



# Planning Commission Agenda

**Development and Public Works Director,**  
Anette Spickard, 541-726-3697  
**Current Development Manager:**  
Greg Mott 541-726-3774  
**Management Specialist:**  
Brenda Jones 541.726.3610

City Hall  
225 Fifth Street  
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541.726.3610  
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**Planning Commissioners:**

Tim Vohs, Chair  
Nick Nelson, Vice Chair  
Steve Moe  
Greg James  
Sean Dunn  
Michael Koivula  
Andrew Landen

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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.

**November 17, 2015**

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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**

**ROLL CALL:** Chair Vohs \_\_\_\_\_, Vice Chair Nelson \_\_\_\_\_, Moe\_\_\_\_, James \_\_\_\_\_, Dunn \_\_\_\_\_,  
Koivula \_\_\_\_\_, Landen \_\_\_\_\_.

**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)**

**QUASI-JUDICIAL PUBLIC HEARING –**

**Discretionary Use – Request for Discretionary Use TYP315-00004, with associated Site Plan TYP215-00028 and Tree Felling TYP215-00027 Permits,**

**Staff: Mark McCaffery  
30 Minutes**

**CONDUCT OF QUASI-JUDICIAL PUBLIC HEARING BEFORE THE PLANNING COMMISSION**

- Staff explanation of quasi-judicial hearing process (ORS 197.763)
- Chair opens the public hearing
- Commission members declaration of potential conflicts of interest; disclosure of “ex-parte” contact
- Staff report
- Testimony from the applicant
- Testimony in support of the application
- Testimony opposed to the application
- Testimony neither in support of nor opposed to the application
- Summation by staff
- Rebuttal from the applicant
- 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)
- Planning Commission discussion; possible questions to staff or public
- Motion to approve, approve with conditions, or deny the application based on the information contained in the staff report, oral and written testimony, and all other evidence submitted into the record
- Final Order signed by Chair incorporating findings and reasoning to support the decision

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:** 11/17/2015  
**Meeting Type:** Regular Meeting  
**Staff Contact/Dept.:** Mark McCaffery/DPW  
**Staff Phone No:** 541-736-1003  
**Estimated Time:** 15 Minutes  
**Council Goals:** Promote and Enhance our  
Hometown Feel while Focusing  
on Livability and  
Environmental Quality

**SPRINGFIELD  
PLANNING COMMISSION**

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**ITEM TITLE:** SWEETBRIAR VILLA RESIDENTIAL CARE FACILITY EXPANSION –  
DISCRETIONARY USE REQUEST WITH ASSOCIATED SITE PLAN REVIEW AND  
TREE FELLING PERMIT.

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**ACTION  
REQUESTED:** The Planning Commission is requested to conduct a single public hearing on a combined Discretionary Use application that proposes to expand the building footprint of an existing residential and memory care facility and establish a child care center in this same building located in the 6200 block of E Street. This application includes companion site plan and tree felling applications to be incorporated into the Discretionary Use hearing. The Planning Commission is requested to approve, approve with revisions or to deny these Discretionary Use proposals based upon the full record of the hearing, including the applicant's submittals, the attached staff recommendations and testimony and materials submitted for consideration at this hearing.

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**ISSUE  
STATEMENT:** The proposal will renovate and expand the existing Sweetbriar Villa assisted living and memory care facility by adding a two-story 49,500 square foot wing to the existing 17,800 square foot single story structure. The new wing will serve patients requiring assistance with daily living and will include a 750 square foot licensed children's daycare facility.

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**ATTACHMENTS:**

1. Case TYP315-0004 Discretionary Use Staff Report
2. Case TYP215-00027: Tree Felling Permit Staff Report
3. Case TYP215-00028: Site Plan Review Staff Report

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**DISCUSSION:** The subject property is zoned Low Density Residential and is located on the south side of E Street near the intersections of 61st, 62nd and 63rd Streets; each of these streets are classified as local streets. The property abuts the Thurston Greens and Heatherdale Terrace subdivisions to the north; Thurston Park to the east; and Thurston High School to the south. The western half of the property contains the Sweetbriar Villa assisted living and memory care facility, a 17,800 square foot single story structure with mature landscaping and parking facilities and street improvements on E Street. The property was part of a 2-parcel partition platted in 1994 (1994-P0582).

Residential care facilities with more than 15 persons, including group care homes, congregate care facilities, nursing homes and retirement homes abutting local streets require Discretionary Use approval (with site plan) and are subject to specific development standards under the Springfield Development Code (SDC) Section 4.7-155; child day care facilities with 13 or more children abutting local streets require Discretionary Use approval (with site plan) and are subject to the standards of SDC 4.7-125. The applicant submitted a Discretionary Use Request for a 49,500 square foot 2-story addition to the existing residential care facility that includes a proposal for a 750 square foot licensed child day care facility (Case TYP315-00004); a site plan application for both of these proposed uses (Case TYP215-00028); and a Tree Felling Permit (Case TYP215-00027) because of the need to remove more than 5 trees within the building footprint.

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**Staff Report and Findings  
Springfield Planning Commission  
Discretionary Use Request (Sweetbriar Villa Facility Expansion)**

**Hearing Date: November 17, 2015**

**Case Number: TYP315-00004**

**Applicant: Mark Miller, Ankrom Moisan Architects on behalf of RS-Springfield, OR-1-UT, LLC Embree Asset Group, Inc**

**Site: 6135 E Street (Map 17-02-34-24, TL 03901)**

**Request**

The application was submitted on September 28, 2015, and staff conducted a Development Review Committee meeting on the Discretionary Use requests on October 13, 2015. The Planning Commission hearing for the Discretionary Use requests, Site Plan Review and Tree Felling Permit (Cases TYP215-00028 and TYP215-00027 respectively) is scheduled for November 17, 2015.

**Site Information/Background**

The property that is the subject of the Discretionary Use requests is located at 6135 E Street, a developed parcel containing a 17,800 square foot residential care facility. The subject development site is partially developed, zoned Low Density Residential and occupies the south side of E Street near the intersections of 61<sup>st</sup>, 62<sup>nd</sup> and 63<sup>rd</sup> Streets; each of these streets is classified as a local street. The property abuts the Thurston Greens and Heatherdale Terrace subdivisions to the north; Thurston Park to the east; and Thurston High School to the south. The western half of the property contains the Sweetbriar Villa assisted living and memory care facility, a 17,800 square feet single story structure with mature landscaping and parking facilities and street improvements on E Street. The property was part of a 2-parcel partition platted in 1994 (1994-P0582).

Residential care facilities in the Low Density Residential zone on local streets with more than 15 persons, including group care homes, congregate care facilities, nursing homes and retirement homes require Discretionary Use approval (with site plan) and are subject to special development standards under the Springfield Development Code (SDC) Section 4.7-155. Child day care facilities with 13 or more children located in the Low Density Residential zone on local streets require Discretionary Use approval (with site plan) and are subject to the standards of SDC 4.7-125. The applicant submitted a Discretionary Use Request for a 49,500 square foot 2-story addition to the existing residential care facility that includes a proposal for a 750 square foot licensed child day care facility (Case TYP315-00004). The Springfield Planning Commission must determine if each of these proposed uses in the expansion plan satisfy the applicable Discretionary Use and site plan standards of the Springfield Development Code. The Planning Commission opened a public hearing on the Discretionary Use requests at the regular meeting on November 17, 2015. A Discretionary Use permit is required for the submitted site plan to be approved for the subject property.

The site is zoned and designated LDR in accordance with the Springfield Zoning Map and the adopted *Metro Plan* diagram. Other properties in the vicinity of the subject site are zoned LDR (north, east and west of the site) and Public Land and Open Space (south of the site). See Figure 1 – Zoning Map Extract below.

The site appears to be within the mapped 5 – 10 and 20+ Year Time of Travel Zone (TOTZ) for the Thurston Middle School drinking water wellhead and, therefore, is subject to TOTZ provisions of the Drinking Water Protection Overlay District, SDC 3.3-200. Provisions for water quality protection during site construction and operation have been inserted as conditions of the site plan review decisions (filed under separate cover TYP215-00028) in order to protect local surface waters and groundwater resources. A separate application for compliance with the Drinking Water Protection Overlay District provisions is required to be submitted by the applicant.

**Photo 1 – Site Air Photo**



**Photo 2 – Magnified Aerial View**



**Photo 3 – Existing Development Looking South**



Courtesy: Regional Land Information Database

**Figure 1 – Zoning Map Extract**



**Notification and Written Comments**

Notification of the November 17, 2015 public hearing was sent to all property owners and residents within 300 feet of the site on October 13, 2015. Notification was also published in the legal notices section of *The Register Guard* on November 10, 2015.

Public notification was also sent to all property owners and residents within 300 feet of the site on October 13, 2015 for the companion Site Plan Review application and Tree Felling Permit submitted under separate cover (Case TYP215-00028) and (Case TYP215-00027) respectively. Three written comments were received, and are provided below followed by a staff response:

*Deborah Tipitino, 6196 E Street, Springfield, OR 97478:*

*"I recently received a letter about the above proposals. Can I receive more information on the specifics of what this developer/owner is planning. Such as: how many residents are housed there now and what will the increase be, what percentage is residential care and what percentage is memory care; are the rooms considered individual apartments; does this proposal involve the vacant lot with trees next to the existing facility; which trees will be removed and what is the replacement plan; what is the traffic plan if this expansion is located next to Thurston Park. These are just a few of my questions. I attempted to find the actual plan but was unable to locate it, perhaps you can point me in the right direction."*

Staff Response: The resident was contacted by phone on November 3, 2015 to discuss the above questions. Staff followed up with an email on November 4, 2015 with a link to the online public documents page of the City's website, where Laserfiche Weblink scanned application materials of the site plan review are available.

*Joanne Hugi, resident of 62<sup>nd</sup> Street, Springfield, OR 97478:*

*"I am writing to obtain additional information regarding this application - Record #TYP215-00028.*

*I own a home on 62nd Street.*

*Applicant proposes to renovate and expand an existing residential and memory care facility.*

*How many residents does the current facility accommodate?*

*How many residents does the proposed renovation propose to accommodate?*

*How many square feet will be added to the building?*

*How many square feet will be added for parking?*

*Does the proposal plan replace all 53 trees that are planned for removal?"*

Staff Response: Staff responded to the resident's questions by email on November 5, 2015.

*Maudie Marie Hinkle, 610 North 61<sup>st</sup> Street, Springfield, Oregon 97478:*

*"This is concerning addition and tree removal of property at 6135 E Springfield. We are concerned that the addition to this care facility will impact our neighborhood with even more traffic! We are already congested ....E street is narrow with no side walks from 58th to 60th street.*

*Several years ago they added a housing area from 62nd to 63rd. At that time we were told that it would not impact our neighborhood. It did impact us alot with more cars and people! People use E street as a short cut to get around Thurston road. The street at the end of E where all of the work would be done is very narrow with a sharp corner. The side of the street where the addition will be has no parking. And the other side of the street has duplexes with limited parking.*

*Please take in to consideration those of us who do live in this neighborhood. We have lived here for 41 years and we have seen alot of changes.*

*We are not opposed to changes we would just like our neighborhood to be considered before major changes are made."*

Staff Response: The use of the subject property will intensify as a result of the proposed facility expansion; however, the intensification of the property is in compliance with applicable provisions of the Development Code and will require City approval for any modifications and/or redesign of the E Street right of way abutting the property frontage. Residential care facilities are subject to special provisions under the SDC that pertain to

maximum density in LDR districts. SDC 4.7-155(E) indicates that the maximum density for residential facilities in the LDR district is 24 bedrooms per net acre. The subject property is 2.98 acres. The maximum number of bedrooms permissible for the Sweetbriar Villa facility would be approximately 72 bedrooms. The applicant proposes a total of 63 bedrooms with the new facility expansion and remodel of the existing facility, and therefore does not exceed the maximum number of bedrooms permitted by Code. Section 4.2-105.G.2 of the Springfield Development Code requires that whenever a proposed land division or development will increase traffic on the City street system and that development has any unimproved street frontage abutting a fully improved street, that street frontage shall be fully improved to City specifications. As a condition of approval, the applicant will be required to submit a Public Improvement Project permit (PIP) that will address all improvements pertaining to the E Street right of way. On-street parking and other street design measures will be evaluated and approved by Development and Public Works as part of the PIP permitting process.

### **Criteria of Approval**

Section 5.9-100 of the SDC contains the criteria of approval for the decision maker to utilize during review of Discretionary Use requests. A Discretionary Use may be approved only if the Planning Commission or Hearings Official finds that the proposal conforms with the Site Plan Review approval criteria specified in Section 5.17-125, where applicable. The Criteria of Discretionary Use approval are:

#### *5.9-120 Criteria*

*A Discretionary Use may be approved only if the Planning Commission or Hearings Official finds that the proposal conforms with the Site Plan Review approval criteria specified in Section 5.17-125, where applicable, and the following approval criteria:*

A. *The proposed use conforms with applicable:*

1. *Provisions of the Metro Plan;*
2. *Refinement plans;*
3. *Plan District standards;*
4. *Conceptual Development Plans or*
5. *Specific Development Standards in this Code;*

B. *The site under consideration is suitable for the proposed use, considering:*

1. *The location, size, design and operating characteristics of the use (operating characteristics include but are not limited to parking, traffic, noise, vibration, emissions, light, glare, odor, dust, visibility, safety, and aesthetic considerations, where applicable);*
2. *Adequate and safe circulation exists for vehicular access to and from the proposed site, and on-site circulation and emergency response as well as pedestrian, bicycle and transit circulation;*
3. *The natural and physical features of the site, including but not limited to, riparian areas, regulated wetlands, natural stormwater management/drainage areas and wooded areas shall be adequately considered in the project design; and*
4. *Adequate public facilities and services are available, including but not limited to, utilities, streets, storm drainage facilities, sanitary sewer and other public infrastructure.*

C. *Any adverse effects of the proposed use on adjacent properties and on the public can be mitigated through the:*

1. *Application of other Code standards (including, but not limited to: buffering from less intensive uses and increased setbacks);*
2. *Site Plan Review approval conditions, where applicable;*
3. *Other approval conditions that may be required by the Approval Authority; and/or*
4. *A proposal by the applicant that meets or exceeds the cited Code standards and/or approval conditions*

**Proposed Findings In Support of Discretionary Use Approval**

**SDC 5.9-120 CRITERIA**

**A. *The proposed use conforms with applicable:***

1. *Provisions of the Metro Plan;*
2. *Refinement plans;*
3. *Plan District standards;*
4. *Conceptual Development Plans or*
5. *Specific Development Standards in this Code;*

*Applicant Narrative: "Sweetbriar Villa currently operates (since 1989) as a licensed Residential Care Facility that additionally offers Memory Care units. Presently, the existing building is comprised of 30 residential units with associated support spaces (25 RCF units and 5 MC units) and occupies roughly half of the 2.98 acre site...The existing building will be converted entirely to Memory Care units...A new two-story addition is proposed on the vacant land to the east of the site that will be approximately 49,500 square feet total split between the two floors (approximately 28,900 square feet on the ground floor)."*

Finding 1: The proposed development is subject to the provisions of the Springfield Development Code (SDC), which is the implementing instrument of the Metro Comprehensive Plan. The site is zoned and designated LDR in accordance with the Springfield Zoning Map and the adopted *Metro Plan* diagram. There is no refinement plan, plan district standards or conceptual development plan that governs this site. Residential care facilities with more than 15 persons, including group care homes, congregate care facilities, nursing homes and retirement homes must adhere to specific development standards under the Springfield Development Code (SDC) Section 4.7-155 and child day care facilities are subject to the specific standards of SDC 4.7-125. Beyond discretionary use approval, the development proposal required concurrent application submittals for site plan review (under separate cover TYP215-00028) and a tree felling permit (under separate cover TYP215-00027). The development proposal's compliance with underlying zoning development standards, specific development standards for the proposed uses, and site plan review criteria are evaluated under the TYP215-00028 site plan review staff report and conditions.

Conclusion: The above finding demonstrates that Criterion A has been met.

**B. *The site under consideration is suitable for the proposed use, considering:***

1. *The location, size, design and operating characteristics of the use (operating characteristics include but are not limited to parking, traffic, noise, vibration, emissions, light, glare, odor, dust, visibility, safety, and aesthetic considerations, where applicable);*

*Applicant Narrative: "The only planned exterior changes [to the existing facility] include removing/relocating the children's play structure and repainting the exterior...The [new] building will be*

*clad in a mixture of fiber cement lap siding and panels, and utilize vinyl windows to match the materials of the existing building.”*

Finding 2: Size, design, and operating characteristics of the proposed uses were evaluated for compliance with Site Plan Review criteria and specific development standards for residential care facilities and child care facilities.

Finding 3: The current residential care facility is comprised of 30 units in a 17,800 square foot building. The applicant proposes to reduce the number of units in the existing building to 22 units. The proposed two-story expansion will add 41 units to the site for a total of 63 units or a net increase of 33 units.

Finding 4: The use of the subject property will intensify as a result of the proposed facility expansion; however, the intensification of the property is in compliance with applicable provisions of the Development Code and will require City approval for any modifications and/or redesign of the E Street right of way abutting the property frontage. Residential care facilities are subject to special provisions under the SDC that pertain to maximum density in LDR districts. SDC 4.7-155(E) indicates that the maximum density for residential facilities in the LDR district is 24 bedrooms per net acre. The subject property is 2.98 acres. The maximum number of bedrooms permissible for the Sweetbriar Villa facility would be approximately 72 bedrooms.

2. *Adequate and safe circulation exists for vehicular access to and from the proposed site, and on-site circulation and emergency response as well as pedestrian, bicycle and transit circulation;*

*Applicant Narrative: “New asphalt-paved parking and a drive lane will be added to the site.”*

Finding 5: No new access points to the site are being proposed by the applicant. Improvements to the E Street right of way will be required for the proposed development. Section 4.2-105.G.2 of the Springfield Development Code requires that whenever a proposed land division or development will increase traffic on the City street system and that development has any unimproved street frontage abutting a fully improved street, that street frontage shall be fully improved to City specifications. As a condition of approval, the applicant will be required to submit a Public Improvement Project permit (PIP) that will address all improvements pertaining to the E Street right of way. On-street parking and other street design measures will be evaluated and approved by Development and Public Works as part of the PIP permitting process.

3. *The natural and physical features of the site, including but not limited to, riparian areas, regulated wetlands, natural stormwater management/drainage areas and wooded areas shall be adequately considered in the project design; and*

*Applicant Narrative: “Due to the development planned, it will be necessary to remove many trees from the site. The trees are not being removed due to health concerns, hazardous conditions, interference with public utilities, or traffic flows. Rather, it is necessary to remove them as they are within the footprint of what will be the new building, parking, and drive aisle around the building.”*

Finding 6: There are no riparian areas or regulated wetlands on the site.

Finding 7: The applicant submitted a Tree Felling Permit application (TYP215-00027) concurrently with the Site Plan Review and Discretionary Use application. The application was reviewed for compliance with the provisions of SDC 5.19-125.

4. *Adequate public facilities and services are available, including but not limited to, utilities, streets, storm drainage facilities, sanitary sewer and other public infrastructure.*

*Applicant Narrative: “The retention pond will be replaced onsite with flow-through planter strips and filtered catch basins to achieve the required stormwater treatment quality.”*

Finding 8: The site has an existing facility serviced by SUB utilities and City storm and sanitary utilities.

Finding 9: A stormwater calculation report was submitted as part of the Site Plan Review. Any conditions pertaining to stormwater treatment quality are identified as part of the staff report and recommendations under separate cover (Case TYP215-00028).

Finding 10: Section 4.3-110.E of the SDC requires new developments to employ drainage management practices, which minimize the amount and rate of surface water run-off into receiving streams, and which promote water quality.

Finding 11: To comply with Sections 4.3-110.D & E, stormwater runoff from the site will be directed into a series of flow-through planter strips and filtered catch basins prior to infiltrating into the ground. An overflow will be connected to the public system located in E Street.

Conclusion: The above findings demonstrate that Criterion B has been met.

C. *Any adverse effects of the proposed use on adjacent properties and on the public can be mitigated through the:*

1. *Application of other Code standards (including, but not limited to: buffering from less intensive uses and increased setbacks);*

Finding 12: Residential care facilities in the Low Density Residential zone on local streets with more than 15 persons, including group care homes, congregate care facilities, nursing homes and retirement homes are subject to specific development standards under the Springfield Development Code (SDC) Section 4.7-155; and child day care facilities in the Low Density Residential zone on local streets with more than 13 children are subject to SDC 4.7-125.

2. *Site Plan Review approval conditions, where applicable;*

Finding 13: The applicant concurrently applied for Site Plan Review under separate cover (TYP215-00028). The companion Site Plan Review application is intended to address the specific Development Code and detailed site planning requirements for the proposed residential care facility expansion.

3. *Other approval conditions that may be required by the Approval Authority; and/or*

Finding 14: The applicant concurrently applied for Tree Felling Permit approval under separate cover (TYP215-00027) in order to remove 53 trees where the facility expansion is proposed to take place. The applicant will be required to submit a Drinking Water Protection application due to the site's proximity to the Thurston Middle School wellhead.

4. *A proposal by the applicant that meets or exceeds the cited Code standards and/or approval conditions.*

Finding 15: The applicant's submittals for the Discretionary Use, Site Plan Review and Tree Felling Permit were deemed complete on September, 28, 2015. Staff finds the submittals for each application to be in substantial compliance of applicable Code standards.

Conclusion: The above findings demonstrate that Criterion C has been met.

D. *Applicable Discretionary Use criteria in other Sections of this Code:*

1. *Wireless telecommunications systems facilities requiring Discretionary Use approval are exempt from Subsections A-C above, but shall comply with the approval criteria specified in Section 4.3-145.*

2. *Alternative design standards for multifamily development are exempt from Subsections A – C above, but shall comply with the approval criteria specified in Section 3.2-245*
3. *Fences requiring Discretionary Use approval are exempt from Subsections A – C above, but shall comply with the approval criteria specified in Section 4.4-115.C.*
4. *The siting of public elementary, middle and high schools requiring Discretionary Use approval is exempt from Subsections A – C above, but shall comply with the approval criteria specified in Section 4.7-195.*

Finding 16: Residential care facilities and child care facilities do not have applicable discretionary use criteria in other sections of the Code as identified in Section 5.9-120.D.1 of the Springfield Development Code; therefore, only Criteria A-C are addressed with this decision.

**Conclusion:** Staff has reviewed the application and supporting information submitted by the applicant for the proposed Discretionary Use requests. Based on the above-listed criteria, staff finds that the proposals meet criteria sections A-C of SDC 5.9-120. Staff recommends support for the requested Discretionary uses as the proposal meets the stated criteria for Discretionary Use approval. Additionally, approval of these Discretionary Uses would facilitate approval of the accompanying Site Plan Review application and Tree Felling Permit for a residential care facility expansion and establishment of a child care facility submitted under separate cover (Case TYP215-00028) and (Case TYP215-00027) respectively.

#### **Conditions of Approval**

SDC Section 5.9-125 allows for the Approval Authority to attach conditions of approval to a Discretionary Use request to ensure the application fully meets the criteria of approval. The specific language from the code section is cited below:

#### **5.9-125 CONDITIONS**

**The Approval Authority may attach conditions as may be reasonably necessary in order to allow the Discretionary Use approval to be granted.**

Staff has reviewed the Discretionary Use requests and supporting information provided by the applicant, and recommends the following condition of approval:

#### **RECOMMENDED CONDITION OF APPROVAL:**

**Conditions pertinent to the development of the site are listed as part of the recommended approval under the associated Site Plan Review and Tree Felling Permit applications.**

The proposed residential care facility expansion has been reviewed and recommended conditions of approval are also described in the Site Plan Review application for this development submitted under separate cover (Case TYP215-00028) and a Tree Felling Permit submitted under separate cover (Case TYP215-00027).

Based on the applicant's submittal and testimony provided at the public hearing, the Planning Commission may choose to apply conditions of approval as necessary to comply with the Discretionary Use criteria.

#### **Additional Approvals**

The subject Discretionary Use requests are the necessary first step for the applicant to proceed with development plans for the site. The companion Site Plan Review application (Case TYP215-00028) is intended to address the specific Development Code and detailed site planning requirements for the proposed residential care facility expansion and new child care facility. The companion Tree Felling Permit application (Case TYP215-00027) is intended to ensure that the tree removal is consistent with State standards Metro plan policies and City ordinances affecting the environmental quality of the area.



# TYPE II TREE FELLING PERMIT STAFF REPORT & DECISION

**Case Number:** TYP215-00027

**Project Name:** Sweetbriar Villa Expansion Tree Felling Permit

**Project Proposal:** Renovate and expand the existing Sweetbriar Villa assisted living and memory care facility. The addition will add a two story 49,500 square foot wing to the existing 17,800 square foot single story structure. The existing facility will be converted to serve memory care patients. The new wing will serve patients requiring assistance with daily living and include a 750 square foot licensed children's daycare facility.

**Case Number:** TYP215-00028

**Project Location:** 6135 E Street  
(Map 17-02-34-24, TL 03901)

**Zoning:** Low Density Residential (LDR)

**Comprehensive Plan Designation:**  
LDR (*Metro Plan*)

**Overlay Districts:** Drinking Water  
Protection Overlay District (DWP)

**Pre-Submittal Meeting Date:** September 4,  
2015

**Application Submitted Date:** September 28,  
2015

**Planning Commission Meeting Date:**  
November 17, 2015

**Appeal Deadline Date:** December 2, 2015

**Associated Applications:** PRE15-00004 (Development Issues Meeting); PRE15-00045 (Pre-Submittal); TYP315-00004 (Discretionary Use),



## APPLICANT'S DEVELOPMENT REVIEW TEAM

<b>Applicant:</b> Mark Miller Ankrom Moisan Architects 6720 SW Macadam Ave Portland, OR 97219	<b>Property Owner:</b> RS-Springfield, OR-1-UT, LLC Embree Asset Group, Inc 4747 Williams Drive Georgetown, TX 78633
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## CITY OF SPRINGFIELD'S DEVELOPMENT REVIEW TEAM

POSITION	REVIEW OF	NAME	PHONE
Project Manager	Planning	Mark McCaffery	541-736-1003

Transportation Planning Engineer	Transportation	Michael Liebler	541-736-1034
Public Works Engineer	Utilities	Kyle Greene	541-726-5750
Public Works Engineer	Sanitary & Storm Sewer	Kyle Greene	541-726-5750
Deputy Fire Marshal	Fire and Life Safety	Gilbert Gordon	541-726-2293
Building Official	Building	David Bowlsby	541-736-1029

**Site Information:** The subject development site is zoned Low Density Residential, is partially developed, and occupies the south side of E Street near the intersections of 61<sup>st</sup>, 62<sup>nd</sup> and 63<sup>rd</sup> Streets all of which are classified as local streets. The property abuts the Thurston Greens and Heatherdale Terrace subdivisions to the north; Thurston Park to the east; and Thurston High School to the south. The western half of the property contains the Sweetbriar Villa assisted living and memory care facility, a 17,800 square feet single story structure with mature landscaping and parking facilities and street improvements on E Street. The property was part of a 2-parcel partition platted in 1994 (1994-P0582).

Residential care facilities with more than 15 persons, including group care homes, congregate care facilities, nursing homes and retirement homes in Low Density Residential zones and abutting local streets require Discretionary Use approval and are subject to specific development standards under the Springfield Development Code (SDC) Section 4.7-155; and child day care facilities in Low Density Residential zones and abutting local streets also require Discretionary Use approval and are subject to the standards of SDC 4.7-125. The applicant submitted a Discretionary Use Request for a 49,500 square foot 2-story addition to the existing residential care facility which includes a proposal for a 750 square foot licensed child day care facility (Case TYP315-00004). The Springfield Planning Commission opened a public hearing on these Discretionary Use requests at the regular meeting on November 17, 2015. A Discretionary Use permit is required for the submitted site plan to be approved for the subject property.

The site is zoned and designated LDR in accordance with the Springfield Zoning Map and the adopted *Metro Plan* diagram. Other properties in the vicinity of the subject site are zoned LDR (north, east and west of the site) and Public Land and Open Space (south of the site).

The site appears to be within the mapped 5 – 10 and 20+ Year Time of Travel Zone (TOTZ) for the Thurston Middle School drinking water wellhead and, therefore, is subject to TOTZ provisions of the Drinking Water Protection Overlay District, SDC 3.3-200. Provisions for water quality protection during site construction and operation have been inserted as conditions of this decision in order to protect local surface waters and groundwater resources. A separate application for compliance with the Drinking Water Protection Overlay District provisions is required to be submitted by the applicant.

**DECISION:** This decision grants Tentative Site Plan Approval. The standards of the Springfield Development Code (SDC) applicable to each criterion of Site Plan Approval are listed herein and are satisfied by the submitted plans unless specifically noted with findings and conditions necessary for compliance. Final Site Plans must conform to the submitted plans as conditioned herein. This is a limited land use decision made according to City code and state statutes. Unless appealed, the decision is final. Please read this document carefully.

**OTHER USES AUTHORIZED BY THE DECISION:** None. Future development will be in accordance with the provisions of the Springfield Development Code for Site Plan Review and all applicable local, state and federal regulations.

**REVIEW PROCESS:** This application is reviewed under Type II procedures listed in Springfield Development Code Section 5.1-130 and Tree Felling standards of SDC 5.19-100.

Procedural Finding: Staff reviewed the narrative and diagram detailing the requested tree felling (Site Tree Felling Plot Plan, Sheet A-113) at a Development Review Committee meeting on October 13, 2015. City staff's review comments have been reduced to findings and conditions only as necessary for compliance with the Tree Felling Criteria of SDC 5.19-125.

Procedural Finding: Applications for Limited Land Use Decisions require the notification of property owners/occupants within 300 feet of the subject property allowing for a 14 day comment period on the application (SDC Sections 5.1-130 and 5.2-115). The applicant and parties submitting written comments during the notice period have appeal rights and are mailed a copy of this decision for consideration (see Written Comments below and Appeals at the end of this decision).

**WRITTEN COMMENTS:**

Notification was sent to adjacent property owners/occupants on October 26, 2015. In accordance with SDC 5.1-130 and 5.2-115, notice was sent to adjacent property owners/occupants within 300 feet of the subject site on October 26, 2015. One site visit was held on November 4, 2015 at the request of John Antone, resident of 601 63<sup>rd</sup> Street, to discuss the tree felling proposal and potential improvements to the E Street right of way along the frontage of the Sweetbriar property. Transportation Planning Engineer, Michael Liebler, also attended the site visit. Three written comments were received. Staff responses to these comments are incorporated in the Site Plan Review decision and Discretionary Use decision under separate cover (Cases TYP215-00028 and TYP315-00004 respectively).

**CRITERIA FOR APPROVAL:**

Ref. Article 5.19-125 of the Springfield Development Code:

The Development & Public Works Director in consultation with the Fire Chief shall approve, approve with conditions or deny the request based on the following standards.

**A. Whether the conditions of the trees with respect to disease, hazardous or unsafe conditions, danger of falling, proximity to existing structures or proposed construction, or interference with utility services or pedestrian or vehicular traffic safety warrants the proposed felling.**

Applicant Submittal: *“Due to the development planned, it will be necessary to remove many trees from the site. The trees are not being removed due to health concerns, hazardous conditions, interference with public utilities, or traffic flows. Rather, it is necessary to remove them as they are within the footprint of what will be the new building, parking, and drive aisle around the building.”*

Finding A.1: The applicant's submittal indicates the removal of 53 trees on the eastern portion of the lot. The trees are in proximity to the proposed construction. Removal of the trees is necessary to construct the facility addition, and is allowable in accordance with provisions of the City's Development Code.

Finding A.2: The City's utility providers and referral agencies request that the applicant call for utility locates before removing any trees and root wads. Additionally, the applicant should avoid replanting site landscaping trees wherever they may conflict with existing and proposed utilities.

Finding A.3: At least three trees indicated for removal appear to be located to the north of the Sweetbriar property line and within the E Street right-of-way, including one established street tree. Removal of these trees is to be coordinated with the City in order to protect existing utilities and to ensure consistency with the Public Improvement Project Plan (PIP) for E Street that will be required as part of Site Plan Review approval.

Finding A.4: The applicant's project narrative indicates that a total of 41 trees (mostly deciduous) will be planted back as part of the overall site development. The applicant's landscaping plan (Sheet No. L1.0) indicates 11 red sunset maple street trees and an arrangement of Sour Gum and Oregon Ash trees in the proposed landscaped parking lot areas. The replacement trees also appear to be in locations where there is provision for good initial establishment and ongoing maintenance.

Condition 1: Contact the City's Development and Public Works division prior to removal of any trees within the E Street right-of-way.

Conclusion: The above findings support the conclusion that the locations of the trees (i.e. in proximity or within proposed construction) justify their removal. With the above condition, this criterion has been met.

**B. Whether the proposed felling is consistent with State standards, Metro Plan policies and City Ordinances and provisions affecting the environmental quality of the area, including but not limited to, the protection of nearby trees and windbreaks; wildlife; erosion, soil retention and stability; volume of surface runoff and water quality of streams; scenic quality; and geological sites.**

Finding B.1: The Springfield Development Code (SDC) is the primary implementing ordinance for environmental protection policies contained in the *Eugene-Springfield Metropolitan Area General Plan (Metro Plan)*. SDC Article 5.19-100 - Tree Felling Standards generally implements environmental protection policies of the *Metro Plan* for the subject property.

Finding B.2: The area subject to the tree felling request is inside the Springfield City Limits and is therefore subject to City land use jurisdiction. The subject trees are a combination of native and ornamental species that are within the eastern portion of the site. The proposed street trees are located along the northern property line in the E Street right-of-way. A tentative Site Plan Review and Discretionary Use (Cases TYP215-00028 and TYP315-00004 respectively) are concurrently before the Planning Commission for review.

Finding B.3: Section 3.02.3 of the City's *Engineering Design Standards and Procedures Manual* lists stormwater quality pollutants of concern, one of which is increased thermal load (temperature) in runoff water. The applicant is proposing to construct vegetated stormwater filtration planters and to manage runoff from the development area.

Finding B.4: The trees removed from the property are within an urbanized residential area and are not considered commercial timber. Therefore, a permit from the Oregon Department of Forestry is not required.

Finding B.5: Removal of the trees from the subject property should not have a long-term adverse effect on the surrounding physical and visual environment because:

- a) The applicant is proposing to replace the felled trees with landscaping, vegetated stormwater management facilities, and new trees along the east frontage of the site;
- b) The proposed site landscaping trees will be installed and maintained at appropriate locations within the residential facility site; and
- c) The trees identified for removal are not part of a larger, contiguous natural area or scenic corridor.

Conclusion: Springfield Development Code (SDC) Section 5.19-100 - Tree Felling Standards generally implements environmental protection policies of the *Metro Plan* and has been applied herein. The proposal is consistent with tree removal procedures within the urbanized areas of the

City, applicable policies and provisions of State law, the *Metro Plan* and the Springfield Development Code for protection of environmental quality. As proposed, this criterion has been met.

**C. Whether it is necessary to remove trees in order to construct proposed improvements as specified in an approved development plan, grading permits and construction drawings.**

Applicant Submittal: *“Due to the development planned, it will be necessary to remove many trees from the site. The trees are not being removed due to health concerns, hazardous conditions, interference with public utilities, or traffic flows. Rather, it is necessary to remove them as they are within the footprint of what will be the new building, parking, and drive aisle around the building.”*

Finding C.1: In order to obtain the necessary permits for stripping, grading and construction, the developer has demonstrated that potential impacts will be mitigated by on-site improvements.

Conclusion: The above findings demonstrate that the proposed tree felling is being undertaken in conjunction with a land use action. As proposed, this criterion has been met.

**D. In the event that no Development Plan has been approved by the City, felling of trees will be permitted on a limited basis consistent with the preservation of the site's future development potential as prescribed in the Metro Plan and City development regulations, and consistent with the following criteria:**

- 1. Wooded areas associated with natural drainageways and water areas shall be retained to preserve riparian habitat and to minimize erosion;**
- 2. Wooded areas that will likely provide attractive on-site views to occupants of future developments shall be retained;**
- 3. Wooded areas along ridge lines and hilltops shall be retained for their scenic and wildlife value;**
- 4. Wooded areas along property lines shall be retained to serve as buffers from adjacent properties;**
- 5. Trees shall be retained in sufficiently large areas and dense stands so as to ensure against windthrow; and**
- 6. Large-scale clear-cuts of developable areas shall be avoided to retain the wooded character of future building sites, and so preserve housing and design options for future City residents.**

Applicant Submittal: *“Due to the development planned, it will be necessary to remove many trees from the site.”*

Finding D.1: The applicant submitted a tentative Site Plan Review application and Discretionary Use application concurrently with submitting the subject tree felling request (Cases TYP215-00028 and TYP315-00004 respectively).

Conclusion: The above findings of fact demonstrate that the urban development potential of the property has been met through the land use permitting process. Tree Felling permit approval is contingent upon the Discretionary Use and Site Plan Review approval; therefore, this criterion does not apply.

**E. Whether the applicant's proposed replanting of new trees or vegetation is an adequate substitute for the trees to be felled.**

Applicant Submittal: *"Of the 56 trees on the new-development portion of the site, 53 are shown to be removed. Per the Landscape plan on sheet L1.0, approximately 41 trees (mostly deciduous) will be planted back as part of the overall site development."*

Finding E.1: The applicant will be responsible for planting appropriate site landscaping trees in accordance with an approved tentative Site Plan Review for the residential facility expansion (Case TYP215-00028). The applicant's landscaping plan shows that about 80% of the trees will be replaced on the site with additional vegetated stormwater filtration features.

Conclusion: As proposed, this criterion has been met.

**F. Whether slash left on the property poses significant fire hazard or liability to the City.**

Applicant Submittal: *"Tree removal will be completed using industry best management practices. Trees 12" in diameter and under will be cut into 6'-8' length segments with limbs to be removed. Trees larger than 12" in diameter will need to be cut into smaller lengths or "rounds" as required to ensure all yard waste is a manageable size. All tree stumps will be removed with an excavator; all non-organic debris will be removed from any tree stumps before disposal...Lane Forest Products will be utilized in the disposal of all yard debris/waste removal. The general contractor is to coordinate with Lane Forest Products to provide the necessary amount of 30 cubic yard drop box dumpsters to the site."*

Finding F.1: Where necessary, removal of slash reduces fire hazards and prevents debris and sediment from being deposited into drainage courses and stormwater drains.

Finding F.2: The applicant's tree removal narrative indicates that the trees identified for removal will be cut and promptly removed from the site.

Finding F.3: The applicant's proposal to cut and remove the woody material and debris from the site using 30 cubic yard drop box dumpsters should not cause an increase to the fire hazard liability on the site.

Finding F.4: The site is currently unmanaged landscape of grass and mature Douglas Firs and Big-leaf Maple trees; the proposed tree felling should not create an unusual condition or hazard on the site.

Conclusion: As proposed, this criterion has been met.

**G. Whether the felling is consistent with the guidelines specified in the Field Guide to Oregon Forestry Practices Rules published by the State of Oregon, Department of Forestry, as they apply to the northwest Oregon region.**

Applicant Submittal: *"Tree removal will be completed using industry best management practices."*

Finding G.1: Forestry practices in the State of Oregon are governed by the State *Forest Practices Act*. The Field Guide to Oregon Forestry Practices Rule provides safety and other guidelines for compliance with the *Forest Practices Act* during timber harvest operations. The guidelines are standards in the industry and are generally followed during all operations performed by licensed and bonded logging contractors.

Finding G.2: The subject site is within the Springfield City limits and the proposed tree removal does not rise to the level of a regulated timber harvest or commercial logging operation. Therefore, the action is governed by the applicable provisions of the *Springfield Development Code*. The applicant will need to follow State forestry guidelines for safe operations and fire prevention during the removal of trees approved under this permit.

Conclusion: As proposed, this criterion has been met.

**H. Whether transportation of equipment to and equipment and trees from the site can be accomplished without a major disturbance to nearby residents.**

Applicant Submittal: *“Organic material will all be recycled at the Lane Forest Retail Yard located at 820 N. 42<sup>nd</sup> St. Springfield, OR 97477. The proposed haul route will be as follows: from the site (6135 E Street), head west on E Street to 58<sup>th</sup> Street (south) to Main Street/OR-126 (west) to 42<sup>nd</sup> Street (north).”*

Finding H.1: The applicant’s tree removal narrative plan indicates that trees will be hauled offsite via E Street (a local street), Main Street (a minor arterial street), 58<sup>th</sup> Street (a major collector street) and 42<sup>nd</sup> Street (a minor arterial street). These principal routes also would be used for construction traffic accessing the site during the residential care facility expansion project.

Finding H.2: The tree felling will be done in conjunction with site development activities planned and concurrently proposed for the project area. The tree felling activity will be a short-term step necessary to prepare the site for facility expansion. There are residential dwellings to the north of the project site on the north side of E Street. Therefore, construction equipment associated with the tree removal shall be kept on site and not encumber the E Street right-of-way in order to avoid unusual or adverse impact to the neighborhood.

Finding H.3: The project area is within a residential district where operating machinery and heavy truck traffic, including log-hauling truck and trailer combinations, are not active on a daily basis. The area is also adjacent to Thurston High School facilities. The temporary use of heavy trucks and equipment associated with the tree felling and site construction projects will be a conspicuous change to the traffic patterns already found in the area. The applicant will be required to notify the City at least 5 days prior to commencement of the tree felling activity and conditionally conduct the tree removal to mitigate adverse impacts on the surrounding neighborhood.

Condition 2: Construction equipment associated with the tree removal shall be kept on site and not encumber the E Street right-of-way in order to avoid unusual or adverse impact to the neighborhood.

Condition 3: The applicant will be required to notify the City at least 5 days prior to commencement of the tree felling activity with general operational details including a date range and hours of operation so that the nearby school and residential properties are aware of the activity.

Condition 4: The cutting or hauling of materials shall not commence before 9am or occur after 6pm.

Conclusion: As conditioned above, this criterion has been met.

**CONCLUSION AND DECISION:**

**The Tree Felling Permit, as submitted and conditioned herein, complies with the provisions of SDC 5.19-125. Staff recommends approval of the Tree Felling Permit subject to the recommended conditions contained herein and as summarized below.**

## CONDITIONS OF APPROVAL:

**Condition 1: Contact the City's Development and Public Works division prior to removal of any trees within the E Street right-of-way.**

**Condition 2: Construction equipment associated with the tree removal shall be kept on site and not encumber the E Street right-of-way in order to avoid unusual or adverse impact to the neighborhood.**

**Condition 3: The applicant will be required to notify the City at least 5 days prior to commencement of the tree felling activity and provide a general operations plan with the following minimum information: date range, hours of operation and posting so that the nearby school and residential properties are aware of the activity.**

**Condition 4: The cutting or hauling of materials shall not commence before 9am or occur after 6pm.**

**Condition 5: Approval of the Tree Felling Permit is contingent upon approval of the associated Site Plan Review application and Discretionary Use request filed under separate cover (Cases TYP215-00028 and TYP315-00004 respectively).**

The following general construction practices apply when tree felling is initiated on site:

- **Notification shall be provided to the City at least 5 days prior to commencement of the tree felling operation.** Please contact Mark McCaffery at 541-736-1003 (direct) or by email: [mmccaffery@springfield-or.gov](mailto:mmccaffery@springfield-or.gov).
- All felling activities, including ingress and egress for the tree removal operations, shall include erosion control measures in conformance with the City's *Engineering Design Standards and Practices Manual*.
- All felling and removal activities shall be performed in a manner that avoids ground disturbance and soil compaction extending beyond the established point of access to the tree felling area.
- Any soil and debris tracked into the street by vehicles and equipment leaving the site shall be cleaned up with shovels in a timely manner and not washed into drainage channels or the City's stormwater system [SDC 5.19-125].

## **ADDITIONAL INFORMATION**

The application and documents relied upon by the applicant, and the applicable criteria of approval are available for a free inspection at the Development Services Department, 225 Fifth Street, Springfield, Oregon. Copies of the documents will be made for \$0.75 for the first page and \$0.50 for each additional page.

## **APPEAL**

If you wish to appeal the decision of approval, you must do so by **5:00 PM on December 2, 2015**. Your appeal must be submitted in accordance with the Springfield Development Code, Article 15, APPEALS. Note: Appeals must be submitted on a City form and a fee of \$250.00 must be paid to the City at the time of submittal. The fee will be returned to the appellant if the Planning Commission approves the appeal application.

If you have any questions regarding these matters, please call Mark McCaffery at (541) 736-1003 or send an email to: [mmccaffery@springfield-or.gov](mailto:mmccaffery@springfield-or.gov).

PREPARED BY

*Mark McCaffery*

Mark McCaffery  
Planner



# Type II TENTATIVE SITE PLAN REVIEW, Staff Report & RECOMMENDED CONDITIONS

**Project Name:** Sweetbriar Villa Expansion Site Plan Review

**Project Proposal:** Renovate and expand the existing Sweetbriar Villa assisted living and memory care facility. The addition will add a two-story 49,500 square foot wing to the existing 17,800 square foot single story structure. The existing facility will be converted to serve memory care patients. The new wing will serve patients requiring assistance with daily living and will add a new, 750 square foot licensed children's daycare facility.

**Case Number:** TYP215-00028

**Project Location:** 6135 E Street  
(Map 17-02-34-24, TL 03901)

**Zoning:** Low Density Residential (LDR)

**Comprehensive Plan Designation:**  
LDR (*Metro Plan*)

**Overlay Districts:** Drinking Water  
Protection Overlay District (DWP)

**Pre-Submittal Meeting Date:** September 4,  
2015

**Application Submitted Date:** September 28,  
2015

**Planning Commission Meeting Date:**  
November 17, 2015

**Tentative Appeal Deadline Date:** December 2, 2015

**Associated Applications:** PRE15-00004 (Development Issues Meeting); PRE15-00045 (Pre-Submittal); TYP315-00004 (Discretionary Use), TYP215-00027 (Tree Felling)



## APPLICANT'S DEVELOPMENT REVIEW TEAM

**Applicant:**

Mark Miller  
Ankrom Moisan Architects  
6720 SW Macadam Ave  
Portland, OR 97219

**Property Owner:**

RS-Springfield, OR-1-UT, LLC  
Embree Asset Group, Inc  
4747 Williams Drive  
Georgetown, TX 78633

## CITY OF SPRINGFIELD'S DEVELOPMENT REVIEW TEAM

POSITION	REVIEW OF	NAME	PHONE
Project Manager	Planning	Mark McCaffery	541-736-1003
Transportation Planning Engineer	Transportation	Michael Liebler	541-736-1034

Public Works Engineer	Utilities	Kyle Greene	541-726-5750
Public Works Engineer	Sanitary & Storm Sewer	Kyle Greene	541-726-5750
Deputy Fire Marshal	Fire and Life Safety	Gilbert Gordon	541-726-2293
Building Official	Building	David Bowlsby	541-736-1029

**Site Information:** The subject development site is zoned Low Density Residential, is partially developed, and occupies the south side of E Street near the intersections of 61<sup>st</sup>, 62<sup>nd</sup> and 63<sup>rd</sup> Streets, all of which are classified as local streets. The property abuts the Thurston Greens and Heatherdale Terrace subdivisions to the north; Thurston Park to the east; and Thurston High School to the south. The western half of the property contains the Sweetbriar Villa assisted living and memory care facility, a 17,800 square foot single story structure with mature landscaping and parking facilities and street improvements on E Street. The property was part of a 2-parcel partition platted in 1994 (1994-P0582).

Residential care facilities with more than 15 persons, including group care homes, congregate care facilities, nursing homes and retirement homes in Low Density Residential zones abutting local streets require Discretionary Use approval (with site plan) and are subject to specific development standards under the Springfield Development Code (SDC) Section 4.7-155; child day care facilities in Low Density Residential zones abutting local streets require Discretionary Use approval (with site plan) and are subject to the standards of SDC 4.7-125. The applicant submitted a Discretionary Use Request for a 49,500 square foot 2-story addition to the existing residential care facility that includes a proposal for a 750 square foot, licensed child day care facility (Case TYP315-00004). The Springfield Planning Commission opened a public hearing on the Discretionary Use requests at the regular meeting on November 17, 2015. A Discretionary Use permit is required for the submitted site plan to be approved for the subject property. This Site Plan Review has been elevated to the Planning Commission with the Discretionary Use application for a decision. A Tree Felling Permit (Case TYP215-00027) for the proposed development has also been elevated to the Planning Commission for review.

The site is zoned and designated LDR in accordance with the Springfield Zoning Map and the adopted *Metro Plan* diagram. Other properties in the vicinity of the subject site are zoned LDR (north, east and west of the site) and Public Land and Open Space (south of the site).

The site appears to be within the mapped 5 – 10 and 20+ Year Time of Travel Zone (TOTZ) for the Thurston Middle School drinking water wellhead and, therefore, is subject to TOTZ provisions of the Drinking Water Protection Overlay District, SDC 3.3-200. Provisions for water quality protection during site construction and operation have been inserted as conditions of this decision in order to protect local surface waters and groundwater resources. A separate application for compliance with the Drinking Water Protection Overlay District provisions is required to be submitted by the applicant.

**DECISION:** This decision grants Tentative Site Plan Approval. The standards of the Springfield Development Code (SDC) applicable to each criterion of Site Plan Approval are listed herein and are satisfied by the submitted plans unless specifically noted with findings and conditions necessary for compliance. Final Site Plans must conform to the submitted plans as conditioned herein. This is a limited land use decision made according to City code and state statutes. Unless appealed, the decision is final. Please read this document carefully.

(See Page 16 for a summary of the recommended conditions of approval.)

**OTHER USES AUTHORIZED BY THE DECISION:** None. Future development will be in accordance with the provisions of the Springfield Development Code, filed easements and agreements, and all applicable local, state and federal regulations.

**REVIEW PROCESS:** This application is typically reviewed under Type II procedures listed in Springfield Development Code Section 5.1-130 and the site plan review criteria of approval SDC 5.17-125. However, site plan review may be elevated to a Type III review when the Director determines due to the complexity of the application or the need for Discretionary review a Type III review is necessary. Such a determination was made because the expansion of the adult living facility and the establishment of the child care facility require Discretionary Approval and both are subject to site plan approval. Therefore, this application is being reviewed by the Planning Commission under Type III notice standards and requirements found in SDC 5.1-135.

Procedural Finding: Applications for Limited Land Use Decisions require the notification of property owners/occupants within 300 feet of the subject property allowing for a 14 day comment period on the application (SDC Sections 5.1-130 and 5.2-115). The applicant and parties submitting written comments during the notice period have appeal rights and are mailed a copy of this decision for consideration (See Written Comments below and Appeals at the end of this decision). Additionally, the notice included the time, date and location of the public hearing before the Springfield Planning Commission and the right to appear at that hearing and offer testimony on the proposals.

Procedural Finding: On October 13, 2015, the City's Development Review Committee reviewed the proposed plans (Architectural – Ankrom Moisan; Structural – WRK Engineers; Civil – AAI Engineering; Mechanical/Electrical/Plumbing – AME Design Group, Inc.; Landscape – Otten Landscape Architects, Inc.) and other supporting information. City staff's review comments have been reduced to findings and recommended conditions only as necessary for compliance with the Site Plan Review criteria of SDC 5.17-125.

Procedural Finding: In accordance with SDC 5.17-125 to 5.17-135, the Final Site Plan shall comply with the requirements of the SDC and the conditions imposed by the Planning Commission in this decision. The Final Site Plan otherwise shall be in substantial conformity with the tentative plan reviewed. Portions of the proposal approved as submitted during tentative review cannot be substantively changed during Final Site Plan approval. Approved Final Site Plans (including Landscape Plans) shall not be substantively changed during Building Permit Review without an approved Site Plan Modification Decision.

Procedural Finding: Pursuant to SDC 5.9-115 and SDC 5.1-130, this site plan application is elevated to the Planning Commission's decision authority.

**WRITTEN COMMENTS:**

Procedural Finding: In accordance with SDC 5.1-130, 5.1-135 and 5.2-115, notice was sent to adjacent property owners/occupants within 300 feet of the subject site on October 26, 2015. One site visit was held on November 4, 2015 at the request of John Antone, resident of 601 63<sup>rd</sup> Street, to discuss the tree felling proposal and potential improvements to the E Street right of way along the frontage of the Sweetbriar property. Transportation Planning Engineer, Michael Liebler, also attended the site visit. Three written comments were received, and are provided below followed by a staff response:

Deborah Tipitino, 6196 E Street, Springfield, OR 97478:

*"I recently received a letter about the above proposals. Can I receive more information on the specifics of what this developer/owner is planning. Such as: how many residents are housed there now and what will the increase be, what percentage is residential care and what percentage is memory care; are the rooms considered individual apartments; does this proposal involve the vacant lot with trees next to the existing facility; which trees will be removed and what is the replacement plan; what is the traffic plan if this expansion is located next to Thurston Park. These are just a few of my questions. I attempted to find the actual plan but was unable to locate it, perhaps you can point me in the right direction."*

Staff Response: The resident was contacted by phone on November 3, 2015 to discuss the above questions. Staff followed up with an email on November 4, 2015 with a link to the online public documents page of the City's website, where Laserfiche Weblink scanned application materials of the site plan review are available. The citizen was informed of the public hearing date and her ability to provide further comment as necessary.

Joanne Hugi, resident of 62<sup>nd</sup> Street, Springfield, OR 97478:

*"I am writing to obtain additional information regarding this application - Record #TYP215-00028.*

*I own a home on 62nd Street.*

*Applicant proposes to renovate and expand an existing residential and memory care facility.*

*How many residents does the current facility accommodate?*

*How many residents does the proposed renovation propose to accommodate?*

*How many square feet will be added to the building?*

*How many square feet will be added for parking?*

*Does the proposal plan replace all 53 trees that are planned for removal?"*

Staff Response: Staff responded to the resident's questions by email on November 6, 2015. The email is included in the record for this proceeding.

Maudie Marie Hinkle, 610 North 61<sup>st</sup> Street, Springfield, Oregon 97478:

*"This is concerning addition and tree removal of property at 6135 E Springfield. We are concerned that the addition to this care facility will impact our neighborhood with even more traffic! We are already congested ....E street is narrow with no side walks from 58th to 60th street.*

*Several years ago they added a housing area from 62nd to 63rd. At that time we were told that it would not impact our neighborhood. It did impact us alot with more cars and people! People use E street as a short cut to get around Thurston road. The street at the end of E where all of the work would be done is very narrow with a sharp corner. The side of the street where the addition will be has no parking. And the other side of the street has duplexes with limited parking.*

*Please take in to consideration those of us who do live in this neighborhood. We have lived here for 41 years and we have seen alot of changes.*

*We are not opposed to changes we would just like our neighborhood to be considered before major changes are made."*

Staff Response: The use of the subject property will intensify as a result of the proposed facility expansion; however, the intensification of the property is in compliance with applicable provisions of the Development Code and will require City approval for any modifications and/or redesign of the E Street right of way abutting the property frontage. Residential care facilities are permitted and subject to special provisions under the SDC that pertain to maximum density in LDR districts. SDC 4.7-155(E) indicates that the maximum density for residential facilities in the LDR district is 24 bedrooms per net acre. The subject property is 2.98 acres. The maximum number of bedrooms permissible for the Sweetbriar Villa facility would be approximately 72 bedrooms. The applicant proposes a total of 63 bedrooms with the new facility expansion and remodel of the existing facility, and therefore does not exceed the maximum number of bedrooms permitted by Code. Section 4.2-105.G.2 of the Springfield Development Code requires that whenever a proposed land division or development will increase traffic on the City street system and that development has any unimproved street frontage abutting a fully improved street, that street frontage shall be fully improved to City specifications. As a condition of approval, the applicant will

be required to submit a Public Improvement Project permit (PIP) that will address all improvements pertaining to the E Street right of way. On-street parking and other street design measures will be evaluated and approved by Development and Public Works as part of the PIP permitting process. For associated findings and conditions pertaining to the PIP requirement, see page 9.

**CRITERIA OF SITE PLAN APPROVAL:**

SDC 5.17-125, Site Plan Review Standards, Criteria of Site Plan Approval states, “the Director shall approve, or approve with conditions, a Type II Site Plan Review Application upon determining that criteria A through E of this Section have been satisfied. If conditions cannot be attached to satisfy the criteria, the Director shall deny the application.”

**A. The zoning is consistent with the *Metro Plan* diagram, and/or the applicable Refinement Plan diagram, Plan District map, and Conceptual Development Plan.**

Finding 1: The site is zoned and designated LDR in accordance with the Springfield Zoning Map and the adopted *Metro Plan* diagram. The applicant is not proposing to change the zoning for the site.

Conclusion: This proposal satisfies Criterion A.

**B. Capacity requirements of public improvements, including but not limited to, water and electricity; sanitary sewer and stormwater management facilities; and streets and traffic safety controls shall not be exceeded and the public improvements shall be available to serve the site at the time of development, unless otherwise provided for by this Code and other applicable regulations. The Development & Public Works Director or a utility provider shall determine capacity issues.**

Finding 2: Approval of this proposal would allow for construction of a two story 49,500 square feet wing to the existing 17,800 square feet single story residential care facility. A 750 square foot licensed children’s daycare facility is proposed within the new addition. Required landscaping, stormwater quality facilities and parking improvements will accompany the facility expansion.

Finding 3: For all public improvements, the applicant shall retain a private professional civil engineer to design the site improvements in conformance with City codes, this decision, and the current *Engineering Design Standards and Procedures Manual* (EDSPM). The private civil engineer also shall be required to provide construction inspection services.

Finding 4: The Development Review Committee reviewed the proposed site plan and landscaping plan on October 13, 2015. City staff’s review comments have been incorporated in findings and recommended conditions contained herein.

Conclusion: The proposal satisfies this sub-element of the criterion.

**Water and Electricity Improvements**

Finding: Section 4.3-130.A of the Springfield Development Code requires each development area to be provided with a water system having sufficiently sized mains and lesser lines to furnish adequate supply to the development and sufficient access for maintenance. Springfield Utility Board (SUB) coordinates the design of the water system within Springfield city limits. The current plan proposal shows locations of proposed water lines. The applicant is required to coordinate with SUB Water to verify the design is adequate for the proposed development.

Finding 5: SUB service ends at pole 66105 which is located west approximately 290 feet from the proposed facility addition.

## Recommended Conditions of Approval:

1. Prior to Final Site Plan approval, the applicant shall coordinate with the City, SUB Water and SUB Electric to verify proper utility service is available to the site, and any easements required for utility service must be recorded with Lane County Deeds and Records.
2. Prior to Final Site Plan approval, the applicant shall coordinate with the City and SUB Electric to establish any additional easements as necessary in order to provide electric utility to the new facility addition from the existing SUB vault/transformer located on the south side of the existing building.

Conclusion: The existing SUB Water and Electric facilities are adequate to serve the site. As conditioned herein, the proposal satisfies this sub-element of the criterion.

## Sanitary Sewer and Stormwater Management Facilities

### Sanitary Sewer

Finding 6: Section 4.3-105.A of the SDC requires that sanitary sewers shall be installed to serve each new development and to connect developments to existing mains. Additionally, installation of sanitary sewers shall provide sufficient access for maintenance activities.

Finding 7: Section 4.3-105.C of the SDC requires that proposed sewer systems shall include design consideration of additional development within the area as projected by the Metro Plan.

Finding 8: Section 2.02.1 of the City's Engineering Design Standards and Procedures Manual (EDSPM) states that when land outside a new development will logically direct flow to sanitary sewers in the new development, the sewers shall be public sewers and shall normally extend to one or more of the property boundaries.

Finding 9: The proposed system will connect to the existing public sewer at 63rd Street and E Street, which has adequate capacity for the proposed development.

Finding 10: Pursuant to Chapter 3.02.4.A of the City's Engineering Design Standards and Procedures Manual and Section 3.4 of the City of Eugene Stormwater Management Manual, solid waste storage areas shall be covered and hydraulically isolated from potential stormwater runoff, and directed to the sanitary sewer system.

Finding 11: The schematic site plan (A.100) indicates that the existing trash enclosure area will also be used as a cart wash area. The City will require the enclosure area to be plumbed to sanitary sewer. Pursuant to Chapter 3.02.4.A of the City's Engineering Design Standards and Procedures Manual and Section 3.4 of the City of Eugene Stormwater Management Manual, solid waste storage areas shall be covered and hydraulically isolated from potential Stormwater runoff, and directed to the sanitary sewer system.

### Stormwater Quality

Finding 12: Finding: Under Federal regulation of the Clean Water Act (CWA), Endangered Species Act (ESA), and National Pollutant Discharge Elimination System (NPDES), the City of Springfield has obtained a Municipal Separate Storm Sewer System (MS4) permit. A provision of this permit requires the City demonstrate efforts to reduce the pollution in urban stormwater to the Maximum Extent Practicable (MEP).

Finding 13: Federal and Oregon Department of Environmental Quality (ODEQ) rules require the City's MS4 plan address six "Minimum Control Measures." Minimum Control Measure 5, "Post-

Construction Stormwater Management for New Development and Redevelopment,” applies to the proposed development.

Finding 14: Minimum Control Measure 5 requires the City of Springfield to develop, implement and enforce a program to ensure the reduction of pollutants in stormwater runoff to the MEP. The City must also develop and implement strategies that include a combination of structural or non-structural Best Management Practices (BMPs) appropriate for the community.

Finding 15: Minimum Control Measure 5 requires the City of Springfield use an ordinance or other regulatory mechanism to address post construction runoff from new and re-development projects to the extent allowable under State law. Regulatory mechanisms used by the City include the Springfield Development Code (SDC), the City’s Engineering Design Standards and Procedures Manual (EDSPM) and the Stormwater Facilities Master Plan (SFMP).

Finding 16: Section 3.02 of the City’s EDSPM states the Public Works Department will accept, as interim design standards for stormwater quality, water quality facilities designed pursuant to the policies and procedures of the City of Springfield’s EDSPM and the City of Eugene Stormwater Management Manual.

Finding 17: Section 3.02.5 & .6 of the City’s EDSPM states all public and private development and redevelopment projects shall employ a system of one or more post-developed BMPs that in combination are designed to achieve at least a 70 percent reduction in the total suspended solids in the runoff generated by that development. Section 3.03.4.E of the manual requires a minimum of 50 percent of the non-building rooftop impervious area on a site shall be treated for stormwater quality improvement using vegetative methods and 100% of the area shall be pre-treated.

Finding 18: To meet the requirements of the City’s MS4 permit, the Springfield Development Code, and the City’s EDSPM, the applicant has proposed flow-through planter strips and filtered catch basins.

Finding 19: The applicant has not added a callout for CB1 or CB2 to designate them as Contech Cartridge Catchbasin Stormfilters on sheets C2.0 or C3.0 to verify the intended placement of the filtered catchbasins as proposed by the applicant.

Finding 20: On sheet C4.3 in the Stormwater Filtration Planter Section, the applicant is referencing Gravel for the drain rock.

Finding 21: The vegetation proposed for use in the flow-through planter strips will serve as the primary pollutant removal mechanism for the stormwater runoff. Satisfactory pollutant removal will occur only when the vegetation has been fully established.

Finding 22: Section 4.3-110.B of the SDC requires that the Approval Authority shall grant development approval only where adequate public and/or private stormwater management systems provisions have been made as determined by the Public Works Director, consistent with the Engineering Design Standards and Procedures Manual (EDSPM).

Finding 23: Section 4.3-110.C of the SDC states that a stormwater management system shall accommodate potential run-off from its entire upstream drainage area, whether inside or outside of the development.

Finding 24: Section 4.3-110.D of the SDC requires that run-off from a development shall be directed to an approved stormwater management system with sufficient capacity to accept the discharge.

Finding 25: Section 4.3-110.E of the SDC requires new developments to employ drainage management practices, which minimize the amount and rate of surface water run-off into receiving streams, and which promote water quality.

Finding 26: To comply with Sections 4.3-110.D & E, stormwater runoff from the site will be directed into a series of flow-through planter strips and filtered catch basins prior to infiltrating into the ground. An overflow will be connected to the public system located in E Street.

Finding 27: The existing public stormwater system, to which the applicant proposes connection, has limited capacity. The applicant has turned in hydrologic stormwater calculations, consistent with the City's EDSPM, showing that the proposed stormwater facilities will limit the peak stormwater discharge rates to the pre-developed rates for both the applicable storm events, thereby limiting the flow into the existing system to an acceptable level.

Finding 28: The plan sheets C2.0 and L1.0 are inconsistent with one another for labeling the planters.

### **Recommended Conditions of Approval:**

- 3. Prior to Final Site Plan approval, the applicant shall update sheets C2.0 and L1.0 for consistent labeling of all planter areas.**
- 4. Prior to Final Site Plan approval, the applicant shall enter into a maintenance agreement with the City of Springfield, whereby the applicant will provide routine maintenance for functionality of the flow-through planter strips and filtered catch basins.**
- 5. Prior to Final Site Plan approval, the applicant shall add a note on sheets C2.0 and C3.0 to call out cartridge catchbasin stormfilters for the proposed CB1 and CB2, referencing the details on sheet C4.3.**
- 6. Prior to Final Site Plan approval, the applicant shall modify the Stormwater Filtration Planter Section on sheet C4.3 to reference "Open Graded Drain Rock" rather than gravel, to be consistent with the City of Eugene Stormwater Management Manual requirements.**
- 7. Prior to approval of the Final Site Plan, the applicant shall provide an operations and maintenance plan to the City for review to ensure the long-term maintenance and operation of the proposed flow-through planter strips and filtered catch basins. The plan should designate maintenance responsibility for operating and maintaining the system, and should be distributed to all property owners and tenants of the site.**
- 8. To ensure a fully functioning water quality system and meet objectives of Springfield's MS4 permit, the Springfield Development Code and the EDSPM, the proposed flow-through planter shall be fully vegetated with all vegetation species established prior to approval of Final Site Inspection. Alternatively, if this condition cannot be met, the applicant shall provide and maintain additional interim erosion control/water quality measures acceptable to the Public Works Department that will suffice until such time as the flow-through planter vegetation becomes fully established.**
- 9. Prior to Final Site Plan approval, the applicant shall submit an updated utility plan (Sheet C.30) showing the trash enclosure and cart wash area plumbed to sanitary sewer.**

Conclusion: As conditioned herein, the proposal satisfies this sub-element of the criterion.

### **Streets and Traffic Safety Controls**

Finding 29: The subject site abuts E Street right of way to the south and has approximately 600 feet of street frontage. Along the site frontage, E Street is improved with street trees and sidewalks. The eastern 250 feet of street frontage is not improved with landscaping and sidewalk features, but includes a paved pathway that connects E Street with Thurston Park. The applicant is proposing to improve the unimproved street frontage on the eastern portion of the lot

Finding 30: Section 4.2-105.G.2 of the Springfield Development Code requires that whenever a proposed land division or development will increase traffic on the City street system and that development has any unimproved street frontage abutting a fully improved street, that street frontage shall be fully improved to City specifications. Exception (i) notes that in cases of unimproved streets, an Improvement Agreement shall be required as a condition of Development Approval postponing improvements until such time that a City street improvement project is initiated.

Finding 31: Section 4.3-140.A of the SDC requires applicants proposing developments make arrangements with the City and each utility provider for the dedication of utility easements necessary to fully service the development or land beyond the development area. The minimum width for public utility easements adjacent to street rights of ways shall be 7 feet. The minimum width for all other public utility easements shall be 7 feet. The Public Works Director may require a larger easement to allow for adequate maintenance.

Finding 32: An existing 7 foot public utility easement exists along the E Street property frontage.

#### **Recommended Conditions of Approval:**

**10. Prior to approval of the Final Site Plan, the applicant shall obtain a Public Improvement Project Permit and either bond for or construct the full frontage improvements along the E Street frontage. Improvements shall be constructed and approved by the City prior to occupancy.**

Conclusion: As conditioned herein, the proposal satisfies this sub-element of the criterion.

#### **C. The proposed development shall comply with all applicable public and private design and construction standards contained in this Code and other applicable regulations.**

Finding 33: Criterion C contains three different elements with sub-elements and applicable code standards. The site plan application as submitted complies with the code standards listed under each sub-element unless otherwise noted with specific findings and conclusions. The elements, sub-elements and code standards of Criterion C include but are not limited to:

1. Infrastructure Standards in accordance with SDC 4.1-100, 4.2-100 & 4.3-100
  - Water Service and Fire Protection (4.3-130)
  - Public and Private Easements (4.3-120 – 4.3-140)
2. Conformance with standards of SDC 5.17-100, Site Plan Review, and SDC 3.2-200 Low Density Residential Zoning District
  - Low Density Residential District Schedule of Uses (3.2-210)
  - Low Density Residential District Development Standards (3.2-215)
  - Landscaping, Screening and Fence Standards (4.3-145.F.13, 4.3-145.F.25 & 4.4-100)
  - On-Site Lighting Standards (4.5-100)
  - Vehicle Parking, Loading and Bicycle Parking Standards (4.6-100)
  - Specific Development Standards for Group Care Facilities (4.7-155)

3. Overlay Districts and Applicable Refinement Plan Requirements
  - Drinking Water Protection Overlay District

## **C.1 Public and Private Improvements in accordance with SDC 4.1-100, 4.2-100 & 4.3-100**

### **Water Service and Fire Protection (4.3-130)**

#### Access

Finding 34: The size and location of the proposed building expansion will require a secondary access point for emergency services near the intersection of 63<sup>rd</sup> and E Streets to shorten hose length to the fire hydrant that is proposed to be installed at the corner of 63<sup>rd</sup> and E Streets.

#### **Recommended Condition of Approval:**

**11. Prior to Final Site Plan approval, provide a secondary access opposite 63<sup>rd</sup> Street for emergency services only. The access shall be gated and secured with a Public Works lock for a manual gate or a Knox keyed gate switch for an electric gate.**

Conclusion: As conditioned herein, the proposal satisfies this sub-element of the criterion.

### **Public and Private Easements (4.3-120 – 4.3-140)**

Finding 35: SDC 4.3-140.A requires applicants proposing developments to make arrangements with the City and each utility provider for the dedication of utility easements necessary to fully service the development or land beyond the development area. The minimum width for PUEs adjacent to street rights-of-way and internal to private properties shall be 7 feet, unless the Development & Public Works Director requires a larger easement to allow for adequate maintenance access.

Finding 36: An existing 7 foot public utility easement exists along the E Street property frontage.

Conclusion: Safe and efficient provision of public access and utilities requires the provision of corresponding access and utility easements. The proposal satisfies this sub-element of the criterion.

## **C.2 Conformance with Standards of SDC 5.17-100, Site Plan Review, and SDC 3.2-200, Low Density Residential Zoning District**

### **Low Density Residential Schedule of Uses (3.2-210)**

Finding 37: In accordance with SDC 3.2-210, residential care facilities are allowable in the LDR District subject to the special provisions of SDC 4.7-155 and requires Discretionary Use permitting.

Finding 38: The applicant has submitted a request for Discretionary Use approval for the subject developments under separate cover (Case TYP315-00004) and is incorporated herein by reference. The Discretionary Use requests will be reviewed by the Planning Commission at a public hearing meeting on November 17, 2015.

#### **Recommended Condition of Approval:**

**12. Prior to approval of the Final Site Plan, the applicant shall obtain Discretionary Use approval for a residential care and child care facility as initiated by Case TYP315-00004.**

Conclusion: As conditioned herein, the proposal satisfies this sub-element of the criterion.

### **Low Density Residential Standards (3.2-215)**

Finding 39: In accordance with SDC 3.2-215, the minimum parcel size for properties in the LDR District is 4,500 ft<sup>2</sup> with at least 45 feet of public street frontage on properties located on east-west streets.

Finding 40: The proposed development site is approximately 2.98 acres with about 700 feet of frontage on E Street. The parcel size and frontages meet the requirements of SDC 3.2-215.

Finding 41: In accordance with SDC 3.2-215, the minimum setbacks for structures is 10 feet for front, rear and street side yards, and 5 feet for interior side yards.

Finding 42: The proposed facility addition has a 50-foot setback from the east (side yard) property line; a 35-foot setback from the north (front yard) property line; a 65-foot setback from the west (interior side yard) property line; and a 35-foot setback from the south (rear yard) property line. The proposed setbacks meet the requirements of SDC 3.2-215.

Finding 43: In accordance with SDC 3.2-215, the maximum building height for structures within the LDR District is 30 feet.

Finding 44: The proposed two story addition measures 30 feet as indicated from the exterior elevations (sheets A111 and A112) and as building height is defined in Section 6.1-100 of the Development Code, which meets the requirements of SDC 3.2-215.

Finding 45: In accordance with SDC 3.2-215, the maximum lot coverage for structures within the LDR District is 45 percent provided the required building and parking lot setbacks are observed and special development standards of Section 4.7-155 are met. Group care facilities are required to retain 25 percent landscaping of the total lot.

Finding 46: The proposed development site will occupy 33 percent of the entire lot, which meets the requirements of SDC 3.2-215.

Conclusion: The proposal satisfies this sub-element of the criterion.

### **Landscaping, Screening and Fence Standards (4.3-145.F.13, 4.3-145.F.25 & 4.4-100)**

Finding 47: In accordance with SDC 4.4-100, all required setbacks are to be landscaped. Acceptable forms of landscaping include trees, shrubs, turf grass and ground cover plants. The site is mostly vacant and there are existing trees along the north and west boundaries of the property. The applicant is proposing to remove 53 trees on the eastern portion of the site where the addition is proposed. A tree felling permit has been submitted by the applicant (TYP215-00027) and was noticed to the public on October 26, 2015.

Finding 48: As part of the site landscaping plan, the applicant is proposing to plant Red Sunset Maple trees along the E Street right of way. The proposal complements the existing street tree improvements associated with the existing building and street improvements.

Finding 49: According to the square footage for each planter listed on Sheet L1.0, all density requirements are met for the planters as identified in Section 4.4-105(E) of the Development Code.

Finding 50: All plants for the planters indicated on Sheet L1.0 are on the City's approved plant list.

Conclusion: The proposal satisfies this sub-element of the criterion.

## **On-Site Lighting Standards (4.5-100)**

Finding 51: In accordance with SDC 4.5-110.B.2.b, the maximum height of a freestanding light fixture within a residential district is the height of the principal building on the site or 25 feet, whichever is less. An exception to this provision applies when a free standing light fixture is within 50 feet of any residential district. The maximum height for freestanding exterior lighting fixtures is 12 feet, as measured between the paved surface and the bottom of the light fixture. According to the applicant's site lighting and photometric plan (Sheet E.1), 22 17-foot freestanding exterior lights are proposed to be installed between the building perimeter and parking areas of the site. The lights are proposed to be a downcast, pedestrian-scale light with sharp cutoff to prevent glare and light trespass onto neighboring properties. The lights are proposed on a property that is zoned residential, and abutting residentially zoned properties to the north, east and west.

### **Recommended Conditions of Approval:**

#### **13. Submit an updated site lighting and photometric plan that identifies all proposed freestanding exterior lights to be no more than 12 feet in height.**

Conclusion: The proposal does not meet the sub-element of the criterion. An updated site lighting plan will be required to be submitted that identifies the proposed freestanding exterior lights to be no more than 12 feet in height. Alternatively, a variance to the light height provisions of the Development Code may be submitted by the applicant.

## **Vehicle Parking, Loading and Bicycle Parking Standards (4.6-100)**

### Vehicle Parking

Finding 52: The proposed uses on the property are residential care and memory care facility with a 750 square foot child day care facility. As a result of the proposed remodel of the existing facility, and the two-story addition, Sweetbriar Villa will have a total of 63 units for residential and memory care patients.

Finding 53: In accordance with SDC Tables 4.6-2, the minimum parking requirements for the proposed uses are associated with "group care facilities" and "child care centers." Group care facilities require 0.25 spaces for each bedroom or dwelling unit plus 1 per full-time employee on the busiest shift. Child care centers require 1 drop-off space for each 700 square feet of gross floor area, plus 1 long-term space for each 350 square feet of gross floor area.

Finding 54: Based on the number of proposed residential and memory care units for the facility expansion, 41 parking spaces are required. Based on the square footage of the proposed child day care facility, 2 long-term spaces and 1 drop-off space are required. A minimum of 44 off-street parking spaces are required for uses associated with the proposed facility expansion.

Finding 55: Accessible Parking Spaces Table 1106.1 of the Oregon Structural Specialty Code (OSSC) requires a minimum of 2 accessible spaces, with at least 1 space being van accessible when there are between 26 to 50 total parking spaces being provided for the facility.

Finding 56: The applicant's site plan (Sheet A.100) indicates 43 off-street parking spaces, 8 of which are designated as compact spaces, and 3 ADA accessible spaces, 1 of which is van accessible. There are 9 on-street parking spaces identified in the E Street right of way.

Finding 57: In accordance with parking provisions under Section 4.6-115 of the Development Code, parking spaces in a public right-of-way directly abutting the development area may be counted as

fulfilling a part of the parking requirements for a development as follows: For each 18 feet of available on-street parking, there will be 1/2 space credit toward the required amount of off-street parking spaces. The developer is responsible for marking any on-street spaces. The applicant shows 9 on-street spaces resulting in 216 feet of available on-street parking. This results in an additional 6 spaces that can be used toward fulfilling the minimum off-street parking requirement. With the on-street parking 1/2 space credit, the total number of off-street parking proposed for this site is 49 spaces. The number of spaces proposed exceeds the minimum required 44 off-street parking spaces by 5 spaces.

### Bicycle Parking

Finding 58: The applicant's site plan (Sheet A.100) shows 3 sheltered long-term bicycle parking spaces for the proposed development.

Finding 59: Table 4.6-3 identifies the minimum require bicycle parking spaces for the proposed uses on the property. A minimum of 3 bicycle spaces are required for any use. One bicycle parking space is required per 10 employees for both day care centers and residential care facilities; 100 percent long-term bicycle parking facilities are required for day care centers.

Finding 60: The applicant has not submitted information on how many employees will work at Sweetbriar Villa once upon completion of the facility expansion.

### **Recommended Conditions of Approval:**

**14. The applicant shall update the calculations on the site plan (Sheet A.100) to identify the number of employees in order to determine how many bicycle parking spaces are required. The number of spaces (not less than 3) shall be indicated on the updated site plan.**

### Loading

Finding 61: An approximate 500 square foot loading area is identified on the south side of the proposed two-story facility addition. It does not appear that vehicles in the loading area will protrude into a public right of way or sidewalk, or encumber required parking spaces.

Conclusion: The proposal satisfies this sub-element of the criterion.

### **Specific Development Standards for Group Care Facilities (4.7-155)**

Finding 62: Group care facilities, as defined by Section 6.100 of the Development Code, include facilities for physically or mentally disabled, and/or elderly, the majority of whom generally do not drive an automobile. This definition includes but is not limited to homes for the aged, nursing homes and congregate care facilities include residential care facilities and memory care facilities. The Sweetbriar Villa facility use is therefore subject to the specific development standards for group care facilities.

**A. These facilities shall have a front yard setback of 15 feet and side and rear yard setbacks of 20 feet. The landscaped setbacks for parking lots and driveways may be reduced to 5 feet when the Director determines that adequate buffering has been provided.**

Finding 63: The applicant's site plan and landscaping plan adheres to required building setbacks. The site plan shows a landscaped setback from the rear property line of 5 feet to the driveway and parking facilities. The existing and proposed landscaping around the perimeter of the property will provide adequate buffering and screening from adjacent uses. The criterion is met.

**B. A minimum of 25 percent of the lot/parcel shall be landscaped.**

Finding 64: The applicant's site plan indicates that 25 percent of the lot will be landscaped. The criterion is met.

**C. No parking shall be permitted within the front yard setback. Required parking shall be screened from public view.**

Finding 65: Six spaces (2 ADA accessible spaces, 1 standard space, and 3 parallel spaces) are proposed between the facility and the front property line but are not located within the required setback. The landscaped setback and required street trees will provide adequate screening for these parking spaces from public view. The majority of the required parking is located on the side and rear of the existing and proposed facility. The criterion is met.

**D. For structures on the Springfield Historic Inventory, any external modification shall be as specified in Section 3.3-900.**

Finding 66: The existing and proposed structure is not on the historic inventory. This criterion does not apply.

**E. The maximum density in the Low Density Residential District is 24 bedrooms per net acre. (6286)**

Finding 67: Residential care facilities are subject to special provisions under the SDC that pertain to maximum density in LDR districts. SDC 4.7-155(E) indicates that the maximum density for residential facilities in the LDR district is 24 bedrooms per net acre. The subject property is 2.98 acres. The maximum number of bedrooms permissible for the Sweetbriar Villa facility would be approximately 72 bedrooms. The applicant proposes a total of 63 bedrooms with the new facility expansion and remodel of the existing facility, and therefore does not exceed the maximum number of bedrooms permitted by Code. The criterion is met.

Conclusion: The proposal satisfies this sub-element of the criterion.

**Specific Development Standards for Child Care Facilities (4.7-125)**

Finding 68: Child care facilities in residential districts are subject to specific development standards, including adherence to Children Services Division regulations, screening requirements for outdoor play areas, landscaped setbacks and specific infrastructure standards.

Finding 69: The applicant shows the relocation of an outdoor play area on the southern side of the proposed two-story addition with a 4 foot metal fence surrounding the area. The proposed fence does not meet the provisions of SDC 4.7-125(B)(2), which requires an enclosed 6-foot high sight obscuring fence.

**Recommended Conditions of Approval:**

**15. The applicant shall submit an updated site plan indicating that the outdoor play area for the child care facility shall be enclosed by a 6-foot high sight obscuring fence.**

Conclusion: Upon meeting the above condition, the proposal satisfies this sub-element of the criterion.

**C.3 Overlay Districts and Applicable Refinement Plan Requirements**

Finding 70: The site is outside of an adopted Refinement Plan area so the provisions of the adopted *Metro Plan* apply. The development site is already zoned and designated LDR in accordance with the *Metro Plan* diagram, which meets this requirement.

Finding 71: The subject site is located within the combined 20 – 99 year time-of-travel zone (TOTZ) to the Thurston Middle School drinking water wellhead. A very small portion of the northeast corner of the property may be within the 5 – 10 year TOTZ. Depending on the final determination of the applicable TOTZ, the standards of either the 10 – 20 TOTZ or 5 – 10 TOTZ found in SDC 3.3-235.C and 3.3-235.D will apply to the proposed development.

Finding 72: The applicant submitted a Drinking Water Protection Overlay District exemption form to SUB on October 23, 2015. SUB indicated on October 26, 2015 that because of the quantity of chemicals proposed to be stored on site, a Drinking Water Protection Overlay District Application is required for this facility expansion.

Finding 73: Plans submitted for construction shall include the following wellhead protection construction notes:

- “Site is within the municipal wellhead protection area. Care shall be taken to prevent groundwater contamination. Any chemical spills or leaks must be cleaned up immediately and clean-up materials disposed off-site and in accordance with Lane County and DEQ requirements.
- Chemical handling, storage, and use: Contractors/developers shall be responsible for the safe handling and storage of chemicals, petroleum products, and fertilizers and the prevention of groundwater and storm water runoff contamination. Chemicals used during construction, including paint and cleaning materials/wastes, must not enter the soil or be washed into the storm water system. All chemicals should be stored in adequate secondary containment.
- Equipment maintenance and fueling: Precautions must be taken to prevent fluid-containing equipment located outside from leaking, including providing a dedicated area for fueling and maintenance of equipment. This area should be prepared and maintained in a way that prevents spills or leaks from migrating to the soil or storm water drainage system.
- No fill materials containing hazardous materials shall be used on this site.”

#### **Recommended Conditions of Approval:**

- 16. Prior to approval of the Final Site Plan, the applicant shall obtain approval for a Drinking Water Protection Permit.**
- 17. Wellhead Protection Construction Notes shall be added to plans submitted for construction.**
- 18. A Standard Springfield Wellhead Protection Sign shall be posted at the site during construction on a fence or stand-alone post in a highly visible location (such as entrance to the construction site or in conjunction with other site signage). Applicant may contact SUB Water Department (541-726-2396) to obtain sign standard or to purchase signs directly from SUB at \$15/sign.**
- 19. Standard Wellhead Protection signs shall be posted permanently at the facility to vendors, contractors, and other visitors to the importance of reporting and cleaning up any hazardous material spills. Signs shall be posted in conspicuous, visible locations at the entrance to the trash enclosure, parking lot, and areas used for loading/unloading. The applicant may identify specific sign locations in consultation with Amy Chinitz, Springfield Utility Board (541-744-3745).**

**20. Rooftop mounted equipment and other fluid-containing equipment located outside the building should be sealed and provided with secondary containment or a weather resistant enclosure. In the event of a spill or leak, this will prevent any fluids from migrating into the stormwater drainage system.**

Conclusion: As conditioned herein, the proposal satisfies this sub-element of the criterion.

**D. Parking areas and ingress-egress points have been designed to: facilitate vehicular traffic, bicycle and pedestrian safety to avoid congestion; provide connectivity within the development area and to adjacent residential areas, transit stops, neighborhood activity centers, and commercial, industrial and public areas; minimize curb cuts on arterial and collector streets as specified in this Code or other applicable regulations and comply with the ODOT access management standards for State highways.**

Finding 74: According to the applicant's site plan, no new ingress-egress points are being proposed on the property.

Conclusion: The proposal satisfies this criterion.

**E. Physical features, including, but not limited to: steep slopes with unstable soil or geologic conditions; areas with susceptibility of flooding; significant clusters of trees and shrubs; watercourses shown on the Water Quality Limited Watercourse Map and their associated riparian areas; wetlands; rock outcroppings; open spaces; and areas of historic and/or archaeological significance, as may be specified in Section 3.3-900 or ORS 97.740-760, 358.905-955 and 390.235-240, shall be protected as specified in this Code or in State or Federal law.**

Finding 75: The Natural Resources Study, the National Wetlands Inventory, the Springfield Wetland Inventory Map, Wellhead Protection Overlay and the list of Historic Landmark Sites have been consulted and there are no natural features on this site that warrant protection.

Finding 76: The applicant is proposing to remove 53 trees from the property to facilitate site development. In accordance with SDC 5.19-110.A, a tree felling permit is required for removal of more than 5 trees greater than 5-inches in diameter in any 12-month period; therefore, this requirement is applicable. The applicant submitted a tree felling permit application (TYP215-00027) concurrently with the site plan review and discretionary use application on September 28, 2015. Approval of the tree felling permit is contingent upon approval of the discretionary use and the tree felling criteria of SDC 5.19-125.

Conclusion: The proposed development provides storm and ground water quality protection in accordance with SDC 3.3-200 and receiving streams have been protected in accordance with SDC 4.3-110 and 4.3-115.

**CONCLUSION: The Tentative Site Plan, as submitted and conditioned herein, complies with Criteria A-E of SDC 5.17-125. Staff recommends approval of the Tentative Site Plan subject to the recommended conditions contained herein and as summarized below.**

**SUMMARY OF RECOMMENDED CONDITIONS OF APPROVAL:**

- 1. Prior to Final Site Plan approval, the applicant shall coordinate with the City, SUB Water and SUB Electric to verify proper utility service is available to the site, and any easements required for utility service must be recorded with Lane County Deeds and Records.**
- 2. Prior to Final Site Plan approval, the applicant shall coordinate with the City and SUB Electric to establish any additional easements as necessary in order to provide electric utility**

to the new facility addition from the existing SUB vault/transformer located on the south side of the existing building.

3. Prior to Final Site Plan approval, the applicant shall update sheets C2.0 and L1.0 for consistent labeling of all planter areas.

4. Prior to Final Site Plan approval, the applicant shall enter into a maintenance agreement with the City of Springfield, whereby the applicant will provide routine maintenance for functionality of the flow-through planter strips and filtered catch basins.

5. Prior to Final Site Plan approval, the applicant shall add a note on sheets C2.0 and C3.0 to call out cartridge catchbasin stormfilters for the proposed CB1 and CB2, referencing the details on sheet C4.3.

6. Prior to Final Site Plan approval, the applicant shall modify the Stormwater Filtration Planter Section on sheet C4.3 to reference "Open Graded Drain Rock" rather than gravel, to be consistent with the City of Eugene Stormwater Management Manual requirements.

7. Prior to approval of the Final Site Plan, the applicant shall provide an operations and maintenance plan to the City for review to ensure the long-term maintenance and operation of the proposed flow-through planter strips and filtered catch basins. The plan should designate maintenance responsibility for operating and maintaining the system, and should be distributed to all property owners and tenants of the site.

8. To ensure a fully functioning water quality system and meet objectives of Springfield's MS4 permit, the Springfield Development Code and the EDSPM, the proposed flow-through planter shall be fully vegetated with all vegetation species established prior to approval of Final Site Inspection. Alternatively, if this condition cannot be met, the applicant shall provide and maintain additional interim erosion control/water quality measures acceptable to the Public Works Department that will suffice until such time as the flow-through planter vegetation becomes fully established.

9. Prior to Final Site Plan approval, the applicant shall submit an updated utility plan (Sheet C.30) showing the trash enclosure and cart wash area plumbed to sanitary sewer.

10. Prior to approval of the Final Site Plan, the applicant shall obtain a Public Improvement Project Permit and either bond for or construct the full frontage improvements along the E Street frontage. Improvements shall be constructed and approved by the City prior to occupancy.

11. Prior to Final Site Plan approval, provide a secondary access opposite 63<sup>rd</sup> Street for emergency services only. The access shall be gated and secured with a Public Works lock for a manual gate or a Knox keyed gate switch for an electric gate.

12. Prior to approval of the Final Site Plan, the applicant shall obtain Discretionary Use approval for a residential care and child care facility as initiated by Case TYP315-00004.

13. Submit an updated site lighting and photometric plan that identifies all proposed freestanding exterior lights to be no more than 12 feet in height.

14. The applicant shall update the calculations on the site plan (Sheet A.100) to identify the number of employees in order to determine how many bicycle parking spaces are required. The number of spaces (not less than 3) shall be indicated on the updated site plan.

15. The applicant shall submit an updated site plan indicating that the outdoor play area for the child care facility shall be enclosed by a 6-foot high sight obscuring fence.

16. Prior to approval of the Final Site Plan, the applicant shall obtain approval for a Drinking Water Protection Permit.

17. Wellhead Protection Construction Notes shall be added to plans submitted for construction.

18. A Standard Springfield Wellhead Protection Sign shall be posted at the site during construction on a fence or stand-alone post in a highly visible location (such as entrance to the construction site or in conjunction with other site signage). Applicant may contact SUB Water Department (541-726-2396) to obtain sign standard or to purchase signs directly from SUB at \$15/sign.

19. Standard Wellhead Protection signs shall be posted permanently at the facility to vendors, contractors, and other visitors to the importance of reporting and cleaning up any hazardous material spills. Signs shall be posted in conspicuous, visible locations at the entrance to the trash enclosure, parking lot, and areas used for loading/unloading. The applicant may identify specific sign locations in consultation with Amy Chinitz, Springfield Utility Board (541-744-3745).

20. Rooftop mounted equipment and other fluid-containing equipment located outside the building should be sealed and provided with secondary containment or a weather resistant enclosure. In the event of a spill or leak, this will prevent any fluids from migrating into the stormwater drainage system.

#### **WHAT NEEDS TO BE DONE BY THE APPLICANT TO OBTAIN FINAL SITE PLAN APPROVAL?**

Upon approval of the Tentative Site Plan by the Springfield Planning Commission, the applicant shall submit five (5) copies of a Final Site Plan, the Final Site Plan application form and fees, and any additional required plans, documents or information as required by the Planning Commission decision to the Current Development Division within 90 days of the date of the Planning Commission decision (ie. **by January 18, 2016**). The Final Site Plan application form and fee information is available on the City's website here: <http://www.springfield-or.gov/DPW/Permits.htm#LandUsePermits>. In accordance with SDC 5.17-135 – 5.17-140, the Final Site Plan shall comply with the requirements of the SDC and the conditions imposed by the Planning Commission in this decision. The Final Site Plan otherwise shall be in substantial conformity with the tentative plan reviewed and approved. Portions of the proposal approved as submitted during tentative review cannot be substantively changed during final site plan approval. Approved Final Site Plans (including Landscape Plans) shall not be substantively changed during Building Permit Review without an approved Site Plan Decision Modification.

**DEVELOPMENT AGREEMENT:** In order to complete the review process, a Development Agreement is required to ensure that the terms and conditions of site plan review are binding upon both the applicant and the City. This agreement will be prepared by Staff upon approval of the Final Site Plan and must be signed by the property owner prior to the issuance of a building permit.

The applicant may submit permit applications to other City departments for review prior to final site plan approval in accordance with SDC 5.17-135 at their own risk. All concurrent submittals are subject to revision for compliance with the final site plan. A development agreement in accordance with SDC 5.17-140 will not be issued until all plans submitted by the applicant have been revised. **CONFLICTING PLANS CAUSE DELAYS.**

**ADDITIONAL INFORMATION:** The application, all documents, and evidence relied upon by the applicant, and the applicable criteria of approval are available for free inspection and copies are available for a fee at the Development & Public Works Department, 225 Fifth Street, Springfield, Oregon.

**APPEAL:** This Type II Tentative Site Plan decision is accompanied by, and is subordinate to, the Type III Discretionary Use Request initiated by Case TYP315-00004 and is therefore considered a Type III decision of the Planning Commission. As such, this decision may be appealed to the Springfield City Council. The appeal may be filed with the Development & Public Works Department by an affected party. Your appeal must be in accordance with **SDC 5.3-100, Appeals**. An Appeals application must be submitted with a fee of \$2,420.00. The fee will be returned to the applicant if the City Council approves the appeal application.

In accordance with SDC 5.3-120.B which provides for a 15 calendar day appeal period and Oregon Rules of Civil Procedures, Rule 10(c) for service of notice by mail, the appeal period for this decision expires at **5:00 PM on December 2, 2015**. A note that this date is contingent upon a decision being made at the Planning Commission hearing on November 17, 2015. If a decision on the proposal is postponed to a latter date, the 15 calendar day appeal period will adjust to correspond with the date of the decision.

**QUESTIONS:** Please call Mark McCaffery in the Current Development Division of the Development & Public Works Department at (541) 736-1003 or email [mmccaffery@springfield-or.gov](mailto:mmccaffery@springfield-or.gov) if you have any questions regarding this process.

**PREPARED BY**

*Mark McCaffery*

Mark McCaffery  
Planner