use permits or approvals will be reviewed in accordance with this Code.

5.17.125 Approval Standards

Commented [RM9]: The SDC section cited below must all have clear and objective paths for housing...

- (A) The Director must approve, approve with conditions, or deny a proposed Site Plan Review application based on the following standards:
 - (1) The proposed land use is a permitted use or is allowed as a discretionary use in the land use district.
 - (2) If a use is allowed as a discretionary use, in addition to meeting the standards below, a Discretionary Use application must be approved in conformance with the standards in SDC 5.9.100.
 - (3) The proposal complies with the standards of the land use district of the subject property;

- (4) The proposal complies with any applicable approved master plan, master facilities plan, refinement plan, and/or special planned district.
- (5) The proposal complies with the applicable sections of SDC 4.2, Infrastructure Standards-Transportation.
- (6) The proposal complies with the applicable sections of SDC 4.3, Infrastructure Standards-Utilities.
- (7) The proposal complies with the applicable sections of SDC 4.4, Landscaping, Screening, and Fence Standards.
- (8) The proposal complies with the applicable sections of SDC 4.5, On-Site Lighting Standards.
- (9) The proposal complies with the applicable sections of SDC 4.6, Motor Vehicle Parking, Loading, and Bicycle Parking Standards.
- (10) The proposal complies with the applicable sections of SDC 4.7, Specific Development Standards.
- (11) The proposal complies with the applicable sections of SDC 4.8, Temporary Use Standards.

5.17.130 Final Site Plan

- (A) A Final Site Plan must be submitted to the Director within 90 days of the written decision and expiration of any appeal period.
- (B) The Final Site Plan must include the same information as required for the proposed site plan however must depict the proposal as approved and must incorporate all conditions of approval that the decision requires to be shown on the Final Site Plan. No building or engineering permits will be issued until the Final Site Plan is approved.
- (C) Submittal of a Final Site Plan must include the following material, where applicable:
 - (1) The original recorded copy of any required Improvement Agreement.
 - (2) Where applicable, any required ODOT Right-of-Way Approach Permit must be submitted prior to construction of improvements with ODOT right-of-way.
 - (3) Where approved a copy of a recorded joint use access/parking agreement.
 - (4) A copy of any recorded private easement or other original easement.
- (D) The Final Site Plan becomes null and void if after 3 years from the date of Final Site Plan acceptance by the Director if construction has not begun.

Commented [RM10]: Comment from Kristina
For limited land use decisions, only standards that are specifically incorporated into the land use regulations are directly applicable. I can do more research into whether all type II decisions are limited land use decisions if needed.

Commented [RM11R10]: Follow up on this. Not sure what to do with this? Delete?

Commented [MR12]: See comment below, is it 2 years or 3 years?

Commented [MR13]: The term construction here is not clear. Replace with the phrase "initiation of use" as defined below???

Commented [RM14R13]: Kristinas Comments
"Construction" is tied into state vested rights law. I can research a better definition if needed. Initiation of the use would not overlap vested rights so we would have some that have expired per the code, but still have the right to continue to be constructed under the doctrine of vested rights.

Commented [MR15]: Deal with the issue of expiration of approval separately in the procedures section???

5.17.135 Development in Accordance with Permit Approval

- (A) Development must not commence until the applicant has received all the appropriate land use and development approvals including but not limited to: Final Site Plan Review approval, grading permits, and building permits. Construction of any public improvements must not commence until the City has approved all required public improvement plans (e.g., utilities, streets, public land dedication, etc.). The City may require the applicant to enter into an agreement (e.g., for phased developments and developments with required public improvements), and may require bonding or other assurances for improvements, in accordance with SDC 5.15.135, Bonding and Assurances for Development.
- (B) If public improvements are required, the applicant may be required to submit to the City a signed Development Agreement within 90 days of the Director's Final Site Plan approval.
- (C) A Building Permit may be issued by the Building Official only after the Development Agreement, if one is required, has been signed by the property owner and submitted to the City.
- (D) Upon satisfactory completion of site development, as determined by a Final Site Inspection (prior to the final building inspection), the City will authorize the provision of public facilities and services and issue a Certificate of Occupancy or otherwise authorize use of the site.
- (E) All required improvements must be installed prior to the issuance of a Certificate of Occupancy or Final Building Inspection for the development. Alternatively, the applicant may apply for Type II application for a deferral/extension to request that the improvements be deferred for good cause. In the case of a deferral to completion of improvements the following requirements must be met:
 - (1) A Temporary Certificate of Occupancy may be issued prior to complete installation and approval of improvements if security is filed with the City.
 - (2) Required security must equal 120 percent of the cost of the design, materials, and labor, as determined by the Director. Required security must consist of cash, certified check, time certificate or deposit, or lending agency certification to the City that funds are being held until completion. When the final improvements are complete and certified by the Director, any portion of the remaining security deposited with the City, including any accrued interest, will be returned to the depositor.
 - (3) If the required improvements are not completed within the approved deferral or extension period, or if the improvements are installed improperly and not remedied within the approved deferral or extension period, the City may use the security to complete the installation or correct the required improvement(s). This remedy is in addition to, and not in lieu of, the City's other enforcement authorities.

Commented [RM16]: Kristina's comment. Should this go in a section discussing phasing instead?

Commented [RM17R16]: Should the phasing section be here in the Site Plan section or be somewhere else? Procedures?