



# Planning Commission Agenda

**Development and Public Works Director,**

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**Planning Commissioners:**

Nick Nelson, Chair

Greg James, Vice-Chair

Steve Moe

Sean Dunn

Michael Koivula

Andrew Landen

Tim Vohs

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The meeting location is wheelchair-accessible. For the hearing-impaired, an interpreter can be provided with 48 hours' notice prior to the meeting. For meetings in the Council Meeting Room, a "Personal PA Receiver" for the hearing impaired is available. To arrange for these services, call 541.726.3610.

**Meetings will end prior to 10:00 p.m. unless extended by a vote of the Planning Commission.**

All proceedings before the Planning Commission are recorded.

**September 20, 2016**

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**6:30 p.m. Work Session  
Jesse Maine Room**

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(Planning Commission work sessions are reserved for discussion between Planning Commission, staff and consultants; therefore, the Planning Commission will not receive public input during work sessions. Opportunities for public input are given during all regular Planning Commission meetings.)

**CONVENE AND CALL TO ORDER THE WORK SESSION OF THE SPRINGFIELD PLANNING COMMISSION**

**ATTENDANCE:** Chair Nelson \_\_\_\_\_ Vice Chair James \_\_\_\_\_ Dunn \_\_\_\_\_ Koivula \_\_\_\_\_  
Landen \_\_\_\_\_ Vohs \_\_\_\_\_ Moe \_\_\_\_\_

**WORK SESSION ITEM(S)**

- 1. AMENDMENT TO THE SPRINGFIELD DEVELOPMENT CODE STANDARDS, SECTION 5.15 MINIMUM DEVELOPMENT STANDARDS, SPECIFICALLY SECTIONS 5.15-100 PURPOSE AND 5.15-110 APPLICABILITY; EXPANDING THE SIZE AND TYPE OF DEVELOPMENT PROJECT ELIGIBLE FOR MINISTERIAL PROCESSING IN THE CITY OF SPRINGFIELD-TYP416-00002.**

**Staff: Jim Donovan, Current Development Supervisor**

**30 Minutes**

**ADJOURN WORK SESSION OF THE SPRINGFIELD PLANNING COMMISSION**

**September 20, 2016**

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**7:00 p.m. Regular Session  
Council Chambers**

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**CONVENE AND CALL TO ORDER THE REGULAR SESSION OF THE SPRINGFIELD PLANNING COMMISSION**

**ATTENDANCE:** Chair Nelson \_\_\_\_\_ Vice Chair James \_\_\_\_\_ Dunn \_\_\_\_\_ Koivula \_\_\_\_\_  
Landen \_\_\_\_\_ Vohs \_\_\_\_\_ Moe \_\_\_\_\_

**PLEDGE OF ALLEGIANCE**

**ADJUSTMENTS TO THE REGULAR SESSION AGENDA**

In response to a request by a member of the Planning Commission, staff or applicant; by consensus

**BUSINESS FROM THE AUDIENCE**

Testimony is limited to 3 minutes; testimony may not discuss or otherwise address public hearings appearing on this Regular Session Agenda

**PUBLIC HEARING(S)**

**LEGISLATIVE PUBLIC HEARING –**

- 1. AMENDMENT TO THE SPRINGFIELD DEVELOPMENT CODE STANDARDS, SECTION 5.15 MINIMUM DEVELOPMENT STANDARDS, SPECIFICALLY SECTIONS 5.15-100 PURPOSE AND 5.15-110 APPLICABILITY; EXPANDING THE SIZE AND TYPE OF DEVELOPMENT PROJECT ELIGIBLE FOR MINISTERIAL PROCESSING IN THE CITY OF SPRINGFIELD-TYP416-00002**

The Director of Development and Public Works initiates this request pursuant to City Council's direction to assist the Development Advisory Committee (DAC) and bring forth Development Code revisions recommended by the DAC to improve the efficiency, and thereby the competitiveness, of Springfield's development review procedures. After consideration of ministerial and quasi-judicial review procedures in the course of their work the DAC recommends the attached code revisions for Planning Commission and City Council review and consideration.

Specifically, the proposed Development Code text amendments would double the size of development sites eligible for consideration under the MDS standards and expand the Applicability standards at Section 5.15-110(A)(3)(a-d) to include all Commercial, Industrial, Medium and High Density Residential Zoning Districts in the list of zones where qualifying projects may submit for ministerial review procedures. If the proposed Development Code text amendments are adopted, developers may request to submit developments approximately one acre in size under ministerial review procedures.

**Staff: Jim Donovan, Current Development Supervisor  
30 Minutes**

**CONDUCT OF LEGISLATIVE PUBLIC HEARING BEFORE THE PLANNING COMMISSION**

- Chair opens the public hearing
- Staff report
- Testimony in support of the proposal
- Testimony opposed to the proposal
- Testimony neither in support of nor opposed to the proposal
- Questions from the Commission
- Summation by staff
- Consideration of request for continuation of public hearing, extension of written record, or both
- Close or continue public hearing; close or extend written record (continuance or extension by motion)
- Discussion of the proposal including testimony and evidence addressing the applicable approval criteria or other criteria cited in the record as applicable to the proposal; possible questions to staff or public
- Motion to recommend approval, approval with modification or conditions, or recommendation not to adopt the proposal based on the information contained in the staff report, oral and written testimony, and all other evidence submitted into the record
- Chair signs recommendation to the City Council

REPORT OF COUNCIL ACTION

BUSINESS FROM THE PLANNING COMMISSION

- Upcoming Planning Commission meetings, committee assignments, appointments or other business

BUSINESS FROM THE DEVELOPMENT AND PUBLIC WORKS DIRECTOR

ADJOURN REGULAR SESSION OF THE SPRINGFIELD PLANNING COMMISSION

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**AGENDA ITEM SUMMARY**

**Meeting Date:** 9/20/2016  
**Meeting Type:** Work Session/Reg. Mtg  
**Staff Contact/Dept.:** Jim Donovan, DPW  
**Staff Phone No:** 541-726-3660  
**Estimated Time:** 30 Minutes  
**Council Goals:** Encourage Economic Development and Revitalization through Community Partnerships

**SPRINGFIELD  
PLANNING COMMISSION**

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**ITEM TITLE:** AMENDMENT OF SPRINGFIELD DEVELOPMENT CODE STANDARDS, SECTION 5.15 MINIMUM DEVELOPMENT STANDARDS, SPECIFICALLY SECTIONS 5.15-100- PURPOSE AND 5.15-110- APPLICABILITY; EXPANDING THE SIZE AND TYPE OF DEVELOPMENT PROJECTS ELIGIBLE FOR MINISTERIAL PROCESSING IN THE CITY OF SPRINGFIELD, CASE TYP416-00002

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**ACTION REQUESTED:** The Planning Commission is requested to: 1) conduct a work session discussion on the proposed amendments followed by; 2) conduct a public hearing to receive testimony on the proposed SDC text amendment; and 3) forward a recommendation to the City Council regarding modified and expanded Minimum Development Standards of SDC Section 5.15.

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**ISSUE STATEMENT:** Shall the City of Springfield amend Minimum Development Standards, Springfield Development Code Section 5.15-105(D) to enlarge the sites eligible for consideration under MDS standards from 25,000 square feet to 50,000 square feet of new impervious or gross floor area; and expand the Applicability standards at Section 5.15-110(A)(3)(a-d) to include all Commercial, Industrial, Medium and High Density Residential Zoning Districts in the list of zones where qualifying projects may submit for MDS review procedures.

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**ATTACHMENTS:**

1. Staff Report
2. Proposed SDC Text Amendments
3. Order and Recommendation

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**DISCUSSION:** The Director of Development and Public Works initiates this request pursuant to City Council's direction to assist the Development Advisory Committee (DAC) and bring forth Development Code revisions recommended by the DAC to improve the efficiency, and thereby the competitiveness, of Springfield's development review procedures. After consideration of ministerial and quasi-judicial review procedures in the course of their work the DAC recommends the attached code revisions for Planning Commission and City Council review and consideration.

Specifically, the proposed Development Code text amendments would double the size of development sites eligible for consideration under the MDS standards and expand the Applicability standards at Section 5.15-110(A)(3)(a-d) to include all Commercial, Industrial, Medium and High Density Residential Zoning Districts in the list of zones where qualifying projects may submit for ministerial review procedures. If the proposed Development Code text amendments are adopted, developers may request to submit developments approximately one acre in size under ministerial review procedures.

The attached Staff Report addresses the Criteria of Approval for Amendments of the Springfield Development Code and Staff's recommendation of approval. Staff recommends the Planning Commission consider the proposed changes, the Staff Report and Findings and all public testimony prior to forwarding their Order and Recommendation to City Council for consideration. A draft Order and Recommendation is attached.

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**Staff Report and Findings  
Springfield Planning Commission  
Type IV Amendment to the Springfield Development Code**

**Hearing Date:** September 20, 2016

**Case Number:** TYP416-00002

**Applicant:** City of Springfield

**Project Location:** Commercial, Industrial, Medium and High Density Residential Zoning Districts

**Request**

City staff initiates this request pursuant to City Council's direction to assist the Development Advisory Committee (DAC) and bring forth Development Code revisions as recommended. The DAC is an ad hoc committee of the City Council appointed to review development procedures and recommend revisions with the stated goal of improving the efficiency, and thereby the competitiveness, of Springfield's development review procedures.

Specifically, the proposed text amendments to Springfield Development Code, Section 5.15-100-110, Minimum Development Standards (MDS) would extend the option of developing under ministerial MDS provisions to properties up to one acre in size that are located in the Commercial, Industrial, and the Medium and High Density Residential Districts whenever the onsite conditions permit. The Planning Commission public hearing on the proposed amendment to the Springfield Development Code (SDC) is scheduled for September 20, 2016.

**Overview of Proposed Text Amendment**

The proposal under review is to amend Sections 5.15-100, specifically Section 5.15-105(D) to enlarge the sites eligible for consideration from 5,000 square feet to 10,000 square feet of new impervious or gross floor area under Minor MDS review procedures and from 25,000 square feet to 50,000 square feet of new impervious or gross floor area under Major MDS review procedures; and expand the Applicability standards at Section 5.15-110(A)(3)(a-d) to include all Commercial, Industrial, Medium and High Density Residential Zoning Districts to the list of eligible zones. Sections 5.15-110(A)(3)(a-d) will continue to provide the applicability, location and public notice standards within the applicable zoning districts with minor revisions. This proposal for minor changes to the existing MDS standards only streamlines the review process for minor or simple development proposals and does not reduce any development or public notice standards. However, the minor revisions proposed may have significant efficiencies in terms of cost and timing for the development community.

In accordance with SDC 5.6-110, amendments of the Development Code text are reviewed under Type IV procedure as a legislative action.

**Notification and Written Comments**

In accordance with the Oregon Administrative Rules (OARs) 660-018-0020, prior to adopting a change to an acknowledged comprehensive plan or land use regulation, local governments are required to notify the state Department of Land Conservation and Development (DLCD) at least 35 days prior to the first evidentiary hearing. A Notice of Proposed Amendment was mailed to the DLCD on August 12, 2016, which is more than 35 days prior to the Planning Commission public hearing on the matter.

In accordance with SDC 5.2-110.B, Type IV legislative land use decisions require notice in a newspaper of general circulation. Notification of the September 20, 2016 public hearing was published in the legal notices section of *The Register Guard* on September 13, 2016. Notice will also be given at least 7 days in advance of a City Council public hearing and decision on the proposal.

**Background**

The Springfield Development Code (SDC) is the acknowledged implementation ordinance for the City of Springfield. The Minimum Development Standards, SDC Section 5.15, are an existing set of ministerial review

regulations for simple development projects that can demonstrate compliance with basic development standards without the exercise of legal discretion on the reviewer's part. The Springfield Development Code and its development review provisions are periodically reviewed, updated or revised to meet changing circumstances and conditions in the City of Springfield. The DAC is an ad hoc committee of the City Council appointed to review development standards and recommend revisions with the stated goal of improving the efficiency, and thereby the competitiveness, of Springfield's development review procedures. The DAC recommended the attached MDS revisions for Planning Commission and City Council review and consideration. These minor code changes may yield significant efficiencies to the development community if more expansions, simple re-developments and fully served vacant sites are processed under ministerial timelines.

### **Criteria of Approval**

Section 5.6-115 of the SDC contains the criteria of approval for the decision maker to utilize during review of Development Code text amendments. The Criteria of Development Code text amendment approval are:

#### *SDC 5.6-115 CRITERIA*

- A. *In reaching a decision on the adoption or amendment of refinement plans and this Code's text, the City Council shall adopt findings that demonstrate conformance with the following:*
1. *The Metro Plan;*
  2. *Applicable State statutes; and*
  3. *Applicable State-wide Planning Goals and Administrative Rules.*

#### **A.1 Conformance with the Metro Plan**

Finding 1: The Metro Plan is the DLCD acknowledged long range comprehensive plan for the City of Springfield. The adopted *Metro Plan* does not address land use provisions at a granular level such as Minimum Development Standards (MDS) or its parent development review tool, Site Plan Review. At the Metro Plan level, these standards are elements of the City's implementing ordinance, the Springfield Development Code.

Finding 2: The *Springfield Development Code* is the key mechanism used to implement the goals and policies of the City's adopted comprehensive plan. The MDS provisions being revised under this proposal have evolved over time as a ministerial sub-set of site plan review procedures designed to provide flexible and efficient processing of minor land developments. Section 5.15 of the Springfield Development Code provides the existing MDS standards.

Finding 3: The Springfield Development Code provides the following role for MDS standards:

Minimum Development Standards (MDS) are intended to support economic development by minimizing City review for minor additions or expansions, changes in approved use categories, or where land use conflicts have been mitigated or eliminated as a result of prior development approvals, zoning or regulation. The purpose of MDS procedures is to provide the minimum level of ministerial review that guarantees compliance with applicable development standards. MDS approvals shall ensure compliance with specific appearance; transportation safety and efficiency, and stormwater management standards of the Springfield Code or other applicable regulations as necessary to protect the public health, safety and welfare. SDC 5.15

Because the proposal is to make minor revisions to the existing SDC provisions for review procedures without modifying the requirements to comply with all applicable development standards as adopted and acknowledged, the specific policies and goals of the Metro plan are only indirectly applicable.

Finding 4: A fundamental objective of the *Metro Plan* is designing and locating public and private facilities such that adverse impacts on neighborhoods are avoided or minimized. Public and private facilities are to be designed and located “in a manner that preserves and enhances desirable features of local and neighborhood areas and promotes their sense of identity”. This amendment of the MDS provisions only affects the review process for minor or simple development proposals and does not affect the standards of the Springfield Development Code for the design and placement of public and private facilities serving individual sites or the City at large. The proposal is consistent with this objective of the Metro Plan.

Finding 5: The *Metro Plan* requires cities to address environmental design considerations in their development regulations, including aesthetics. In accordance with *Metro Plan* Policy E.6, local jurisdictions are to carefully evaluate their development regulations to ensure they address environmental design considerations such as safety, crime prevention, aesthetics, and compatibility with existing and anticipated adjacent land uses. This amendment of the MDS provisions only affects the review process for minor or simple development proposals and does not affect the standards of the Springfield Development Code for environmental design considerations such as safety, crime prevention, aesthetics, and compatibility. The proposal is consistent with this policy of the Metro Plan.

Finding 6: The *Metro Plan* intends that planning standards will evolve over time to allow for flexibility and creative solutions to design problems. In accordance with *Metro Plan* Policy E.8, site planning standards developed by local jurisdictions are to allow for flexibility in design that will achieve site planning objectives while allowing for creative solutions to design problems. This amendment of the MDS provisions only affects the review process for minor or simple development proposals and does not affect the standards of the Springfield Development Code for environmental design considerations such as compact development, provision of storm water treatment, protection of riparian and groundwater resources and other inventoried environmental resources. The proposal is consistent with this policy of the Metro Plan.

Finding 7: The Metro Plan intends that the City continue to maintain procedures that maximize the opportunity for meaningful, ongoing citizen involvement in the City’s planning implementation processes consistent with Statewide Planning Goal 1. Element K, Citizen Involvement. This amendment of the MDS provisions only affects the review process for minor or simple development proposals under ministerial standards and does not affect the requirements of the Springfield Development Code for notice of surrounding residents and owners during review of land use and limited land use procedures. The proposal is consistent with this policy of the Metro Plan.

Conclusion: The proposal is to make minor revisions to the existing SDC provisions for MDS review procedures without modifying the requirements to comply with all applicable development standards contained in the adopted and acknowledged implementing ordinance (SDC). The goals and policies of the Metro Plan do not regulate development standards at this granular level. The minor revision of development standards in the Springfield Development Code in response to requests for efficiency and flexibility is a standard function of the adopted implementing ordinance and does not materially affect any existing Commercial, Industrial or Economic elements of the Metro Plan.

Therefore, as proposed, the Development Code text amendment is consistent with provisions and applicable policies of the *Metro Plan* as implemented through the SDC and noted in the preceding findings under Criteria A.1.

## **A.2 Conformance with Applicable State Statutes**

Finding 8: State statutes which apply to this request include those statutes requiring compliance to Statewide Planning Goals. The statute requiring compliance is ORS 197.250. This application can be deemed in compliance by adoption of findings relating how the application conforms to each of the Statewide Goals, as outlined in the following section.

Finding 9: The proposed text amendments would allow for ministerial review of minor or simple development proposals, primarily on previously served or developed sites. The effect of the proposed text amendment would make the provisions of SDC 5.15 applicable to some larger sites than currently allowed. Staff finds the proposed text amendment would result in an expansion – as opposed to a reduction – in an affected properties’ development potential. Therefore, a Measure 56 notification to property owners is not warranted with this application.

Conclusion: The applicable state statutes are limited to the land use statutes addressed below. Subject to an affirmative finding the proposed amendments are in conformance with the applicable state statutes and Criterion A.2..

## **A.3 Conformance with Applicable State-Wide Planning Goals and Administrative Rules**

Finding 10: Of the 19 statewide goals, staff has determined that only 5 have direct or indirect applicability to the proposed Development Code text amendment: Goal 1 – Citizen Involvement; Goal 2 – Land Use Planning; Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources; Goal 9 – Economic Development; Goal 10 – Housing. The list of statewide goals and their applicability to the requested text amendment are outlined below.

Finding 11: Goal 1 – Citizen Involvement calls for “the opportunity for citizens to be involved in all phases of the planning process”. Staff finds that the proposed amendments have no impact on public notice or participation in land use or limited land use decisions. The proposal is to expand ministerial review procedures which do not require notice or provide appeal rights. The Springfield Development Code provides the Director the authority to determine when ministerial standards are eclipsed by the exercise of legal discretion at Minimum Development Standards Section 5.15-115 Review. With regard to the proposal at hand, the proposed amendments are the subject of a legislative decision-making process with multiple public hearings before the City’s Planning Commission and Council. The Planning Commission is scheduled to conduct a public hearing to consider the proposed amendment on September 20, 2016. The Planning Commission public hearing was advertised in the legal notices section of the *Register-Guard* on August 12, 2016. The recommendation of the Planning Commission will be forwarded to the Springfield City Council for consideration at a public hearing meeting. Notification of the City Council public hearing also will be published in the *Register-Guard* newspaper at least one week prior to the meeting date. Staff finds that the proposed text amendment is consistent with Goal 1 requirements.

Finding 12: Goal 2 – Land Use Planning outlines the basic procedures for Oregon’s statewide planning program. In accordance with Goal 2, land use decisions are to be made in accordance with a comprehensive plan, and jurisdictions are to adopt suitable implementation ordinances that put the plan’s policies into force and effect.

Finding 13: The Eugene-Springfield Metropolitan Area General Plan (“*Metro Plan*”) is the acknowledged comprehensive plan for guiding land use planning in Springfield. The City has adopted other neighborhood- or area-specific plans (such as Refinement Plans) that provide more detailed direction for land use planning under the umbrella of the *Metro Plan*. The findings under Criteria A.1 demonstrate compliance with the *Metro Plan*. This proposal modifies a land use regulation (development code) and is by state law a part of the acknowledged comprehensive plan of the city (ORS 197.015 Definitions) and therefore subject to the same

public hearing process used for amendment of the *Metro Plan*; the process for such amendments and to which this amendment complies, is specified in Chapter IV *Metro Plan* Review, Amendments, and Refinements.

Finding 14: The *Springfield Development Code* is a key mechanism used to implement the goals and policies of the City's adopted comprehensive plans, particularly the *Metro Plan*. Staff finds that the proposed text amendment is consistent with the *Metro Plan* goals and policies indirectly related to land use regulation, and does not affect City ordinances, policies, plans, and studies adopted to comply with Goal 2 requirements.

Finding 15: Goal 3 – Agricultural Land applies to areas subject to farm zoning that are outside acknowledged urban growth boundaries (UGBs): “Agricultural land does not include land within acknowledged urban growth boundaries or land within acknowledged exceptions to Goals 3 or 4.” (Text of Goal 3). The City has an acknowledged UGB and therefore consistent with the express language of the Goal, does not have farm land zoning within its jurisdictional boundary. Consequently, and as expressed in the text of the Goal, Goal 3 is not applicable.

Finding 16: Goal 4 – Forest Land applies to timber lands zoned for that use that are outside acknowledged UGBs with the intent to conserve forest lands for forest uses: “Oregon Administrative Rule 660-006-0020: Plan Designation Within an Urban Growth Boundary. Goal 4 does not apply within urban growth boundaries and therefore, the designation of forest lands is not required.” The City has an acknowledged UGB and does not have forest zoning within its incorporated area. Consequently, and as expressed in the text of the Goal, Goal 4 is not applicable.

Finding 17: Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources applies to more than a dozen natural and cultural resources such as wildlife habitats and wetlands, and establishes a process for each resource to be inventoried and evaluated. The proposed Development Code text amendment would expand the types of development reviewed under ministerial standards. However, the proposed amendment would not circumvent all other code provisions for the protection of natural resources. Additionally, the city does not have a specific zoning district which it applies to inventoried Goal 5 natural resources; the presence of these resources is completely independent of the process used to zone land. Protective measures for all of the city's inventoried Goal 5 resources are applicable to the resource and not unique, circumscribed or altered based on zoning classification. The proposed amendments to Section 5.100 do not modify existing Development Code or *Metro Plan* policies relating to identified natural resources. The proposed text amendment does not make any changes to adopted Goal 5 natural resources development standards or protective measures adopted to comply with Goal 5 requirements. Therefore, this action does not alter the City's acknowledged compliance with Goal 5.

Finding 18: Goal 6 – Air, Water and Land Resources Quality applies to local comprehensive plans and the implementation of measures consistently with state and Federal regulations on matters such as clean air, clean water, and preventing groundwater pollution. The proposed text amendment does not affect City ordinances, policies, plans, and studies adopted to comply with Goal 6 requirements. Therefore, this action does not alter the City's acknowledged compliance with Goal 6.

Finding 19: Goal 7 – Areas Subject to Natural Disasters and Hazards applies to development in areas subject to natural hazards such as floodplains and potential landslide areas. Local jurisdictions are required to apply “appropriate safeguards” when planning for development in hazard areas. The City has inventoried areas subject to natural hazards such as the McKenzie and Willamette River flood plains and potential landslide areas on steeply sloping hillsides. The proposed text amendment has no effect on City ordinances, policies, plans, and studies adopted to comply with Goal 7 requirements; development in these areas will require conformance with all protective overlay districts therefore, this action has no effect on the City's acknowledged compliance with Goal 7.

Finding 20: Goal 8 – Recreational Needs requires communities to evaluate their recreation areas and facilities and to develop plans to address current and projected demand. The provision of recreation services within Springfield is the responsibility of Willamalane Park & Recreation District. Willamalane has an

adopted 20-Year Comprehensive Plan for the provision of park, open space and recreation services for Springfield. The proposed text amendment would not affect Willamalane's adopted Comprehensive Plan or other ordinances, policies, plans, and studies adopted to comply with Goal 8 requirements. Therefore, this action has no effect on the City's acknowledged compliance with Goal 8.

Finding 21: Goal 9 – Economic Development addresses diversification and improvement of the economy. It requires local jurisdictions to conduct an inventory of commercial and industrial lands, anticipate future needs for such lands, and provide enough appropriately-zoned land to meet the projected demand. The minor text amendments propose to expand existing applicability and efficiency measures of the Springfield Development Code and do not affect City policies, plans, and studies for economic development. However, these minor code changes may yield significant efficiencies to the development community on a case by case basis if more expansions, simple re-developments and development of fully served vacant sites are processed under ministerial timelines, therefore, this action is consistent with the City's acknowledged compliance with Goal 9.

Finding 22: Goal 10 – Housing applies to the planning for – and provision of – needed housing types, including multi-family and manufactured housing. The proposed text amendment would not affect City ordinances, policies, plans, and studies adopted to comply with Goal 10 requirements, the proposed minor amendments are designed to improve timelines and efficiency of existing development review procedures for additions and improvements to existing multi-unit residential development within the City's medium and high density residential zoning districts. Therefore, this action is consistent with the city's acknowledged compliance with Goal 10.

Finding 23: Goal 11 – Public Facilities and Services addresses the efficient planning and provision of public services at the appropriate type and level to support planned development. The proposed amendments do not reduce any requirements for the extension or provision of public facilities or services during development review procedures and will have no effect on adopted and acknowledged public facilities plans. Therefore, this action has no effect on the City's acknowledged compliance with Goal 11.

Finding 24: Goal 12 – Transportation applies to the provision of a “safe, convenient and economic transportation system”. OAR 660-012-0060 requires that proposed amendments to a comprehensive plan or land use regulation shall consider potential impacts to existing or planned transportation facilities. The proposed text amendment does not affect the City's ordinances, policies, plans, or studies adopted to comply with Goal 12 requirements; therefore this action has no effect on the City's acknowledged compliance with Goal 12.

Finding 25: Goal 13 – Energy Conservation states that “land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles”. The proposed text amendment does not affect the City's ordinances, policies, plans, or studies adopted to comply with Goal 13 requirements. Therefore, this action has no effect on the city's acknowledged compliance with Goal 13.

Finding 26: Goal 14 – Urbanization requires cities to estimate future growth rates and patterns, and to incorporate, plan, and zone enough land to meet the projected demands. The proposed amendment does not affect the City's adopted ordinances, policies, plans, or studies adopted to comply with Goal 14 requirements.

Finding 27: Goal 15 – Willamette River Greenway establishes procedures for administering the 300 miles of greenway that borders the Willamette River, including portions that are inside the City limits and UGB. The proposed text amendment does not change or nullify the requirement for development proposals to comply with the City's existing Willamette River Greenway regulations regardless of the underlying zoning, and to demonstrate compliance with Goal 15 requirements. Any new development on land within the Willamette Greenway would be subject to a separate land use approval process requiring compliance with the City of

Springfield's Willamette Greenway Overlay District, therefore this action has no effect on the city's acknowledged compliance with Goal 15.

Finding 28: Goals 16-19 – Estuarine Resources; Coastal Shorelands; Beaches and Dunes; and Ocean Resources; these goals do not apply to land within the Willamette Valley, including Springfield. Therefore, in the same way that Goals 3 and 4 do not apply in Springfield, Goals 16-19 do not apply in Springfield or to land use regulations adopted in Springfield.

Conclusion: Staff has determined and concluded that the proposed text amendment to the SDC is consistent with the *Metro Plan*, Oregon Administrative Rules and the Statewide Planning Goals.

**Conclusion and Recommendation**

Based on the findings above and the criteria of SDC 5.6-115 for approving amendments to the Springfield Development Code, staff finds the proposed text amendments to Section 5.15-105(D) and Section 5.15-110(A)(3)(a-d) are consistent with these criteria, and staff recommends that the Planning Commission support the proposal by forwarding a recommendation of approval to the City Council and signature of the Chair on the accompanying Planning Commission Order and Recommendation.



## Section 5.15-100 Minimum Development Standards

### 5.15-105 Purpose

Minimum Development Standards (MDS) are intended to support economic development by minimizing City review for minor additions or expansions, changes in approved use categories, or where land use conflicts have been mitigated or eliminated as a result of prior development approvals, zoning or regulation. The purpose of MDS procedures is to provide the minimum level of ministerial review that guarantees compliance with applicable development standards. MDS approvals shall ensure compliance with specific appearance; transportation safety and efficiency, and stormwater management standards of this Code or other applicable regulations as necessary to protect the public health, safety and welfare.

Minimum Development Standards include the following range of review procedures which shall be applied subject to applicability and locational standards contained herein. The Director shall determine the appropriate MDS approach from the following list of MDS review procedures:

- A.** Building Permit Only (BPO). If no additional site review or MDS procedures are required by this Code, building permit procedures and timelines shall be used to determine compliance with applicable standards of this Code. Applicable zoning overlay applications may be processed concurrently with building permit applications.
- B.** Land Use Compatibility Inspection Application (LUCI). This ministerial planning review and/or site inspection process may be used to demonstrate that: (1) the subject site is in substantial compliance with previous approvals; and (2) existing improvements satisfy required standards. LUCI process shall not be used when other provisions of MDS or Site Plan Review apply.
- C.** MDS Minor Application. This process shall be used for expansions or additions on an existing development site that do not exceed ~~510~~,000 square feet.
- D.** MDS Major Application. This process shall be used for expansions or additions to certain existing development sites where the expansion or addition does not exceed ~~5025~~,000 square feet of new impervious and/or combined gross floor area.

All MDS applications 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 ministerial review. (6274)

## 5.15-110 Applicability

**A.** MDS regulations shall apply as described below:

1. Land Use Compatibility Inspection procedures shall apply where the property is currently in compliance with all of the standards specified in Section 5.15-120, and the Director has verified compliance with the above standards through a ministerial land use compatibility inspection and/or review of prior land use approvals.

2. MDS Minor provisions shall apply within all commercial, industrial and public land zoning districts, where there is: (a) new construction, an addition or expansion on a development site of up to ~~5~~10,000 square feet; or (b) a change in land use category or building occupancy of a structure or property. MDS Minor submittals shall comply with the standards of Section 5.15-120 Subsections A. through H.

3. MDS Major provisions shall apply only within ~~Community~~-Commercial, ~~Light or Heavy~~-Industrial, High Density Residential, Medium Density Residential and Public Land and Open Space zoning districts where:

~~a. The proposed development does not abut a zoning district other than Community Commercial, Light or Heavy Industrial and Public Land and Open Space; or~~

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~~ba.~~ The proposed development area is not located within 50 feet of Low Density Residentially zoned or designated property (as measured from the property line of the subject site and ~~including~~excluding public rights-of-way); and

~~eb.~~ The proposed construction, addition or expansion will not exceed 50,000 square feet of new impervious and/or combined gross floor area. ~~25,000 square feet of combined gross floor area and/or substantially reconstructed impervious area (excluding asphalt overlays);~~ and

~~dc.~~ Where the proposal will comply with the standards of Section 5.15-120 Subsections A. through I.

4. MDS provisions shall only apply to developed properties located within Springfield's land use jurisdiction. Development proposals that exceed the size provisions of MDS standards shall require Site Plan Review as specified in Section 5.17 of this Code.

**B.** Where there is an MDS application for addition, expansion or change of use category for a building or property containing multiple uses, the property owner may bring the entire property into compliance with the standards specified in Section 5.15-120 or the property owner may request that required improvements be reviewed, approved and installed in proportion to the relative impacts of the businesses on the property.

For example, if there are 3 businesses on the property with equal impacts and there is only 1 change of use, then approximately 1/3 of the improvements necessary for the entire development area shall be required to be completed to serve the proposed use. Improvements mitigating identified safety concerns shall be given priority.

Alternatively, if a multi-tenant space is being upgraded an owner may submit an MDS Major Application where applicable proposing full improvements to the entire development site with a proposed phasing plan stipulating a proportional percentage of the property shall comply with specified MDS requirements for each change of use category or expansion with the intent that the total property will meet MDS requirements over time. Upon approval of an MDS phasing plan, improvements consistent with the approval shall be reviewed under building permit procedures. This agreement shall not exceed the MDS timelines specified in Section 5.15-125 unless otherwise approved by the Director. (6274)

#### **5.15-115 Review**

**A.** LUCI and MDS applications are reviewed under the Type I review process, unless the applicant requests or the Director finds that the proposed use should provide public notice. The target date for MDS approvals shall be 30 days from the date of submittal.

**B.** Required public improvements and any additional required land use permits or approvals shall be reviewed in accordance with this Code. (6274)

#### **5.15-120 SDC Standards Applicable to MDS Approval**

In order to grant MDS approval, the Director shall determine compliance with all applicable standards specified below. Subject to review and approval by the Director, the applicant may request deferral of plan details demonstrating compliance with standards of SDC 5.15-120 until Final MDS Plan Submittal, building permit submittal or building permit occupancy as noted herein. Final approvals and/or occupancy is contingent upon the completion of all required site improvements. Application materials shall be submitted as required on application submittal checklists and in sufficient detail to demonstrate compliance with the following standards:

**A.** A 5-foot wide landscaped planter strip, including street trees, with approved irrigation or approved drought resistant plants as specified in Sections 4.4-100 and 4.2-140 shall be installed between the sidewalk and parking areas or buildings.\*

**EXCEPTIONS:**

1. Where there is an unimproved street, a 4-foot wide landscaped planter strip shall be required to be set back 1 foot from the property line.
2. Where there is insufficient space for the landscaped strip required in Subsection A., above due to existing buildings, street width, paved parking, changes of elevation or location of utilities including catch basins, the Director may approve:
  - a. Decorative fencing located immediately behind the property line. The fencing may be wrought iron or masonry and shall be subject to the fence height standards of the applicable zoning district and the vision clearance setbacks of Section 4.2-130; and/or
  - b. Landscaping equivalent to the amount required in Subsection A., above may be placed at the property corners or other areas of the property that are visible from the street.

\* Property lines, setbacks and dimensioned landscape areas shall be shown on all applications; however street trees, fencing and planting information may be noted and details deferred to Final MDS Plan Approval or Building Permit Submittal.

**B.** Trash receptacles shall be screened, covered and connected to the sanitary system in accordance with the Engineering Design Standards Manual as applicable. All outdoor storage areas shall be screened by a structure or enclosure permanently affixed to the ground as specified in Section 4.4-110.\*

\* Property lines, setbacks, and the location of covers and screens shall be shown on all applications; however materials and construction types may be noted and details deferred to Final MDS Plan Approval or Building Permit Submittal.

**C.** Bicycle parking spaces shall be added to meet the numerical standards for the appropriate use or upgraded to meet the standards specified in Sections 4.6-140, 4.6-145 and 4.6-155.\*

\* Long-term and short-term bicycle parking areas may be noted on all applications; however, details may be deferred to Final MDS Plan Approval or Building Permit Submittal.

**EXCEPTION:** In cases where the number of bicycle parking spaces cannot be met due to lot/parcel size or physical constraint, the Director, in consultation with the Public Works Director, may reduce the standard without a Variance if a finding is made that the reduction will not have an adverse impact on public safety.

**D.** Parking and circulation areas shall be provided. Paving, striping and wheel stops shall be installed as specified in Sections 4.6-100 and 4.6-120. Required paving and other impervious

surfaces on the site shall comply with on-site stormwater management standards as specified in Section 4.3-110.

**EXCEPTION:** In cases where the number of vehicular parking spaces cannot be met due to lot/parcel size or physical constraint, the Director, in consultation with the Public Works Director, may reduce the standard without a Minor Variance if a finding is made that the reduction will not have an adverse impact on public safety.

**E.** Access from the proposed development area to the public right-of-way shall comply with Section 4.2-120.

**1.** Where the proposed development area abuts an improved street, any non-conforming or unsafe driveways, as determined by the Public Works Director, shall be removed and replaced with curb, gutter and sidewalk.

**2.** Where the proposed development area abuts an unimproved street, any non-conforming or unsafe access points, as determined by the Public Works Director, shall be:

**a.** Removed by the use of fencing, extruded curbs or other method of approved barricade; and

**b.** The property owner shall sign an Improvement Agreement guaranteeing future participation in a Local Improvement District.

**3.** If an existing driveway or access point is closed, the Director may approve a joint use access agreement with a neighboring property as specified in Section 4.2-120.

**F.** Concrete sidewalks shall be installed where the proposed development area abuts a curb and gutter street as specified in Section 4.2-135.

**G.** Streetlights required to serve the development area shall be installed as specified in Section 4.2-145.

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

**I.** MDS Major Approval pursuant to Section 5.15-110, Subsection A.3 shall also meet the following submittal standards in addition to Subsections A. through H:

**1.** The applicant shall prepare an MDS Site Assessment of Existing Conditions meeting the following standards:



e. Drainage patterns and connection points with supporting documentation to demonstrate the proposed system will function consistent with the City of Springfield *Engineering Design Standards and Procedures Manual*.

\* The applicant may request deferral of plan details demonstrating compliance with standards of SDC 5.15-120 until Final MDS Plan Submittal, building permit submittal or building permit occupancy as noted herein. (6274; 6238)

### **5.15-125 Timelines and Conditions**

The property owner and/or applicant shall comply with the standards specified in Section 5.15-120 within 3 years of the Director's approval as follows:

**A.** Submittal of a Final MDS Plan within 90 days of the Director's approval, including the following additional material, where applicable:

1. The original recorded copy of any required Improvement Agreement.
2. Where applicable, any required ODOT Right-of-Way Approach Permit shall 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 a recorded private easement or the original public utility easement.

**B.** The signing of a Development Agreement by the property owner within 90 days of the Director's Final MDS Plan approval and issuance of the Development Agreement. A Building Permit may be issued by the Building Official only after the Development Agreement has been signed by the applicant. No structure or site shall be occupied until all improvements are made as specified in this Section, unless otherwise permitted below.

**C.** The construction of the required improvements shall begin within 2 years of the signing of the Development Agreement. If this time line cannot be met, the applicant may submit a written request for a single 1-year extension of the 2-year start of construction timeline specified above.

**D.** If the timeline established for the start of construction in Subsection C. above is not met and the applicant has not requested an extension, then the Director shall declare the application null and void.

**E.** Upon satisfactory completion of site development, as determined by a Final Site Inspection (prior to the final building inspection), the City shall authorize the provision of public facilities and services and issue a Certificate of Occupancy or otherwise authorize use of the site.

**F.** All required improvements shall be installed prior to the issuance of a Certificate of Occupancy or Final Building Inspection for the development, unless improvements have been deferred for good cause by the Director as noted below:

**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 shall equal 110 percent of the cost of the design, materials and labor, as determined by the Director. Required security may consist of cash, certified check, time certificate or deposit, or lending agency certification to the City that funds are being held until completion.

**3.** If the installation of improvements is not completed within the period stipulated by the Director, or if the improvements have been improperly installed, the security may be used by the City to complete the installation, or the security may be held by the City and other enforcement powers employed to prevent final occupancy until the improvements are completed. Upon completion of the improvements as certified by the Director, any portion of the remaining security deposited with the City, including any accrued interest, shall be returned. (6274; 6238)

**BEFORE THE PLANNING COMMISSION OF SPRINGFIELD, OREGON  
ORDER AND RECOMMENDATION FOR:**

**AMENDMENT OF SPRINGFIELD DEVELOPMENT CODE, SECTION 5.15 MINIMUM DEVELOPMENT ] TYP416-00002  
STANDARDS, SPECIFICALLY SECTIONS 5.15-100- PURPOSE AND 5.15-110- APPLICABILITY; ]  
EXPANDING THE SIZE AND TYPE OF DEVELOPMENT PROJECTS ELIGIBLE FOR MINISTERIAL ]  
PROCESSING IN THE CITY OF SPRINGFIELD ]**

**NATURE OF THE PROPOSAL**

Staff is recommending that the Springfield Planning Commission forward a recommendation of approval to the Springfield City Council regarding the following proposed amendments to the Springfield Development Code (SDC):

- Section 5.15-105(D) to enlarge the sites eligible for consideration under MDS standards from 25,000 square feet to 50,000 square feet of new impervious or gross floor area; and,
- Section 5.15-110(A)(3)(a-d) to include Commercial, Industrial, Medium and High Density Residential Zoning Districts in the list of zones where qualifying projects may submit for MDS review procedures.

Timely and sufficient notice of the public hearing has been provided, pursuant to SDC 5.2-115.

On September 20, 2016, the Springfield Planning Commission held a work session and a public hearing on the proposed SDC amendments. The staff report, written comments, and testimony of those who spoke at the public hearing were entered into the record.

**CONCLUSION**

On the basis of this record, the proposed amendments are consistent with the criteria of SDC 5.6-115.A – C. This general finding is supported by the specific findings of fact and conclusion in the Staff Report and Findings and the additional information submitted for the September 20, 2016 public hearing.

**ORDER/RECOMMENDATION**

It is ORDERED by the Springfield Planning Commission that approval of Case Number TYP416-00002 be GRANTED and a RECOMMENDATION for approval be forwarded to the Springfield City Council for their consideration at an upcoming public hearing meeting.

\_\_\_\_\_  
Planning Commission Chairperson

\_\_\_\_\_  
Date

**ATTEST**  
**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**