

**CITY OF SPRINGFIELD**

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**DATE:** February 25, 2015

**HEARINGS OFFICIAL  
TRANSMITTAL  
MEMORANDUM**

**TO:** Gary Darnielle, Springfield Hearings Official

**FROM:** Jim Donovan, DPW Planning Supervisor 

**SUBJECT: Formal Interpretation File TYP214-00024**  
Response to Open Record Period Ending 2/18/2015

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**ISSUE**

The record for the public hearing on the above file was held open for written comment from February 11, 2015 to February 18, 2015. Three submittals were received by City staff during the open record period and forwarded to the Hearings Official and the applicant.

**DISCUSSION**

The attached memo from City staff addresses the three submittals received during the open record period.

**Recommendation and Action Requested:**

The attached response is consistent with the staff findings and conclusion entered into the record for this proceeding on February 11, 2015. Staff recommends that the banquet, wedding and event venue not be considered either a "new use" or a "home occupation" in the LDR/UF-10 Overlay District and recommends that the Hearings Official deny the application.

**ATTACHMENTS**

- 1) Submittals Received During Open Record Period
- 2) Staff Response to Open Record Submittals
- 3) City Ordinance 6268 UGB Information

Rec. 2/17/15  
11 pages.  
JD

**APPLICANT'S RESPONSE TO ARGUMENTS AGAINST  
APPLICATION OF TRUDY LOGAN FOR INTERPRETATION OF NEW USE**

**Introduction:**

Applicant is seeking an Interpretation, pursuant to Springfield Development Code § 5.11-105 (A) to "[c]onsider the applicability of new uses within [the relevant] districts that are not specifically identified in [the] Code. Section 5.11-105 (B) of the Code establishes that

"[a] new use may be considered to be a permitted use when, after consultation with the City Attorney or other City staff, the Director determines that the new use:

- "1. Has the characteristics of one or more use categories currently listed in the applicable zoning district;
- "2. Is similar to other permitted uses in operational characteristics, including but not limited to, traffic generation, parking or density; and
- "3. Is consistent with all land use policies in this Code which are applicable to the particular zoning district."

Applicant is requesting a new use for property located in Springfield, Oregon and zoned Low Density Residential (LDR) with an Urban Fringe Overlay (UF-10). Her property, which is located at 3092 Hayden Bridge Road in Springfield, is a parcel of property of approximately 12.9 acres, of which 12.0 acres lies in rural Lane County. The remaining 0.9 acres lies within the urban growth boundary of the city of Springfield is within an area zoned LDR and UF-10. No part of the property lies within the corporate limits of the city of Springfield.

The proposed new use is for a "banquet, wedding and event venue." In written and oral comments the concern has been expressed that allowing the requested new use would result in banquet, wedding, and event venues to be permitted uses on all LDR and UF-10 zoned lands. Applicant submits that her requested new use not be defined by those five words, but be restricted in accordance with the restrictions of the use to which she contends her proposed use is similar: a home occupation. More particularly, Applicant proposes that her proposed new use be defined and restricted as follows:

A banquet, wedding and event venue is a lawful activity carried on within a dwelling, within an accessory structure, or on the grounds of the property, provided that:

A member or members of the family who occupy the dwelling shall be in attendance and supervise any banquet, wedding or event held on the venue;

The primary use of the dwelling as a dwelling will not be affected;

The use as a banquet, wedding and event venue shall be a secondary use that does not

significantly affect the residential character of the dwelling or neighborhood; and

There shall be no permanent display in public view which would indicate from the exterior that the property is being used for any purpose other than as a residence. Temporary signage before and during events to identify the property for guests and to direct traffic is allowed.

There shall be no outside storage of materials used exclusively for banquets, weddings or events visible from public property or adjacent private property.

Mechanical equipment, unless compatible with residential purposes, shall be prohibited.

There shall be no offensive noise. Amplified music and speech shall be considered offensive if it violates the guidelines established by the Department of Environmental Quality, OAR 340-35-035(1)(b)(B)(I) and (ii).

There shall be no unreasonable vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line resulting from any banquet, wedding or event held at the venue.

Banquets, weddings and events hosted on the property shall not create hazardous traffic conditions or utilize on-street parking of nearby properties.

If the proposed banquet, wedding and event venue requires any modification to the dwelling or accessory structure of a nature that is not typically found in a residential district, the proposed banquet, wedding and event venue is considered inappropriate and prohibited.

No merchandise, other than what is produced on-site shall be sold to the public from premises. However, the banquet, wedding or event may be catered by the occupants of the dwelling, by the organizer of the banquet, wedding or event, or by a professional caterer.

Alcohol use and sales shall be in compliance with the rules of the Oregon Liquor Control Commission.

In addition to the occupants of the premises, the venue may utilize the services of part-time employees or independent contractors to provide services for the event, including bartenders, security guards, traffic controllers, janitors, disc jockeys, and bands.

The use or storage of heavy equipment or heavy vehicles shall not be permitted. Heavy equipment and heavy vehicles shall include, but not be limited to, the use of: semi-trucks, trucks and tractors, back hoes, bob cats, refrigerator trucks, livestock trucks, commercial buses, farm tractors, garbage trucks and log trucks. Deliveries to

the property by commercial carriers or services such as garbage removal by commercial trucks is permitted.

Any banquet, wedding and event venue which requires more than 1 vehicle for its operation shall be prohibited. The 1 vehicle permitted is limited to passenger vehicles, passenger vans or pick-up trucks. Vehicles may be used to accommodate the elderly and disabled.

Banquet, weddings and events shall limit customer access to the property to the hours of 10:00 a.m. to 11:00 p.m. on Friday or Saturday, and to the hours of 10:00 a.m. to 8:00 p.m. on any other day. The time between 10:00 a.m. and 2:00 p.m. may be used only for preparation. Guests shall not be invited before 2:00 p.m. No amplified sound shall be allowed before 2:00 p.m. or after 10:00 p.m. on Friday or Saturday, and before 2:00 p.m. or after 7:00 p.m. on any other day. Reasonable access on the days before and after the event shall be allowed for rehearsals, set-up, clean-up and tear-down of any necessary materials used for the banquet, wedding or event.

Attendance at any banquet, wedding or event shall not exceed 200 guests and not more than 75 vehicles. There shall be no more than 4 weddings, and no more than 6 total banquets, weddings and events hosted on the property in any calendar month.

The applicant shall sign an agreement with the City acknowledging any applicable standards listed above.

Applicant recognizes that approval of her requested Interpretation for a new use in the particular zoning districts does not constitute approval of the particular banquet, wedding and event venue proposed for her property. However, she contends that her venue does, or can with some modification, meet the conditions she has proposed.

## **CRITERIA**

As stated above, the Springfield Development Code §5.11-105 (B) will allow Applicant's proposed new use only if the proposed new use:

- "1. Has the characteristics of one or more use categories currently listed in the applicable zoning district;
- "2. Is similar to other permitted uses in operational characteristics, including but not limited to, traffic generation, parking or density; and
- "3. Is consistent with all land use policies in this Code which are applicable to the particular zoning district."

"Use category" is defined in Springfield Development Code §6.1-110 as "[a] grouping of land uses which have similar operating characteristics and land use impacts." Thus criteria #1 and #2 are essentially the same: both criteria require "similar operating characteristics."

Springfield Development Code §3.2-210 allows commercial use of property in Low Density Residential Districts for "home occupations." Springfield Development Code §3.3-800 also allows use of property in an Urbanizable Fringe Overlay District for "home occupations." Thus, for Applicant's proposed new use to be a permitted use, a banquet, wedding and event venue and a home occupation must be found to have similar operating characteristics.

The staff report submitted by the city argues that Applicant has failed to show that her proposed use does meet the criteria of a home occupation. The arguments miss the point. The question is not whether applicant's currently operating venue meets the requirements of a home occupation. If it did, there would be no need for this application. Rather, the question is whether, in general, the proposed new use is similar to use for a home occupation.

Considering that Applicant's requested definition of a "banquet, wedding and event venue" is derived from the definition of a "home occupation" found in SDC 4.7-165, with only minor variations, the proposed use is indeed similar to a home occupation. The most significant characteristics of each are that the use is conducted primarily by the residents of the property, no additional development beyond the existing structures or other structures that are inconsistent with residential property is required, and perhaps most importantly, the land remains in a condition suitable for any use that might ultimately be needed under the provisions of state and local land use planning regulations.

Furthermore, the staff report takes such a restrictive view of the requirements of a home occupation, that it is hard to believe that any use would satisfy the city's interpretation of that section. In particular the city claims that the Applicant's is not consistent with use as a home occupation in the following particulars:

**Applicant intends to rely upon employees for certain operational aspects of the venue:**

The staff report cites SDC 4.7-165 for the proposition that no employees may assist in the operation of a home occupation. However, that section states only that a home occupation is "carried on" "by a member of members of the family who occupy the dwelling." There is no mention of employees. The word "exclusively" does not appear in the section.

Applicant's proposal provides the occupants of the dwelling be actively involved in the operation of the venue but does not require them to act without paid assistance.

**The proposed use is carried on in 5 accessory structures. The dwelling will not be used as part of the event center:**

The description of a "home occupation" in the development code is inconsistent. It states that a home occupation may be carried on in a dwelling or accessory structure. It then states that the "primary use of the building is a dwelling." By definition, an accessory structure is not a dwelling (SDC §6.1-110), therefore, the code cannot be read to require the primary use of an accessory structure be a dwelling. The clear intent would seem to be that the primary use of the dwelling as a dwelling cannot be affected by a home occupation. Applicant does not seek to have a different restriction for a banquet, wedding and event venue, and in fact, the primary use of her dwelling as

a dwelling will not be affected at all by her proposed use.

**No development applications have been submitted to convert the accessory buildings to commercial use.**

Applicant does not intend to convert her accessory buildings to commercial use. She intends to use existing accessory buildings which are currently used in conjunction with her use of the property as a residence. However, Applicant recognizes that the permit process is a separate issue for the issue of permitted uses. She understands that there may be permit processes required by other provisions of the Code that are required for any particular property to be used under her proposed new use.

**The use spans a total of 13 acres**

The vast majority of the property consists of a filbert orchard. The portion of the property within the urban growth boundary includes Applicant's residence, which is not going to be used as part of her particular venue. A view of the property, and the aerial photographs submitted by applicant, demonstrate that less than 1/2 of the 0.9 acres is available for use for a banquet, wedding and event venue. The portion along the river used in conjunction with some of the weddings contemplated for the property in the future, is a small clearing not within the urban growth boundary. The portion of the property proposed for parking is a small clearing in an area of poor filbert growth, across a gravel driveway from a motorcycle racing course.

**The residential character of the dwelling or neighborhood will be significantly affected:**

The statements of the applicants and others at the hearing do not support the city's conclusion that there will be a significant impact on the neighborhood for up to 4 days per week. The proposed use contemplates 2 hours the day before an event, several hours on the day of the event, and only about an hour the day after the event. Only one neighbor objected to any impact on any day except the event days.

**The existing screening cannot be verified as complete or permanent**

The city staff report seems to contemplate that no portion of the buildings used in the proposed use may be visible from any other property. Applicant does not propose such a restriction. The home occupation rules do not contemplate such a restriction. All that is required is that there be "no display" on the exterior of a building indicating it is being used as something other than a dwelling.

In this case there can be no display indicating that the dwelling is used as other than a dwelling because that is not a fact. There can be no requirement that the accessory buildings have no display indicating it is not used as a dwelling because, as indicated above, by definition it is not a dwelling.

Applicant submits that the intent of the provision of the home occupation restrictions is that there be no signage advertising that the property is a home occupation rather than a residence.

Applicant does not propose allowing any signage or display for proposed banquet, wedding and event venues, other than day-of-event signs to direct attendees to the correct property and to the correct driveways to the parking areas.

**The use contemplates the outside storage of materials visible from public property of adjacent private property:**

The staff report suggests that parked cars are “materials” that are “stored” on the property.

Neither of those terms is defined in the code. However, SDC §6.1-105 J provides that:

“Where words are not defined in this Section, the following sources shall be consulted: the Metro Plan, State statute, the Springfield Code and any dictionary of common usage, all of which will be interpreted by context.”

The term “materials” has a common dictionary definition of “the elements, constituents, or substances of which something is composed or can be made.” The term “stored” means “to collect and put (something) into one location for future use.” The suggestions that “parked cars” constitute “stored materials” stretches the definition of those terms beyond the breaking point.

**The city cannot determine whether there is any “mechanical equipment” such as a heater or air conditioner.**

If this provision of the requirements for a home occupation were subjected to judicial review it would have to be construed to be void for vagueness. There is no definition of the term “mechanical equipment” in the Springfield Development Code. The common dictionary definition of “mechanical” is “working or produced by machines or machinery.” A “machine” is “a piece of equipment with moving parts that does work when it is given power from electricity, gasoline, etc.” A “simple machine” is

“a mechanical device that changes the direction or magnitude of a force. In general, they can be defined as the simplest mechanisms that use mechanical advantage (also called leverage) to multiply force. Usually the term refers to the six classical simple machines which were defined by Renaissance scientists: Lever, Wheel and axle, Pulley, Inclined plane, Wedge, Screw.” *Wikipedia*

It is without question that Applicant, and any person operating a banquet, wedding and event venue, a home occupation, a household, or virtually any activity other than sleeping or meditating, will require the use of “mechanical equipment.” In particular, for use in a banquet, wedding and event venue, the use of a bottle opener (lever), ramp (inclined plane), dolly (wheel and axle), lawn mower, dish washer, faucet (screw), and thousands of other machines might be necessary.

The home occupation does have a limiting factor in that only mechanical equipment “not compatible with residential purposes” shall be prohibited. Heaters and air conditioners, and all of the machines mentioned in the previous paragraph are not incompatible with residential purposes. Applicant does not suggest her proposed use should be restricted any less than whatever the

restriction for a home occupation is construed to mean.

### **Noise, dust, and glare may be noticeable at or beyond the property line**

The provision of the code restricting home occupations from noticeable vibration, smoke, dust, odors, heat or glare suffers from vagueness problems similar to the "mechanical equipment" provision discussed above. A strict interpretation of this provision would prohibit talking, aromatic food, cigarette smoking, heat lamps, sand boxes, and any kind of lighting. The city staff reports suggests that even the headlights of people attending an event would constitute prohibited "glare." However, "glare" has a general definition of "to shine with or reflect a very harsh, bright, dazzling light."

Much of the testimony at the hearing centered around the issue of noise. Applicant's proposed use, particularly as a wedding venue, will require the use of amplified sound for the ceremonies themselves and for post-wedding music and entertainment. There was some conflicting testimony about the effect of the amplified sound on neighbors. Applicant has taken steps to mitigate the effects of noise on her neighbors, and her proposal includes adherence to rules of Department of Environmental Quality, specifically OAR 340-35-035(1)(b)(B)(I) and (ii) which provide:

(I) No person owning or controlling a new industrial or commercial noise source located on a previously unused industrial or commercial site shall cause or permit the operation of that noise source if the noise levels generated or indirectly caused by that noise source increase the ambient statistical noise levels, L10 or L50, by more than 10 dBA in any one hour, or exceed the levels specified in Table 8, as measured at an appropriate measurement point, as specified in subsection (3)(b) of this rule, except as specified in subparagraph (1)(b)(B)(iii).

(ii) The ambient statistical noise level of a new industrial or commercial noise source on a previously unused industrial or commercial site shall include all noises generated or indirectly caused by or attributable to that source including all of its related activities. Sources exempted from the requirements of section (1) of this rule, which are identified in subsections (5)(b) - (f), (j), and (k) of this rule, shall not be excluded from this ambient measurement.

Preliminary measurements, as testified to by Applicant's expert witness, shows that Applicant can meet those criteria.

### **Hazardous traffic conditions may be created and on-street parking utilized**

Any use of the roadway contains some hazard. In this case, the potential hazard consists of vehicles pulling into and out of Applicant's driveway. No aspect of the proposed use suggests a greater hazard. Although applicant acknowledges one prior occasion resulted in some on-street parking it has not occurred since and is not proposed as part of the general use or her specific use.

### **The proposed use requires modification of accessory structures to commercial standards**

Applicant has a "drying shed" on her property. There have been some modifications to the

drying shed to turn it into what Applicant calls a pavilion. Applicant testified that she uses it for family purposes, such as family gatherings and meetings. It is not a structure that is atypical in a residential district.

**Merchandise produced off-site may be sold to the public from the premises**

Applicant's intended venue does include either on-site catering or off-site catering. However, only her own on-site product will be sold from the premises. Any off-site catering will be purchased by the bride and groom or other host from businesses not located on the premises.

**Heavy equipment will be used in the venue**

Applicant does not propose the use of heavy equipment for her banquet, wedding and event venue. A limited number of trucks may be used by independent contractors, such as delivery trucks, to provide related services. Construing delivery trucks to constitute the disqualifying "use" of heavy equipment would prevent the use of even Fed-Ex in a home occupation.

**More than one vehicle will be used in the venue**

Applicant intends to use just one vehicle as described in the application, primarily to assist elderly and disabled guests to different parts of the venue.

**The venue will operate past 6 p.m. on days of banquets, weddings or events.**

Applicant has acknowledged that she cannot operate a wedding venue that closes before 6 p.m. In the middle of summer, brides do not want to be having their weddings in the middle of the day. However, to qualify for a new use, Applicant only needs to show that her proposed use is "similar" to an existing use, not the same as an existing use. Except for this provision, Applicant's proposed use arguable fits every other qualification for a home occupation. Applicant contends that her proposed use is similar to the operating characteristics of a home occupation, even if it does not precisely fit the definition of that use.

**Applicants proposed new use is not consistent with all land use policies**

The arguments presented in the staff report seemingly would lead to the conclusion that no new use can ever be allowed under the City Development Code. Their argument seems to be as follows:

- In order to gain approval of a new use, an applicant must show that the proposed new use is consistent with all land use policies in the Springfield Development Code which are applicable to the relevant zone.
- The land use policies for the particular district do not contain the proposed new use (which is why Applicant is requesting a new use).
- Therefore, the new use is not consistent with the policies of the SDC.

The provision for consideration of new uses obviously refutes that interpretation. Furthermore, Applicant's proposal IS consistent with all land use policies. As recited in the staff report, the purpose of the urban growth boundary is to control the potential for urban sprawl and scattered urbanization to achieve the goal of compact growth. The Eugene/Springfield Metro Plan contains similar expressions of the principles, goals, objectives and policies with regard to Urban Growth Boundaries, for example:

- The Metro Plan and most of its elements are oriented to and require that urban development occur in a compact configuration within the metropolitan UGB.
- Use urban, urbanizable, and rural lands efficiently.
- Encourage orderly and efficient conversion of land from rural to urban uses in response to urban needs, taking into account metropolitan and statewide goals.
- Protect rural lands best suited for non-urban uses from incompatible urban encroachment.
- Broaden, improve, and diversify the metropolitan economy while maintaining or enhancing the environment.
- Maintain a variety of open spaces within and on the fringe of the developing area.
- Continue to minimize urban scatteration and sprawl by encouraging compact growth and sequential development.
- Insure that land supply is kept in proper relationship to land use needs.
- Conserve those lands needed to efficiently accommodate expected urban growth.
- Protect rural land and open space from premature urbanization.
- When necessary to meet urban needs, utilize the least productive agricultural lands for needed expansion.
- Encourage new and maintain existing rural land uses where productive or beneficial outside the urban growth boundary.
- The key to addressing the needs stated at the beginning of this section is not so much the establishment of a UGB, but maintaining an adequate and reasonable supply of available undeveloped land at any point in time. The "adequate" and "reasonable" tests are the key to the related phasing and surplus land issues.
- The Metro Plan Diagram reflects the concept of compact urban growth, sequential development, and opportunities for the least costly provision of public services and facilities.

- Again, the Metro Plan Diagram reflects compact urban growth which, in turn, should achieve maximum efficiency of land uses within and on the fringe of the existing urban area.
- In order to promote the greatest possible degree of diversity, a broad variety of commercial, residential, and recreational land uses shall be encouraged when consistent with other planning policies.
- Public and private facilities shall be designed and located in a manner that preserves and enhances desirable features of local and neighborhood areas and promotes their sense of identity.
- Carefully develop sites that provide visual diversity to the urban area and optimize their visual and personal accessibility to residents.

Applicant's proposed use of land in the urban growth boundary promotes all of these objectives. The new use will preserve the land for whatever use the city ultimately decides is needed for the city. The vast majority of the 12.9 acres will remain a filbert orchard. The remainder will retain its residential qualities. Applicant's proposed use does not limit the city's ability to designate the land in the future for expansion or to keep its current rural nature.

**Applicant must seek a location in a commercial zoning district where the use is permitted**

The suggestion that a banquet, wedding and event venue like the one proposed by applicant could be moved to a commercial zone ignores the nature of the proposed use and the potential market for the proposed use. The location of the property along a river and nestled into a filbert orchard is what makes it a viable use of the property, and a use in demand by members of the public. Moving such a venue to a commercial zone, with smokestacks instead of trees for background, streets instead of a river for a border, and concrete instead of grass for landscaping, changes the enterprise into a use that Applicant does not wish to promote and brides would not wish to utilize.

**New uses are prohibited in UF-10 zones.**

SDC 3.3-805 states that the purpose of the Urbanizable Fringe (UF-10) Overlay District is

“to effectively control the potential for urban sprawl and scattered urbanization to achieve the goal of compact growth. This concept will remain the primary growth management technique for directing geographic patterns of urbanization in the City. The UF-10 Overlay District limits the division of land and **prohibits urban development of unincorporated urbanizable land** which will eventually be annexed to the City. All interim development shall be designed and constructed to City standards.” (Emphasis added).

The term “development” is defined in the Springfield Development Code to mean

“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 vegetation.” (Emphasis added). (SDC 6.1-110)

Further, the term “change of use” is defined as follows:

“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 Section 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.” (Emphasis added). (SDC 6.1-110).

Nothing in Applicant’s proposal requires “human-made change to improved or unimproved real estate.” Her proposed use will not “substantially alter or affect the land or water upon which” the buildings to be used in her proposed use are located. The restrictions on new uses in a UF-10 Overlay District are therefore inapplicable.

Respectfully submitted  
February 17, 2015

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Edmund J. Spinney  
Attorney for Applicant

**DONOVAN James**

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**From:** Toni Webb [tmshwebb@comcast.net]  
**Sent:** Wednesday, February 18, 2015 12:24 AM  
**To:** DONOVAN James  
**Cc:** Mark; Toni Webb  
**Subject:** Along Came Trudy

*Rec. 2/18/15 9:14 AM SPD*

Jim,

Based on information presented at last weeks public hearing, we have a few more points we would like the hearings official to consider before making his final decision.

1. It was stated by Mrs. Logan that they have an easement to use the road. We do not believe any easement exists and we object to the use of the road for commercial purposes other than for hazelnut farming.
2. It was stated by Mrs. Logan that there have been no personal meetings to discuss some of the issues her business was creating for people. She has only received text messages and in some cases phone calls. We had a personal meeting with Mrs. Logan on March 30, 2014 in our living room to discuss traffic and parking issues, privacy issues, road maintenance, etc. We have also had several personal informal meetings with Mr. Logan regarding the same topics when we have met outside on the properties over the past couple of years.
3. There was a lot of testimony given with regards to noise levels and sound proofing. Noise is not one of our major concerns, but are we forgetting that the giant glass garage door goes up during most events in the summer and that the metal paneling is removed from the west wall creating an open air structure. How is sound proofing going to help when you open up at least (2) sides of the building?
4. It was stated that parking attendants are employed to make sure the cars park in the parking lot. As of recent this has been mostly the case with only occasional people driving down to our house. One problem with this is that our friends and family sometimes cannot get to our house during an event without being stopped by parking attendants. Recently exit signs have been put up to limit the amount of traffic entering and exiting the southern portion of our driveway that enters onto Hayden Bridge Rd., but like all the other signs the Logan's have put up some people just don't obey them.

5. Testimony was given that up to (2) OLCC bartenders are employed at times during events. What is being done to control outside alcohol from being brought onto the premises? Quite frequently we have observed people drinking liquor and bottled or canned beer and partying in the parking area. They are sometimes rude and loud, and almost always leave trash. Sometimes the Logan's clean it up, often times I have my kids do it so that it doesn't get scattered by the wind. The parking attendants are usually only around when the bulk of the guest are arriving, the rest of the time the parking lot is left unattended and some people seem to wander down there to drink or smoke what they brought in their cars. As for any security that is patrolling, we have never seen any. If we text Trudy that people are wandering around in our backyard etc. she will usually send her son to deal with it; if we let her know about it. Until recently we would just try and ignore it, but we became more and more frustrated during the summer of 2014.
6. Mrs. Logan also stated that her Kubota ATV was the only vehicle that was used to deliver people and materials etc. down to the site by the river. This is not true. When events are being held down by the river there are cars and trucks driving down there to set up audio equipment, chairs and sometimes hay bails, food, decorations etc. We have also had people that couldn't make the walk from the parking lot drive cars down and drop off and pick up people in front of our house including brides, disabled, and elderly people.
7. Prior to the site visit on February 17, 2015 most of the signage that is usually posted around the property was picked up. Although we appreciate the efforts being made with the signs, they have not proved to be effective enough. The signs are usually left up for extended periods of time or left laying on the side of the road or in the orchards. If we were to put our house up for sale we would have to disclose what kind of business our neighbors are operating, and all of the signage that is usually left up would definitely give off a more commercial look around our property.

In closing we acknowledge that the Logan's have made efforts to make this work for us, but the fact of the matter is that their business creates a huge invasion of our privacy and it will more than likely have a major impact on the value of our property. Most people looking to buy a house on the river with a private setting are not going to want to live next door to someone

who wants to host 4-6 events a month and that uses our driveway as a public road.

Thank you for your consideration regarding this matter.

Sincerely,

Mark and Toni Webb

Received  
Interoffice  
2-17-15  
J.P.D.

MARY CHECK  
3092 Hayden Br  
Springfield Oregon  
97477

Thursday 2/5/2015

Mr. Donovan

Dear Sirs,

**RE:TYP214-00024**

My name is Mary Check, I am 80yrs old & live alone for the last 8+ yrs at 3092 Hayden Br. 2 doors west of "Along Came Trudy". I have always felt safe & secure here..which is important to me! I enjoy my deck out on the back which is close to the supposed problem. Excessive noise, wandering drunks-"falling down"-would be a major problem because than my security would be in question!

I am pretty much retired. I enjoy my deck & yard; I also enjoy my privacy and what I call my quiet area. Never in the last several years and I mean NEVER have I heard loud noises from that venue. I have never noticed any problem people (I would have noticed them as I am alone. My upstairs neighbor has had garage sales as well as Trudy. My neighbor's sale was held at the end of our driveway...people had to park in the yard and on Hayden Br. traffic was nuts because of the parking on Hayden Br..I was a little embarrassed; while at Trudy's place she has/had plenty of parking without any rd hazzards! I don't know what is happening, but I have NO problem with "Along came Trudy"

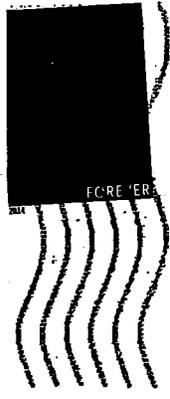
Oh, I forgot to mention that I like to read. Again, I don't pretend to know what motivates people, I don't know Trudy that well, but I wonder after reading some of the negative comments...to quote someone famous.."Me thinks some neighbors protest too much" or "Much ado about nothing"..Yes, I do read.

My only concern is toward the river..the loud noises from those ATV's being ridden by kids late afternoon and into the evening with loud screaming sounds. That is my concern and that is not being addressed.

Thank you for your time.

Yours faithfully,

Mary Check



EUGENE OR 974

06 FEB 2015 PM 1:1

CITY OF SHINGHEID  
DEPT OF NATL & PUBLIC WORKS

205 7TH ST

SHINGHEID OR 97449

ATTN: C. M. DONOHAN TEL: 248-60024



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**CITY OF SPRINGFIELD**

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**DATE:** February 25, 2015 **HEARINGS OFFICIAL  
STAFF RESPONSE  
MEMORANDUM**  
**TO:** Gary Darnielle, Springfield Hearings Official  
**FROM:** Jim Donovan, DPW Planning Supervisor  
**SUBJECT:** **Formal Interpretation File TYP214-00024**  
Response to Open Record Period Ending 2/18/2015

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The following staff memo is in response to documents received in accordance with the open record period extended for Formal Interpretation TYP214-00024, Logan, from February 11, 2015 (Hearing Re-Opened from January 22, 2015) to February 18, 2015 (Close of Public Record) as agreed by the parties. The following submittals were received:

- 1) Applicant's Response to Arguments Against Application, Mr. Ed Spinney, Attorney for the Applicants, Received 2/17/2015
- 2) Letter in Support, Mrs. Mary Cheek, Received 2/17/2015
- 3) Additional Information- in opposition, Mark and Toni Webb, Received 2/18/2015

This memorandum responds to the Applicant's submittal noted above (herein Spinney, 2/17/2015) as necessary to address new information in the record and clarify staff's position as previously noted (herein Staff Report, 1/22/2015).

Staff has no comment on the two other documents received.

The Hearing Official's question on the UGB location shown on Staff Report Attachment 3 is addressed at the end of this memo under additional information.

**Spinney, 2/17/2015**

**A) New Standards**

Applicant's submittal requests that the proposed use not be defined by the "banquet, wedding and event venue" as submitted, but be restricted by a new set of expanded home occupation standards. (Spinney, 2/17/2015, pp. 1-3)

**Staff Response:** The applicant requests the City to redefine and adopt new home occupation standards for a commercial use rather than meet the current criteria for approval of an interpretation.

The proposal cannot be approved as consistent with the existing criteria for interpretation because adding new restrictions and asking surrounding residents to absorb more impacts is not finding similarity with the characteristics of existing permitted uses. SDC 5.11-120.

Additionally, the proposal is inconsistent with the existing language of the current regulations for LDR portions of the UF-10 Overlay District prohibiting new specific development standards. SDC 3.3-815. These expansions and permissive changes to all thirteen current home occupation standards constitute an overhaul of the existing standards that exceeds the upper level of commercial impacts on residentially zoned property established by current standards.

The proposed changes do not consider an application process, review authority or enforcement and, as such, are largely unenforceable by the City Planning and Code Enforcement Divisions. Specifically, the Applicant requests the City to transfer its zoning and enforcement responsibilities to the owners and operators in the following instances:

- A member of the family shall be in attendance
- Temporary signage is unregulated
- Outdoor storage is subjective
- Noise control is unenforceable outside City limits
- Physical impacts to surrounding property not occurring during the event are permissible
- Traffic signage and control are controlled by the operator
- Alcohol can be served on site without a city sign off on liquor licenses
- Building code modifications such as occupancy changes and commercial kitchens are prohibited but not regulated.
- No merchandise that is not produced on site is permitted, except the music, food and other services
- Other service providers and their employees may be on site during events

**Finding:** The applicant proposes a new set of home occupation standards. New specific development standards are prohibited in the UF-10 overlay district inside the UGB by SDC 3.3-825(f). (Staff Report, 1/22/2015, pg.6).

**Finding:** The proposed new standards are an expansion of the upper limits of commercial activity allowed in an LDR zone. (Staff Report, 1/22/2015, pg. 12) The current home occupations establish the upper limits of commercial activity on a residentially zoned property.

**Finding:** The expanded home occupation standards are proposed beyond City limits and are unenforceable under City municipal regulations; the standards are so broad and internally inconsistent as to be unenforceable under the Springfield Development Code's zoning regulations in the UF-10.

## **B) Criteria**

Applicant's submittal asserts that Criteria of Approval for use category and operational characteristics are the same, and the proposed new standards represent only minor variations from current home occupation standards, therefore, the proposed new "banquet, wedding and event venue" is similar to a home occupation. (Spinney, 2/17/2015, pp. 3-8) The Applicant then offers explanations or additional standards addressing non-compliance of the proposal with the existing standards. Staff responds to Applicant's assertions as follows:

## B.1 Employees

**Staff Response:** SDC 4.7-165 provides that:

"A home occupation is a lawful activity carried on within a dwelling or accessory structure by a member or members of the family who occupy the dwelling."

The applicant's proposal claims similar operational characteristics to this home occupation but proposes no limitations on employees, stating that there would be no limitation on paid assistance. Essentially arguing that any family business, regardless of whom the employees are or how many are employed could be a home occupation if the other criteria are met.

**Finding:** The language of SDC 4.7-165 defining who may carry on a home occupation is by general understanding limited, or exclusive, to a member or members of the family who live in the dwelling.

## B.2 Dwelling

**Staff Response:** The language of the code with respect to dwellings is to ensure that the home occupation use does not become the principal use of the dwelling; similarly the intent for the use of an accessory structure is to ensure that the activity in the accessory structure does not become the principal use of the residential property. The intent of the accessory structure and dwelling limitations are the same, to protect the surrounding residential properties from impacts of a home occupation.

**Finding:** When carried on in 5 accessory structures over 13 acres, the proposed use exceeds the principal residential use of dwelling or accessory structures in terms of area, type, scale, improvements, noise, traffic and other impacts. These impacts are not similar in characteristics to other home occupations.

## B.3 Development Applications

**Staff Response:** Applicant submits that no accessory structures have been converted to commercial structures but are used in conjunction with the residential use. Future conversions will be made as required by code for the proposed use.

**Finding:** Pursuant to Section 111.1 of the Oregon State Specialty Codes, buildings used as banquet facilities by paying customers for rent, entertainment, and the provision of food and drink are subject to commercial occupancy classifications found at Section 303.3. of the state code.

**Finding:** Banquet facilities are classified as an Assembly-2 (A-2) occupancy by Section 303.3 of the Oregon State Specialty Codes. Assembly classifications require compliance with special building permit regulations for access, ventilation, fire protection, electrical, mechanical and sanitation requirements.

**Finding:** Section 1004-3 of the Springfield Fire Code requires A-2 occupancies to post a Maximum Occupant Load certificate from the Fire Marshall. These commercial building and fire requirements triggered by the proposed use are not normally associated with residential uses or approved under home occupations.

B.4. 13 Acre Site, One half of .9 acres inside UGB is used for operation.

**Staff Response:** The applicant has submitted drawings and testimony that site is used from the on-site driveway, and adjacent driveway, to the river bank and back to the converted filbert drying shed during site preparation and usage. Public testimony also cites use of adjacent property during preparation and use despite best efforts by the operator and noise impacts on property up to 4 lots south of the subject site on 31<sup>st</sup> Street. Staff Report, January 22, 2015, Attachment 2, Webb, Wall.

**Finding:** The use of the entire site from north to south is a matter of record. Use of parking and event areas outside the UGB contribute to impacts on portions of the site and surrounding area inside the UGB. The type, use, scale and operating characteristics of the use are not limited to the accessory structure footprints.

B.5 Residential Character Affects by Days of Use

**Staff Response:** Applicant and surrounding property owners testify that service providers and employees use the site on weekends, and pre- and post activities interfere with basic residential characteristics such as access, privacy, traffic, security and noise. (see Staff Report, January 22, 2015, Attachment 2, Public Involvement, Webb, pp. 2-1 through 2-3, and Additional Testimony Webb, February 18, 2015. )

**Finding:** Testimony in the record supports the fact that impacts on surrounding neighbors and property occur from employees, contractors and service providers on the day(s) of events and during pre- and post-event activities.

B. 6 Existing Screening

**Staff Response:** Staff addresses this standard and applicant submittals in the January 22, 2015 Staff Report, at page 8:

**Home Occupation Characteristic C.1.** There shall be no display which would indicate from the exterior that the building is being used for any purpose other than a residential dwelling.

*"The venue is shielded on all sides by vegetation. It is not visible from Hayden Bridge Road. Only one or two neighbors would be able to see events taking place, and would have to move outdoors into their back yards and look through the trees to see the accessory buildings and guests."*

Applicant Submittal.

**Staff Response:** Wedding receptions in a 2728 square foot agricultural building converted to commercial use with a bar, band stand, and dance floor with lighting. The open sides cannot be fully screened by intermittent vegetation. Public testimony indicates that some vegetation surrounding the site is on adjacent properties.

**Staff Finding:** The proposed event center does not meet Home Occupation Standard C.1 because the existing screening cannot be verified as complete or permanent.

## B.7 Parking As Storage

**Finding:** " 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. SDC 6.1-110 Meaning of Specific Words and Terms.

## B.8 Mechanical Equipment

**Staff Response:** See B.3 of this report.

## B.9 Noise, Dust, Glare and Hours of Operation

**Staff Response:** The January 22, 2015 Staff Report addresses this topic at C.4., page 9 and hours of operation at C.11, page 11. The Home Occupation Standards prohibit offensive noise or other impacts from being noticeable at or beyond property line resulting from the home occupation and also limit operations to no later than 6 p.m.. The applicant proposes new hours, noise and operation standards that are not minor variations on compliant characteristics of the use, they are complete departures proposed under unenforceable or inapplicable alternative standards because the proposal does not comply with the normal characteristics of use.

The OAR noise standards proposed by the Applicant do not apply to residential properties, only to new commercial and industrial noise sources affecting residential properties. The administrative regulation is silent on residential sources and leaves local governments to rule on the subject of public peace in residential areas. The standard at C.4 for noise from one residence to another during a home occupation is a high bar, however, it is consistent with the intent of the Public Peace section of the Springfield Municipal Code that prohibits any amplified music or noise at any time that disturbs persons in the vicinity. SMC 5.220(1.)(d). Introducing a new standard is not consistent with the characteristics of other commercial uses (i.e. home occupations) allowed in the district.

**Finding:** The applicant's submittal proposes to exceed operating hours allowed by Home Occupation Standards (Spinney, 2/17/2015, pg. 3.)

**Finding:** The applicant proposes new specific development standards for commercial noise sources from state administrative regulation that do not apply to noise sources from residential properties such as home occupations. (Spinney, 2/17/2015, pg. 9)

**Finding:** The applicant's proposal for noise exceeds the current home occupation standards for impacts of any type that are noticeable at or beyond the property line.

#### B.10. Hazardous Traffic Conditions

**Staff Response:** The City Staff Report, 1/22/2015, addresses traffic levels, hours, consumption of alcohol, vision clearance triangles, heavy truck and semi-trailer deliveries, and other potential traffic hazards at Criterion C and Public Involvement Summary. The aforementioned potential traffic hazards generated by the proposed home occupation are obvious, shown on submittals and exhibits, or cited by surrounding residents and always have the potential to create situations that are not anticipated by drivers on a rural under-improved two lane asphalt mat without curbs or sidewalks. Driver expectations on a darkened rural road cannot be safely addressed without a professionally designed and engineered traffic plan addressing the existing conditions, potential impacts and resulting required street improvements and operational requirements.

**Finding:** The applicant has failed to address the potential for hazardous traffic, bicycle and pedestrian conditions that may arise from finding a banquet, wedding and event venue as similar in characteristics to other home occupations or commercial uses in residential districts.

**Finding:** Adding a new use of this type, scale, and operational characteristics under commercial or residential zoning districts requires City Traffic Engineer approval of a professionally prepared traffic impact analysis including but not limited to existing conditions, the impacts of the proposed use and the infrastructure improvements or operational restrictions necessary to mitigate impacts resulting from the proposed use. These impacts are considered by City staff and decision authorities prior to operation under some combination of a Metro Plan Amendment, a Zone Change, Development Code Amendment, and Site Plan Review applications with public notice.

**Finding:** Home Occupations are regulated by ministerial standards and do not require a land use application under the Springfield Development Code. The discretion necessary to consider a traffic impact analysis and find compliance with traffic safety standards and practices eclipses the scope of formal interpretation criteria and the standards for approval of home occupations.

#### B.11. Modification of Accessory Structures

**Staff Response:** See B.3. of this report. The application concedes that modifications have occurred, but maintains that they are not commercial uses.

#### B.12. Off Site Merchandise

**Staff Response:** See B.1. of this report. Applicant submittals indicate that off site merchandise and services are used or provided during operation of the event venue.

#### B.13. Heavy Equipment

**Staff Response:** See Public Involvement for the use of semi-trailers and other heavy trucks at Staff Report, 1/22/2015, Attachment 2.

**B.14. More than One Vehicle**

**Staff Response:** See B.5. above. Service vehicles, vendors and contractor vehicles are used in the operation of the site.

**B.15. Hours of Operation**

**Staff Response:** Applicant proposes new standards because they are unable to meet the operating characteristics of other home occupations. See B.9. above.

**B.16. Consistency with Land Use Policies**

**Staff Response:** Applicant confuses adding a new use to the code, which is a code amendment, and interpreting a new use as similar to other existing permitted uses in accordance with the criteria of approval. Compliance with the criteria of approval for interpretation and the standards for a home occupation is the first test of whether the proposed use should be allowed in the residential zoning and urban fringe overlay districts.

**Finding:** The applicant has failed to demonstrate compliance with the Criteria of Approval for Interpretation and Home Occupation standards. Compliance with the Metro Plan cannot be argued in light of the above facts.

**B.17. Commercial Zoning**

**Staff Response:** See B.3., No additional response necessary; Applicant's statements are not relevant to the applicable criteria.

**B.18. New Uses in UF-10**

**Staff Response:** The applicant requests the addition of a new use with new specific development standards (banquet, wedding and event venue) and argues that other provisions for new uses are not applicable.

**Finding:** The January 22, 2015 Staff Report addresses new uses at Criterion B.1, page 6.

**C) Additional Information**

**C.1. Cheek and Webb Correspondence**

**Staff Response:** No response is necessary.

## C.2. UGB Location

**The Hearings Official inquired into the location of the UGB as shown on attachments to the staff report and on the applicant's submittals during the February 17, 2015 site visit.**

**Staff Response:** The location of the UGB shown on Attachment 3 of the January 22, 2015 Staff report is consistent with GIS locations digitized from site specific locations adopted under City Ordinance 6268, attached. The attached ordinance and supporting information identify the UGB as 300 feet north of the north line of the mapped public right of way in front of the subject site.

**ORDINANCE**

**ORDINANCE NO. 6268 (General)**

**AN ORDINANCE AMENDING THE *EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN* (Metro Plan) TO ADOPT THE *SPRINGFIELD 2030 REFINEMENT PLAN RESIDENTIAL LAND USE AND HOUSING ELEMENT* AND TO ESTABLISH A SEPARATE SPRINGFIELD URBAN GROWTH BOUNDARY PURSUANT TO ORS 197.304.**

**THE CITY COUNCIL OF THE CITY OF SPRINGFIELD FINDS THAT:**

**WHEREAS**, in 2007 the Oregon Legislature passed and the Governor signed into law Chapter 650, Oregon Laws 2007, codified as ORS 197.304 and commonly known as "House Bill 3337"; and.

**WHEREAS**, ORS 197.304 provides as follows:

**197.304 Lane County accommodation of needed housing.** (1) Notwithstanding an intergovernmental agreement pursuant to ORS 190.003 to 190.130 or acknowledged comprehensive plan provisions to the contrary, a city within Lane County that has a population of 50,000 or more within its boundaries shall meet its obligation under ORS 197.295 to 197.314 separately from any other city within Lane County. The city shall, separately from any other city:

(a) Establish an urban growth boundary, consistent with the jurisdictional area of responsibility specified in the acknowledged comprehensive plan; and

(b) Demonstrate, as required by ORS 197.296, that its comprehensive plan provides sufficient buildable lands within an urban growth boundary established pursuant to statewide planning goals to accommodate estimated housing needs for 20 years.

(2) Except as provided in subsection (1) of this section, this section does not alter or affect an intergovernmental agreement pursuant to ORS 190.003 to 190.130 or acknowledged comprehensive plan provisions adopted by Lane County or local governments in Lane County. [2007 c.650 §2]; and

**WHEREAS**, ORS 197.304 requires Springfield to 1. evaluate the sufficiency of its residential buildable land supply and 2. establish a separate Springfield UGB;

**1. Evaluate the sufficiency of its residential buildable land supply.**

**WHEREAS**, at a minimum, local housing policies must meet the requirements of Oregon Statewide Planning Goal 10 (ORS 197.295 to 197.314, ORS 197.475 to 197.490, and OAR 600-008);

**WHEREAS**, ORS 197.296 defines factors to establish sufficiency of buildable lands within an urban growth boundary and requires analysis and determination of residential housing patterns; and

**WHEREAS**, Oregon Statewide Planning Goal 10 requires incorporated cities to complete an inventory of buildable residential lands and to encourage the availability of adequate numbers of

housing units in price and rent ranges commensurate with the financial capabilities of its households; and

**WHEREAS**, Oregon Statewide Planning Goal 10 defines needed housing types as “housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels,” and ORS 197.303 defines needed housing types:

(a) Housing that includes, but is not limited to, attached and detached singlefamily housing and multiple family housing for both owner and renter occupancy;

(b) Government assisted housing;

(c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490; and

(d) Manufactured homes on individual lots planned and zoned for singlefamily residential use that are in addition to lots within designated manufactured dwelling subdivisions.

**WHEREAS**, the City Council directed the Development Services Department staff to begin an inventory and analysis of Springfield’s residential land on December 5, 2005; and

**WHEREAS**, Springfield has completed its evaluation of the residential land supply and the evaluation is summarized in the *Springfield Residential Land and Housing Needs Analysis, April, 2011*; and

**WHEREAS**, the *Springfield Residential Land and Housing Needs Analysis, April 2011* is an analysis of land supply and housing demand prepared for the City of Springfield by ECONorthwest that incorporates input from citizens, stakeholder groups, commissions and elected officials received throughout a multi-year citizen involvement process that included a Residential Lands citizen advisory committee, online public surveys, community workshops, work sessions, open houses and public hearings; and

**WHEREAS**, the *Springfield Residential Land and Housing Needs Analysis, April*, is hereby adopted as a Technical Supplement to the *Springfield 2030 Refinement Plan Residential Land Use and Housing Element*; and

**WHEREAS**, the City used the 1999 to July 2008 period for the analysis and the record includes:

1) Maps (*Springfield Residential Land and Housing Needs Analysis, April, 2011* Maps 3-1, 3-2, and 3-3) that identify specific lots and parcels that have been determined to be buildable lands (vacant and partially vacant and master planned for residential development) as of July 2008 by applicable residential comprehensive plan map designation, consistent with ORS 197.296 (4)(c) which states: “*Except for land that may be used for residential infill or redevelopment, a local government shall create a map or document that may be used to verify and identify specific lots or parcels that have been determined to be buildable lands;*”

2) A CD that contains a data base that identifies and verifies the specific residentially-designated tax lots or portions of tax lots included in Springfield’s residential land base as of July 2008;

3) A data base of specific tax lots or portions of residentially designated tax lots that are vacant or partially vacant as of July 2008; and

**WHEREAS**, in addition to the aforementioned land base comprised of residential plan designations, the *Springfield Residential Land and Housing Needs Analysis* also identifies and assumes buildable residential dwelling unit development capacity in three areas designated for Mixed-use Nodal Development that are required to be developed with residential uses: 1) Glenwood (Ordinance 6137), 2) RiverBend (Ordinance 6109 and 6241); and Marcola Meadows (Ordinance 6195) as part of Springfield's residential land supply; and

**WHEREAS**, the *Springfield Residential Land and Housing Needs Analysis* also assumed buildable residential capacity for redevelopment and consistent with ORS 197.296 (4)(c) these areas are not shown in the aforementioned maps or list of tax lots; and

**WHEREAS**, adoption of this ordinance establishes the July 2008 baseline data base to be used for monitoring Springfield's buildable lands inventory by the city's Development Services Department; and

**WHEREAS**, the residential land use policies included in the *Springfield 2030 Refinement Plan Residential Land Use and Housing Element* together with the technical analysis included in the *Springfield Residential Land and Housing Needs Analysis, April 2011* address Statewide Planning Goal 10: Housing, "To provide for the housing needs of the citizens of the state," including goals, objectives, policies and implementation actions that supplement the *Eugene-Springfield Metropolitan Area General Plan Residential Land Use and Housing Element* (Chapter III-A), while demonstrating the City's ongoing commitment to increasing housing choice and residential densities within Springfield's separate Urban Growth Boundary; and

**WHEREAS**, the *Springfield Residential Land and Housing Needs Analysis, April 2011* and the residential land use policies contained included in the *Springfield 2030 Refinement Plan Residential Land Use and Housing Element* together demonstrate, as required by ORS 197.296, that the existing acknowledged comprehensive plan for the Metro Area UGB east of Interstate 5 contains sufficient buildable lands within an urban growth boundary established pursuant to statewide planning goals to accommodate estimated Springfield's housing needs for the plan period 2010-2030; and

**WHEREAS**, the *Springfield Residential Land and Housing Needs Analysis* findings demonstrate that Springfield has sufficient land designated for Low Density Residential and Medium Density Residential uses for the 2010-2030 plan period; and

**WHEREAS**, the *Springfield Residential Land and Housing Needs Analysis* identified a deficit of approximately 28 gross acres of land designated for High Density Residential uses; and

**WHEREAS**, ORS 197.296 (9) recognizes rezoning or redesignation of nonresidential land and redevelopment strategies as actions and measures that demonstrably increase the likelihood of higher density residential development; and

**WHEREAS**, the *Springfield 2030 Refinement Plan Residential Land Use and Housing Element* addresses the HDR deficiency through Policy H.2:

"To meet identified high-density, multiple-family housing needs, the City shall re-designate at least 28 additional gross buildable acres in Glenwood Refinement Plan Subarea 8

and the eastern portion of Subarea 6 to Residential Mixed Use by December 31, 2012. This residential mixed use district shall accommodate a minimum of 411 dwelling units in the high density category and shall increase the required net minimum density to at least 28 dwelling units per acre. Establishment of higher minimum and maximum densities is encouraged to support the neighborhood commercial uses and employment uses envisioned in the Glenwood Refinement Plan. District boundaries and density ranges shall be established through the Glenwood Refinement Plan amendment process by December 31, 2012.”

**WHEREAS**, the City of Springfield has a redevelopment strategy for the lands identified in *Springfield 2030 Refinement Plan Residential Land Use and Housing Element* Policy H.2 and that strategy includes a multi-year planning process to update the Glenwood Refinement Plan and an Urban Renewal District to support preparation and implementation of the plan; and

**WHEREAS**, the Springfield Planning Commission conducted public hearings for review/adoption of draft Residential Land & Housing Needs Analysis on October 20, 2009; and

**WHEREAS**, the Springfield City Council conducted public hearings for review/adoption of the draft Residential Land & Housing Needs Analysis on November 16, 2009 and continued the hearing on December 7, 2009 to allow additional time for consideration of refinements to constraints data and adopted the draft *Springfield Residential Land & Housing Needs Analysis* by resolution: A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SPRINGFIELD ADOPTING THE 2009 PRELIMINARY SPRINGFIELD RESIDENTIAL LAND AND HOUSING NEEDS ANALYSIS, FULFILLING ITS STATUTORY OBLIGATION TO "COMPLETE" THE PRELIMINARY INVENTORY, ANALYSIS AND DETERMINATION BEFORE JANUARY 1, 2010; and

**WHEREAS**, the City Development Services Department conducted public open houses on the Draft Springfield 2030 Refinement Plan including *Springfield Residential Land & Housing Needs Analysis*, *Springfield 2030 Refinement Plan Residential Land and Housing Element* policies and Springfield Urban Growth Boundary tax lot specific map on February 3 and 4, 2010 and on March 16, 2011 to explain the proposed amendments and to receive public comment; and

**WHEREAS**, the Springfield and Lane County Planning Commissions conducted a joint public hearing on the Draft Springfield 2030 Refinement Plan including the draft *Springfield Residential Land & Housing Needs Analysis*, *Springfield 2030 Refinement Plan Residential Land and Housing Element* policies and Springfield Urban Growth Boundary tax lot specific map on February 17, 2010, and continued on March 16, 2010; and

**WHEREAS**, on May 4, 2010 the Springfield Planning Commission voted unanimously to recommend approval of the *Springfield 2030 Refinement Plan Residential Land and Housing Element incorporating the Springfield Residential Land & Housing Needs Analysis*, based on the evidence and testimony in the record; and

**WHEREAS**, Chapter IV of the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) sets forth procedures for amendment of the Metro Plan and adoption or amendment of refinement plans, and Section 5.14-100 of the Springfield Development Code (SDC) sets forth procedures for amendments to the Metro Plan and refinement plans; and

**WHEREAS**, timely and sufficient notice of the public hearings, pursuant to Springfield Development Code Section 5.2-115, has been provided; and

**WHEREAS**, on April 4, 2011, the City of Springfield City Council and the Lane County Board of Commissioners held a public hearing on the *Springfield 2030 Refinement Plan Residential Land Use and Housing Element* and continued the hearing on May 16, 2011 and the Development Services staff report, the oral testimony, letters and emails received, written submittals of the persons testifying at the hearing, and the public records for file # LRP 00014 (Springfield 2030 Refinement Plan), file # LRP 2007-00030 (Springfield Residential Land Study) have been considered and hereby are incorporated into the record for this proceeding;

**WHEREAS**, the Springfield City Council is now ready to take action on this matter based upon the above recommendation and the evidence and testimony already in the record as well as the evidence and testimony presented at this public hearing;

**2. Establish a separate Springfield UGB.**

**WHEREAS**, the Eugene-Springfield Metropolitan Area Urban Growth Boundary (UGB) was originally acknowledged by the Land Conservation and Development Commission on August 19, 1982; and

**WHEREAS**, upon completion of periodic review the city, by ordinance 6087 on May 17, 2004 adopted the current and now acknowledged Metro Plan diagram including the UGB on an 11x17" map; and

**WHEREAS**, Springfield's jurisdictional area of responsibility as specified in the acknowledged comprehensive plan is the Metro Area UGB east of Interstate 5; and

**WHEREAS**, Springfield has completed its evaluation of the residential land supply and has adopted a housing needs determination (the *Springfield Residential Land and Housing Needs Analysis, February 2011*) and residential land use policies (the *Springfield 2030 Refinement Plan Residential Land Use and Housing Element*) that together demonstrate, as required by ORS 197.296, that the existing acknowledged comprehensive plan for the Metro Area UGB east of Interstate 5 contains sufficient buildable lands within an urban growth boundary established pursuant to statewide planning goals to accommodate estimated Springfield's housing needs for the plan period 2010-2030; and

**WHEREAS**, Springfield has prepared a tax lot-specific map of the acknowledged Metro Urban Growth Boundary, east of Interstate 5 that establishes a more precise location of the acknowledged UGB; and

**WHEREAS**, Oregon Administrative Rules Division 24 Urban Growth Boundaries clarifies procedures and requirements of Goal 14 regarding a local government adoption or amendment of an urban growth boundary (UGB); and

**WHEREAS**, OAR 660-024-0020(2) provides as follows:

“The UGB and amendments to the UGB must be shown on the city and county plan and zone maps at a scale sufficient to determine which particular lots or parcels are included in the UGB. Where a UGB does not follow lot or parcel lines, the map must provide sufficient information to determine the precise UGB location;” and

**WHEREAS**, Springfield has prepared geographic information system (GIS) map files and documentation that establish Springfield’s UGB at a scale sufficient to determine which particular lots or parcels are included in the UGB and the precise UGB location; and

**WHEREAS**, where the UGB does not follow tax lot lines, Springfield has prepared a written description, geographic information system (GIS) map files and documentation that provide sufficient information to determine the precise UGB location as further described in Exhibit D and Exhibit E and as more fully documented in the “read only” *Springfield Urban Growth Boundary Technical Supplement*; and

**WHEREAS**, the factors used to determine the precise location of the acknowledged UGB are based on the adopted policies contained in the Metro Plan as clarified in previous land use decisions by the Lane County Hearings Official, as further described in Exhibit D and Exhibit E and as more fully documented in the *Springfield Urban Growth Boundary Technical Supplement*; and

**WHEREAS**, the City Development Services Department conducted public open houses on the Draft Springfield 2030 Refinement Plan including *Springfield Residential Land & Housing Needs Analysis, Springfield 2030 Refinement Plan Residential Land and Housing Element* policies and Springfield Urban Growth Boundary tax lot specific map on February 3 and 4, 2010 and on March 16, 2011 to explain the proposed amendments and to receive public comment; and

**WHEREAS**, the Springfield and Lane County Planning Commissions conducted a joint public hearing on the Draft Springfield 2030 Refinement Plan including *Springfield Residential Land & Housing Needs Analysis, Springfield 2030 Refinement Plan Residential Land and Housing Element* policies and a tax lot specific map plan diagram on February 17, 2010, and continued the hearing on March 16, 2010; and

**WHEREAS**, timely and sufficient notice of the public hearings, pursuant to Springfield Development Code Section 5.2-115, has been provided; and

**WHEREAS**, Section 5.14-100 of the Springfield Development Code (SDC) sets forth procedures for amendments to the Metro Plan; and

**WHEREAS**, on May 4, 2010 the Springfield Planning Commission voted unanimously to recommend approval of the Draft Springfield 2030 Refinement Plan including *Springfield Residential Land & Housing Needs Analysis, Springfield 2030 Refinement Plan Residential Land and Housing Element* policies and a tax lot specific map plan diagram to the City Council based on the evidence and testimony in the record demonstrating that the proposed amendments comply with the applicable criteria; and

**WHEREAS**, on April 4, 2011, a public hearing was held on the Springfield Urban Growth Boundary, the *Springfield Residential Land and Housing Needs Analysis, January 2011* and the *Springfield 2030 Refinement Plan Residential Land Use and Housing Element* before the City of Springfield City Council and the Lane County Board of Commissioners and the hearing was continued on May 16, 2011; and the Development Services staff report, the oral testimony, letters and emails received, written submittals of the persons testifying at the hearing, and the public records for file # LRP 00014 (Springfield 2030 Refinement Plan), file # LRP 2007-00030 (Springfield Residential Land Study), file # LRP 2009-00012 (Springfield 2030 Refinement Plan Diagram) and the *Springfield Urban Growth Boundary Technical Supplement* have been considered and hereby are incorporated into the record for this proceeding;

**WHEREAS**, substantial evidence exists within the record demonstrating that the proposal meets the requirements of the Metro Plan, Springfield Development Code, and applicable state and local law; and

**WHEREAS**, the Springfield City Council is now ready to take action on this matter based upon the above recommendation and the evidence and testimony already in the record as well as the evidence and testimony presented at this public hearing; and

**WHEREAS**, this action establishes a separate Urban Growth Boundary for the City of Springfield, as required by ORS 197.304 and a tax lot-specific map of the UGB in accordance with OAR 660-024-0020(2).

**NOW THEREFORE, THE COMMON COUNCIL OF THE CITY OF SPRINGFIELD  
ORDAINS AS FOLLOWS:**

**Section 1:** The proposed amendments to the *Eugene-Springfield Metropolitan Area General Plan* (Metro Plan) to adopt the *Springfield 2030 Refinement Plan Residential Land Use and Housing Element* and the *Springfield Residential Land and Housing Needs Analysis, February 2011*, attached as Exhibit A and B and incorporated here by this reference, are adopted pursuant to ORS 197.304 as refinements to the Metro Plan.

**Section 2:** The proposed amendment to the Metro Plan Diagram is hereby adopted to establish a separate Springfield Urban Growth Boundary pursuant to ORS 197.304 and in accordance with OAR 660-024-0020(2) as depicted and described in the attached Exhibit C, D, and E, incorporated here by this reference.

**Section 3:** The prior versions of the Metro Plan and its diagram superceded or replaced by this Ordinance shall remain in full force and effect to authorize prosecution of persons in violation thereof prior to the effective date of this Ordinance.

**Section 4:** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion

constitutes a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion thereof.

**Section 5:** The effective date of Ordinances as provided in Section 2.110 of the Springfield Municipal Code, this Ordinance shall become effective upon the date that all of the following have occurred: (a) At least 30 days have elapsed since the ordinance was approved by the Council and it has been approved or acknowledged by either the Land Conservation and Development Commission, or final action has been taken by the Director of the Department of Land Conservation and Development. Final action includes the transferring the decision to LUBA pursuant to ORS 197.825(2)(c)(A).

**Although not a part of this ordinance, the findings and conclusions attached as Exhibit F and incorporated here by this reference are adopted in support of this action.**

**ADOPTED** by the Common Council of the City of Springfield by a vote of 4 for and 0 against, this 20th day of June, 2011. (2 absent)

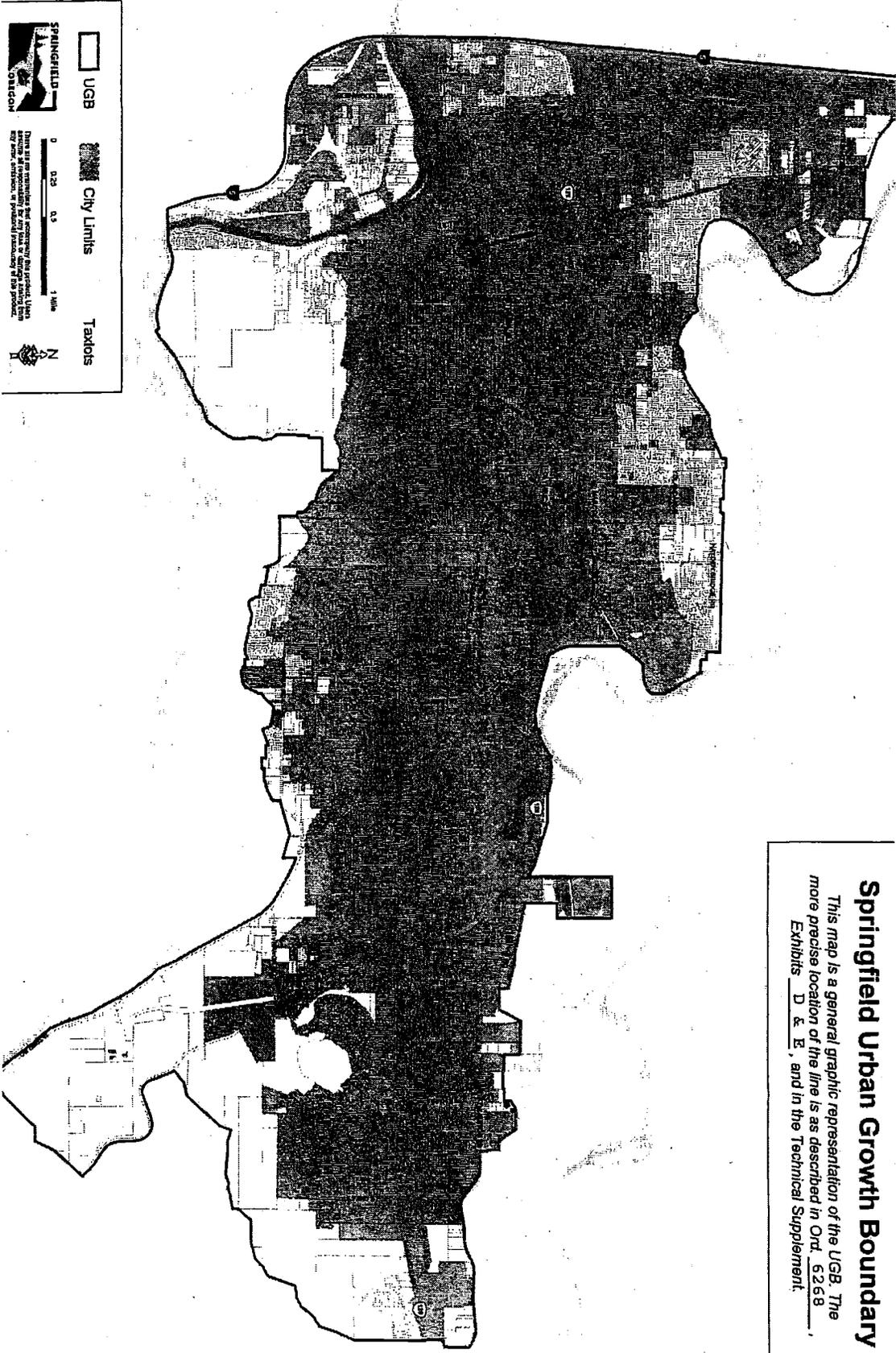
**APPROVED** by the Mayor of the City of Springfield, this 20th day of June, 2011.

**ATTEST:**

Amy Sowa  
City Recorder

Christopher Hundy  
Mayor

**REVIEWED & APPROVED**  
AS TO FORM  
Bill West  
DATE: 6/20/11  
LEGAL COUNSEL



**Springfield Urban Growth Boundary**  
 This map is a general graphic representation of the UGB. The more precise location of the line is as described in Ord. 6268, Exhibits D & E, and in the Technical Supplement.

List of tax lots that are adjacent to and inside, or split by the UGB

April 5, 2011

Tax lot #	Status	Description	Area	Note
17-02-19	Inside UGB or split by UGB	If the tax lot is split by the UGB, where is the UGB located?	name of area containing split tax lots	Plat, Survey, or land use decision
1702190000101	split	300' N of N edge of Hayden Bridge ROW	Hayden Bridge	Journal #94-02-32; plat #94-P0555; CS #32200
1702190000203	split	300' N of N edge of Hayden Bridge ROW	Hayden Bridge	
1702190000300	split	300' N of N edge of Hayden Bridge ROW	Hayden Bridge	
1702190000400	split	300' N of N edge of Hayden Bridge ROW	Hayden Bridge	
1702190000500	split	300' N of N edge of Hayden Bridge ROW	Hayden Bridge	
1702190000501	split	300' N of N edge of Hayden Bridge ROW	Hayden Bridge	
1702190000601	split	300' N of N edge of Hayden Bridge ROW	Hayden Bridge	
1702190000699	split	300' N of N edge of Hayden Bridge ROW	Hayden Bridge	
1702190000701	split	300' N of N edge of Hayden Bridge ROW	Hayden Bridge	SUB2003-00014; Plat #2004-PO1787
1702190000800	split	300' N of N edge of Hayden Bridge ROW	Hayden Bridge	
1702190000900	split	300' N of N edge of Hayden Bridge ROW	Hayden Bridge	Journal #97-03-20; CS #28405
1702190001000	split	300' N of N edge of Hayden Bridge ROW	Hayden Bridge	
1702190001100	split	300' N of N edge of Hayden Bridge ROW	Hayden Bridge	
1702190001200	split	300' N of N edge of Hayden Bridge ROW	Hayden Bridge	
1702194100101	in			
1702194100102	in			
1702194100200	in			
1702194100300	in			
1702194100800	in			
1702194100900	in			
1702194100901	in			
1702194100902	in			
1702194102900	in			
<b>17-02-20</b>				
1702200000500	in	tax lot line, city limits and UGB are coincident		
1702200000600	in	tax lot line, city limits and UGB are coincident		
1702200000700	in	tax lot line, city limits and UGB are coincident		
1702200000800	in	tax lot line, city limits and UGB are coincident		
1702200001301	in	tax lot line, city limits and UGB are coincident		



### Measure Distance

Click a start and end point.

Segment: 299.79 (Feet)

Segment: 0.06 (Miles)

Total: 299.79 (Feet)

Total: 0.06 (Miles)

- To measure multiple distances, continue clicking new points.
- To finish, click "Stop".
- You can pan or zoom and continue measuring by clicking "Resume".
- To start over, click "Clear".

← PL