

STAFF REPORT
TYPE III FORMAL INTERPRETATION OF NEW USES NOT IDENTIFIED
IN THE SPRINGFIELD DEVELOPMENT CODE

CASE NUMBER: TYP214-00024
PROJECT LOCATION: 3092 Hayden Bridge Road, Springfield, OR 97477
ASSESSOR'S MAP#: 17-02-19-00
TAX LOT#: 00800
PROPERTY SIZE: 0.9 acres within Springfield's Urban Growth Boundary (urbanizable area)
 12.0 acres outside of Springfield's urbanizable area
BASE ZONE SPRINGFIELD: Low Density Residential within Springfield's urbanizable area
OVERLAY ZONE SPRINGFIELD: Urban Fringe-10 within Springfield's urbanizable area
BASE ZONE LANE COUNTY: Exclusive Farm Use-40 outside of Springfield's urbanizable area
METRO PLAN DESIGNATION: Low Density Residential within Springfield's urbanizable area
 Agriculture outside of Springfield's urbanizable area

Applicant	Property Owner	Applicant's Representative
Trudy Logan Along Came Trudy 3092 Hayden Bridge Road Springfield, OR 97477	David and Trudy Logan 3092 Hayden Bridge Road Springfield, OR 97477	Edmund J. Spinney 175 W. B Street Springfield, OR 97477

NATURE OF THE APPLICATION:

Can a banquet, wedding and event venue occur as a new use on land within Springfield's Urban Growth Boundary (urbanizable area) that is zoned Low Density Residential (LDR)/Urban Fringe-10 (UF-10)?

APPLICATION TIMELINES:

Application Submitted Date: September 12, 2014
 Notice of Incomplete Date: October 2, 2014
 Complete Application Submitted Date: November 6, 2014
 Hearing: January 22, 2015
 Appeal Deadline Date: 21 Days from Hearings Official Decision

STAFF REPORT FORMAT:

- I. Executive Summary
- II. Procedural Requirements
- III. Summary of Citizen Comments
- IV. Applicable Criteria and Standards
- V. Criteria of Approval, Findings and Recommendation

Attachments:

1. Applicant Submittals
2. Public Involvement
3. Site Mapping

I. EXECUTIVE SUMMARY:

Approximately 0.9 acres of the subject property is located within Springfield's urbanizable area while the remaining 12 acres are located within Lane County's jurisdiction. The applicant states that 300 feet from the Hayden Bridge Road right-of-way contains the "pavilion" and other buildings that comprise the vast majority of banquet, wedding and event venue. In addition to these structures is the residential dwelling.

The applicant seeks approval to use the property for the operation of a banquet, wedding and event venue. The property is currently being operated as such by "Along Came Trudy." "Along Came Trudy" is a Limited Liability Company registered by Trudy Logan on November 21, 2012. The property is owned by David M. and Trudy E. Logan. The Applicant states that the bulk of the activities take place in the pavilion, an accessory building 97-100% of which is in the portion of the property located within the urban growth boundary.

The applicant requests a formal interpretation as to whether the banquet, wedding and event venue can occur as a new use within the urbanizable area zoned as Low Density Residential (LDR)/ Urban Fringe-10 (UF-10). This staff report addresses the criteria for interpretation of a new use. SDC 5.11-120. The staff report finds that a new permitted uses are precluded from the UF-10 because the UF-10 Overlay District precludes new uses when the underlying district is residential.

The analysis could stop here. However, one of the criteria for the interpretation of a new use is whether the new use has characteristics of one or more of the use categories currently permitted in the applicable zoning district. The applicant states that the banquet, wedding and event venue is similar to a home occupation which is a permitted use in LDR and permitted in UF-10 subject to special development standards. In response to the applicant's statements, the staff report considers the requirements for a home occupation. SDC 4.7-165.

This staff report includes findings that demonstrate that the nature, scale and characteristics of the proposed use exceed any commercial use allowed within a residential district; the use cannot be allowed as a new use in the LDR/UF-10; and the use exceeds any application of home occupation standards. Therefore, it is the recommendation to the Hearings Official that the request for interpretation be denied in accordance with the specific criteria contained herein.

II. PROCEDURAL REQUIREMENTS:

In 1986, Springfield and Lane County signed an "Agreement regarding the transfer of building and land use responsibilities within the urbanizable portion of the Springfield Urban Growth Boundary." The southern 300 feet of the subject property is within Springfield's urbanizable area outside of the city limits therefore the request for approval of the new use is within Springfield's jurisdiction and is reviewed under the Springfield Development Code.

SDC 5.11-115 states that a request for an interpretation of a new use is reviewed under Type II procedure, unless the Director determines that the application should be reviewed as a Type III decision due to the complexity of the application or the need for discretionary review. SDC 3.3-820 states that the Hearings Official shall hear all Type III land use requests for property located in the UF-10.

Under a Type III procedure, SDC 5.1-135 requires that the Director provide newspaper notice and mailed notice to the property owners within 300 feet of the property and the appropriate neighborhood association, if any.

The hearing was set for January 22, 2015, and subsequently delayed one day at applicant request.

Procedural Finding: Due the complexity of the application, the Director elevated the decision to a Type III decision. The applicant was noticed of the hearings authority change on December 18, 2014.

Procedural Finding: The hearing was set for January 21, 2015 with the Hearings Official.

Procedural Finding: Notice was sent to the owners and occupants within 300 feet of the subject site on December 26, 2014 and was published in the Register Guard newspaper on December 30, 2014.

Procedural Finding: The applicant requested a one day delay of the hearing date which was approved by the City and Hearings Official. Notice of the change was mailed, posted and/or verbally provided to all required properties, residents and participating parties.

Conclusion: The requirements of SDC 5.1-135 for a Type III procedure have been met.

III. SUMMARY OF CITIZEN COMMENTS:

Surrounding neighbors have been notified of the proposal via letter, newspaper and posting pursuant to SDC notification requirements. Comments may also be submitted in writing until and during the public hearing, testimony may be given verbally at the hearing. In response to public notification procedures five letters have been received as of this writing. Four letters can be characterized as not in support, one letter was submitted in support. The letters are attached to this staff report and made a part of the record in their entirety by reference here. The letters and issues raised are referenced and subjects raised are summarized below, see attached proximity map for relative locations. Letters were received from:

Lana Johnson	3180 Hayden Bridge Rd	Springfield OR 97477	Not In Support
Noise: Can be heard inside the house, bedroom, yard, typically until 10 pm. Events are winter and summer.			
Livability: Property purchased to be away from businesses and large groups, agricultural and residential uses acceptable.			
Property Values: Event center harms property values. Applicant is not using property consistent with tax code.			
Cathy & Rocky Stevens	3056 Hayden Br Rd	Springfield Or 97477	In Support
Noise: Located west of site. Noise levels are fine and always over by 10 p.m.			
Traffic and Parking: Procedures such as ingress and egress routes are exceptional.			
Nuisance: Less than other surrounding properties.			

David and Carole Schmidt	2757 31 st Street	Springfield OR 97477	Not In Support
<p>Noise: Party music exceeds normal neighborhood levels. Live and recorded music most events. Occasionally so loud the vibration can be felt. Normal use of the property is affected every weekend. Disputes applicant submittal and cites compliance with home occupation and new use standards.</p> <p>Alcohol: Excessive, impacts neighborhood safety.</p> <p>Traffic and Parking: Traffic levels are unsafe. Parking Occurs on local streets.</p> <p>Livability: Approval would affect entire neighborhood.</p>			
Ms. Doreen Wall	2725 31 st Street	Springfield OR 97477	Not In Support
<p>New Use Criteria: There is no category that supports request. It is not similar to any allowed use.</p> <p>Home Occupation: Exceeds customer access limitation, hours of operations, vehicles allowed, operations outside of dwelling, merchandise and services for sale not produced on site during events, sales by vendors.</p> <p>Noise: Vibration and noise exceed property lines regularly. Exceeds municipal code noise levels.</p> <p>Traffic and Parking: Exceed any permitted use or home occupation, there is no improved parking. Traffic impacts neighborhood and exceeds conditions of streets.</p> <p>Livability: Proposal does not meet codes and impacts neighbors on all criteria.</p>			
Mark & Toni Webb	3060 Hayden Bridge Road	Springfield OR 97478	Not In Support
<p>Parking and Traffic: Traffic uses undocumented easement serving both properties for access. Up to 100 cars have used parking and private driveway. Busses, sanitation trucks, food delivery semi-trucks and catering vehicles use the driveway and block residential use. Events and guests could total 900 vehicles per month, or higher.</p> <p>Trespassing Issues: Unwanted guests and service providers call on neighbors' house, invade privacy of property and back yard, pose security risk to residents, children and property of residents.</p> <p>Property Values: Significant purchase price for property paid for privacy and quiet. Event center will lower property values.</p> <p>Noise: Riverfront pavilion use entails vehicle and guest noise for set up, sound checks, parking and takedown in addition to amplified sound of voice and music for services.</p> <p>Mapping and Proximity: Buildings that are used by guests, services, restrooms are on or over the westerly property line.</p> <p>Hours: Events listed as 3-10 pm impact area for up to 4 days of prep, event and takedown.</p> <p>Photographs submitted: Respondent submitted attached photos and a CD of additional pictures to the record. The CD is available for review and copying.</p>			

Staff Response: Site zoning, aerial, and vicinity maps are provided for context at Attachment 2. Citations to testimony submitted and response to the applicable criteria raised by the respondents is contained in the text of the staff report at the following locations:

Criteria and Standards: Section IV Applicable Standards and Criteria, Section V, SDC Criteria 5.11-120B1-3

Traffic and Parking: Section V, SDC Criteria 5.11-120B2

Noise: Section V, SDC Criteria 5.11-120B2

Livability: Section V, SDC Criteria 5.11-120B2 &3

Site Use: Section V, SDC Criteria 5.11-120B2

IV. APPLICABLE CRITERIA AND STANDARDS:

The applicant's November 6, 2014 submittal requests a formal interpretation as to whether the banquet, wedding and event venue can occur as a new use within the urbanizable area zoned as Low Density Residential (LDR)/ Urban Fringe-10 (UF-10) as provided for at SDC 5.1105A. The application contains materials responding to Submittal Requirements of 5.11-120A&B, Criteria for Interpretation of New Uses at 5.11-120B1-3, and a reference to home occupation standards of SDC 4.7-165 in while addressing 5.11-120B.2.

This staff report, therefore, addresses the applicant submittal and criteria for interpretation of a new use. SDC 5.11-120. Additionally, this staff report considers the requirements for a home occupation at SDC 4.7-165 only as necessary to respond to the applicant submittal.

V. CRITERIA OF APPROVAL, FINDINGS AND RECCOMENDATION:

The purpose of an interpretation is to consider the applicability of new uses within each zoning district that are not specifically identified in this Code. SDC 5.11-100. SDC 5.11-120B1-3 states that a new use may be considered a permitted use when, after consultation with the City Attorney or other City staff, upon determining that the new use has the characteristics of one or more use categories currently listed in the applicable zoning district; is similar to other permitted uses in operational characteristics, including but not limited to, traffic generation, parking or density; and is consistent with all land use policies in this Code which are applicable to the particular zoning district. The criteria are considered below. Staff addresses each criterion individually with separate narrative and findings, providing a singular conclusion for each. A Staff Recommendation is provided at the end of this document.

CRITERION B.1: The new use has the characteristics of one or more use categories currently listed in the applicable zoning district.

Applicant's Statements in Response to Criterion B.1 (italicized):

"The proposed use has the characteristics of "home occupation" which is listed as a permitted use in both the LDR and UF-10 zoning districts, 'subject to special locational and/or siting standards as specified in Section 4.7-100 of the Springfield Development Code. It is similar to a home occupation in operational characteristics, including traffic generation and parking. It is consistent with all land use policies in the Springfield Development Code which are applicable to LDR and UF-10 zoning Districts.

Staff Response: In the first sentence of the response the applicant draws the analogy of the proposed banquet, wedding and event center to a singular use in the underlying LDR zone and the UF-10 overlay district- home occupations. No other residential use is identified for comparison from the list of Residential Permitted Uses at SDC 3.2-210 or Urban Fringe Overlay Districts at 3.3-815. Home Occupations are permitted in both LDR and UF-10 Districts subject to special development standards. SDC 3.2-210, SEC 3.3-815.

The operational characteristics of the proposed use and home occupation standards of the SDC are discussed at length below at Criterion B.2. In the discussion below, staff finds that the proposed use does not comply with the balance of operational standards contained in the Springfield Development Code for home occupations in the LDR/UF-10 District.

Regardless of any comparison of characteristics, the request is for approval of a new use in the LDR/UF-10 District. The UF-10 Permitted Use List would apply to the subject site within the Urban Growth Boundary where the primary services are provided and supersede the permitted uses of the underlying zoning until annexation.

SDC 3.3-815 Schedule of Use Categories

New Permitted and Specific Development Standards in the underlying zoning district within existing structures (Section 3.3-825F.)	N	P*	P*
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Section 3.3-825F states that uses requiring Discretionary review, uses requiring specific development standards, new permitted uses and expansion of permitted uses in commercial and industrial districts shall demonstrate that the use will not generate singly or in the aggregate additional need for key urban services. However, the table of permitted uses at 3.3-815 provides that a proposed “new use” is not permitted (N) where the underlying zone is Low Density Residential regardless of the other standards or procedures.

Applicant’s Statements in Response to Criterion B1 (italicized):

‘Applicants proposed use is on a much smaller scale than the one described in White. [LUBA case cited that considers Home occupation in EFU Zones.] However, applicant acknowledges that her proposed use does not meet the local criteria established by SDC 4.7-165, and is instead applying for approval as a “new use” which is similar to a home occupation.’ Applicant Submittal pg. 3-4.

Staff Response: A home occupation can be approved by the City of Springfield when a proposed home occupation meets the standards of the SDC. However, the applicant concedes that their use does not meet home occupation standards. Therefore, a new use is requested.

Staff Finding: The applicant concedes that the existing use does not meet home occupation standards.

Staff Finding: The request is for a new use for a banquet, wedding and event venue in the LDR/UF-10 District.

Staff Finding: SDC 3.3-815 Schedule of Use Categories does not permit new uses to be introduced in the UF-10 Overlay District when the underlying zoning district is Residential.

Staff Finding: The proposal does not comply with SDC 3.3-815 because the UF-10 Overlay District precludes new uses in the LDR District as proposed.

Conclusion Criterion B.1: The findings in response to the applicants' submittal and Criterion B.1 demonstrate that the new use cannot be approved because SDC Section 3.3-815 Permitted Uses precludes the establishment of new uses in the LDR/UF 10 District.

CRITERION B.2: The new use is similar to other permitted uses in operational characteristics, including but not limited to, traffic generation, parking, or density;

Staff Note: The applicant submittal states that the use of a banquet, wedding and event venue has the characteristics of a home occupation. Accordingly, staff interprets the response as addressing the above criteria and responds to the applicant's submittal using the SDC standards for home occupation where specific or applicable. Standards have been provided as per the code, applicant statements in italics.

Applicant's Statements in Response to Criterion B2 italicized:

"The requirements of SDC 4.7-165 for home occupations apply to the applicant's proposal with only one exception as follows:

SDC 4.7-165 provides that: **A home occupation is a lawful activity carried on within a dwelling or accessory structure by a member or members of the family who occupy the dwelling. A home occupation is permitted provided that:**

"Only lawful activities will be undertaken through the proposed use. The activity will be conducted in an accessory structure. The activity will be carried on by the applicant and her husband, both of whom live in the dwelling. Applicant will employ her son and daughter on a part-time basis to assist with events. One or two other part time employees will be required to assist in events, including an OLCC –certified bartender. "

Staff Response: The applicant concedes that the standard for employees cannot be met during events. At least 4 other employees are required during events. The events may require significant parking management, disc jockeys, photography, two bars, security, food service, clergy or others performing ceremonies, set up, take down, clean up, deliveries and management of multiple vendors and auctioneers. The proposed use is carried on using 5 farm or residential use accessory buildings within or adjacent to the UGB line as mapped on applicant submittals. No development applications have been submitted for conversion of the garage or filbert drying barn to commercial use. Significant portions of the remaining 12 acres of the site north of the urban growth boundary are used for undeveloped parking and waterfront ceremonies. The use spans a total of 13 acres. (See Public Involvement, Website, Facebook, Applicant Submittals).

Finding: The proposal does not comply with this portion of the Home Occupation Standards.

Home Occupation Characteristic A: The primary use of the building is a dwelling;

"Applicant and her husband will continue to reside in the dwelling. The dwelling will not be used as part of the event center."

Staff Response: The standard is applied to contain home occupation activities within the home at less than 50% of square footage. The proposed new use will not use the home, but within 5 accessory structures as noted above.

Finding: The proposal does not comply with Home Occupation Standard A.

Home Occupation Characteristic B. The occupation is a secondary use that does not significantly affect the residential character of the dwelling or neighborhood;

"The dwelling will be used exclusively as a dwelling. Only accessory buildings will be used for weddings and other events. The proposed use as an "event center" will be primarily weekend evenings, and during peak usage, will not be more than two events per weekend."

Staff Response: The applicant submittal does not limit the number of events that can be held at the event center. Commercial use as an event center primarily on weekends throughout the year, with pre-event preparation and deliveries, set up, and tear down impacting at least two non-event days significantly affects the residential character of the neighborhood according to the majority of testimony submitted. No other surrounding property can lawfully operate a home occupation of any similar scale or a commercial event venue in the LDR/UF-10 District.

Staff Finding: The proposed event center does not meet Home Occupation Standard B because the potential use of the site for events, or preparations, from Friday to Monday without limitation is a significant impact to the residential character of the neighborhood for up to 4 days per week.

Home Occupation Characteristic C. Compliance with the following standards shall occur at all times:

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

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

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

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

Home Occupation Characteristic C.2. There shall be no outside storage of materials visible from public property or adjacent private property.

"There is ample indoor storage space in sheds and in the pavilion so that no outdoor storage is necessary at all."

Staff Response: The parking or temporary storage of vehicles is visible from adjacent properties.

Staff Finding: The proposed event center does not meet Home Occupation Standard C.2. because parked vehicles are visible from adjacent properties.

Home Occupation Characteristic C.3. Mechanical equipment, unless compatible with residential purposes, shall be prohibited.

"No mechanical equipment is involved in the event center."

Staff Response: Staff is unaware of any mechanical equipment, such as heating or air conditioning equipment being operated for this use. However, the pavilion and other accessory structures have been modified without development approval; accordingly, there is no way to verify the above statement.

Staff Finding: The proposed event center does meet Home Occupation Standard C.3. because the nature and extent of modifications made to accessory structures on the site has not been documented and cannot be verified.

Home Occupation Characteristic C.4. There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line resulting from the home occupation.

"The use will not create any vibration, smoke, dust, odors, heat or glare. There will be no offensive noise. Any noise created will be mitigated as previously discussed."

Staff Response: The large groups of guests, amplified ceremonies and reception music generate noise; vehicular traffic on gravel or bare ground surfaces generate dust; and the lighting system for the evening portion of the banquet, wedding and event venue use generates glare, as well as glare from vehicular headlights. These impacts are cited by public involvement testimony. Therefore, this use is not consistent with C.4.

Staff Finding: The proposed event center does not meet Home Occupation Standard C.4. because impacts of the use including but not limited to noise, dust and glare extend beyond property lines.

Home Occupation Characteristic C.5. The home occupation shall not create hazardous traffic conditions or utilize on-street parking of nearby properties.

"No on-street parking, either on applicant's property or nearby properties will be used. The use will not create hazardous traffic conditions."

Staff Response: The driveways serving the banquet, wedding and event venue are narrow, making two-way traffic difficult. The east driveway has a tall hedge along its east edge that might affect vision clearance upon exiting the subject property. The driveways take access from and exit to Hayden Bridge Road, which is under Lane County's jurisdiction and is classified as an urban minor collector with 1,600 ADT (Average Daily Trips). The driveways are also near the intersection of 31st Street, which is also under Lane County's jurisdiction and is classified as an urban major collector with 1,700 ADT. The roadways for both streets are 20 foot-wide asphalt mats; there are no curbs, gutters or sidewalks. According to public involvement testimony there is occasionally

overflow event parking on Hayden Bridge Road and hazardous conditions are created on the private drive serving the site.

The applicant did not submit any traffic or infrastructure analysis to support the conclusion that no hazardous traffic conditions would be created by the amount of traffic generated by a banquet, wedding and event venue.

Staff Finding: The proposed event center does not meet Home Occupation Standard C.5. because traffic and parking impacts of the use have not been documented, analyzed or mitigated.

Home Occupation Characteristic C.6. If the proposed home occupation requires any modification to the dwelling or accessory structure of a nature that is not typically found in a residential district, the proposed home occupation is considered inappropriate and prohibited.

"There will be no modification to the dwelling. The accessory structures that will be used are pre-existing agricultural structures that have been modified, but are not any larger, and retain their essential appearance and nature."

Staff Response: The residential dwelling is not being used for the banquet, wedding and event venue. A former accessory structure (a drying shed) was converted to the "pavilion" where the primary functions of the use occur. As stated previously, while the drying shed is a permitted agricultural use, the conversion to a "pavilion" did not receive development approvals or building permits for commercial use.

Staff Finding: The proposed event center does not meet Home Occupation Standard C.6. because modifications to accessory structures to commercial standards are inappropriate and prohibited under the standard.

Home Occupation Characteristic C 7. No merchandise, other than what is produced on-site shall be sold to the public from premises.

"No merchandise will be sold to the public. Events may be catered, either by the applicant or by outside providers, but will be available to guests at the events without additional charge."

Staff Response: The banquet, wedding and event venue is a commercial space and service purchased by the customer. Events are not limited to weddings and have included seasonal events with outside vendors present and estate sales or auctions. The applicant states that outside catering is provided to the primary customer on site. Therefore, this use is not consistent with C.7.

Staff Finding: The proposed event center does not meet Home Occupation Standard C.7. because there is no limit on the types of sales events and outside services and merchandise are sold on the premises during weddings, auctions and seasonal events.

Home Occupation Characteristic C.8. The use or storage of heavy equipment or heavy vehicles shall not be permitted. Heavy equipment and heavy vehicles shall include, but not be limited to, the use of: semi-trucks, trucks and trackers, back hoes, bob cats, refrigerator trucks, livestock trucks, commercial buses, farm tractors, garbage trucks and log trucks.

"No heavy equipment will be used. The only vehicle that will be used during events is a small golf-cart like vehicle which will be used, upon request, to transport guests from the parking area to the location of the event."

Staff Response: Staff contends that trucks servicing portable toilets, garbage trucks providing removal of commercial waste, and delivery from food service semi-tractors involve heavy vehicles and therefore are inconsistent with a home occupation operation. Public involvement testimony states that all have occurred.

Staff Finding: The proposed event center does not meet Home Occupation Standard C.8. because heavy vehicles are utilized in the operation of a commercial wedding, banquet and event center of the size and scale proposed.

Home Occupation Characteristic C.9. Any home occupation, which requires more than 1 vehicle for its operation shall be prohibited. The 1 vehicle permitted is limited to passenger vehicles, passenger vans or pick-up trucks.

More than 1 vehicle is not required. The one that will be used is the passenger vehicle described above.

Staff Response: The applicant states that one vehicle is used during events. However, additional delivery and service vehicles are necessary for "operation" of the event center as previously noted. This is in violation of the one vehicle limitation. Therefore, this use is not consistent with C.9.

Staff Finding: The proposed event center does not meet Home Occupation Standard C.9. because more than one vehicle is used in the operation of a commercial wedding, banquet and event center of the size and scale proposed.

Home Occupation Characteristic C.10. No residence shall be used as a headquarters or dispatch center where employees or subcontractors report to the residence to be dispatched elsewhere.

"The use does not involve use of the residence as headquarters or dispatch center."

Staff Response: The applicant states that the residential dwelling on the subject property is not being used for the home occupation. It is staff's assumption that the employees involved in the banquet, wedding and event venue are not being dispatched elsewhere.

Staff Finding: The proposed event center meets Home Occupation Standard C.10. because no employees are dispatched from the site.

Home Occupation Characteristic C.11. Customer access to home occupations is limited to the hours of 7 a.m. to 6 p.m.

The anticipated hours of the proposed use do not fit this restriction. The anticipated hours of operation are not earlier than 3 p.m. and not later than 10:00 p.m. Use will generally only occur on weekends and holidays.

Staff Response: The applicant states that the banquet, wedding and event venue ends at 10 p.m. This is four hours later than permitted under this Subsection and is in violation of the regulation. Therefore, this use is not consistent with Subsection 11.

Staff Finding: The proposed event center does not meet Home Occupation Standard C.11. because its operation exceeds the 6 pm limit for customer access.

Conclusion Criterion B.2: The findings in response to the applicant’s submittal of Home Occupation Standards as part of a comparison under Criterion B.1 demonstrate that the new use would fail to comply on the basic definition of home occupation and 12 of 13 standards applied. In the absence of any other submittal there are no other uses that are comparable to the proposed use. The new use is not similar to other permitted uses in operational characteristics, including but not limited to, traffic generation, parking, or density.

Criterion B.3 The new use is consistent with all land use policies in the Springfield Development Code which are applicable to the particular zoning district.

Applicant Response to B.3 (italicized):

The proposed use has the characteristics of “home occupation” which is listed as a permitted use in both the LDR and UF-10 zoning districts, ‘subject to special locational and/or siting standards as specified in Section 4.7-100 of the Springfield Development Code. It is similar to a home occupation in operational characteristics, including traffic generation and parking. It is consistent with all land use policies in the Springfield Development Code which are applicable to LDR and UF-10 zoning Districts. (Applicant Submittal pg. 3, emphasis added)

Staff Response: The applicant’s conclusion that the proposed use is consistent with all land use policies in the SDC applicable to the LDR and UF-10 is assumed to be premised solely upon the comparison to home occupation use listed in code as referenced above at Criterion B.1. This statement is incomplete or incorrect as noted above at Criteria of Approval B.1 and B.2.

Residential Districts, SDC 3.2-205 states that unless specified elsewhere in the Springfield Development Code, the LDR district applies within the LDR designation and establishes sites for residential development where primarily detached single-family dwellings and duplexes are permitted. Additionally, the LDR district provides for a limited range of neighborhood uses that provide services for residents:

3.2-210 Commercial Uses within Residential Districts				
Home occupation (Section 4.7-165)	S	S	S	S
Professional offices (Section 4.7-190)	S*	S*	S*	S*
Residential dwelling units as temporary sales offices (Section 4.8-130)	P	P	P	P

Staff Finding: The applicant submittal makes a comparison to home occupation standards but does not address consistency with policies of the LDR zoning District.

Staff Finding: The LDR District establishes permitted uses within the District. The proposed wedding, banquet and event venue is not listed as a permitted use in the underlying LDR zoning district.

Additionally, the urbanizable fringe overlay district applies to the property. SDC 3.3-800 provides that the urbanizable fringe overlay district governs development within Springfield’s urbanizable area. SDC 3.805 states

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

Finding: The applicant submittal does not address how the new use complies with the provisions of SDC 3.3-800-805.

Finding: The proposed use does not comply with Home Occupation standards and cannot be added as a new use under Urban Fringe Overlay Standards at 3.3-815. Criteria B.1.

Finding: The proposed use is an interim pursuant to SDC 3.3-805. The applicant has not demonstrated how the existing or proposed development can be designed and constructed to City standards.

Finding: SDC Chapter 3 Land Use Districts and Chapter 4 Development Standards embody and implement zoning and development policies of the Code and are applicable to all development. The applicant has not addressed those sections of the SDC applicable to the proposed use.

The applicant concedes that the existing use does not meet home occupation standards. Staff observes that the commercial zoning districts of the SDC establish zoning for the provision of a wide range of retail sales, services and professional office uses. SDC 3.2-305. As submitted in narrative and shown on applicant submittals, the proposed new use far exceeds a home occupation comparison and is more similar to commercial use categories of the code where similar services are provided for profit: Business and Professional Offices and Personal Services, Eating and Drinking Establishments, Recreational Facilities, Religious, Social and Public Institutions. Each use category includes permitted uses that could allow the wedding, banquet and event venue in part or in its entirety. The proposed use exceeds home occupation standards in the LDR/UF-10 and, therefore, must be seek a location in a commercial zoning district where the use is permitted.

Finding: The proposed use does not comply with Home Occupation standards and cannot be added as a new use under Urban Fringe Overlay Standards at 3.3-815. The proposed use is a permitted use under commercial zoning districts of the SDC.

Applicant's Statements:

*“UF-10 Overlay District prohibits Urban Uses SDC 3.3-815 prohibits **“URBAN USES (e.g. multiple family or churches) NOT LISTED IN THE UF-10 OVERLAY DISTRICT.”** Therefore applicant's proposed new use may not be considered a permitted use if the proposed use is an “urban use”.*

[Applicant provides case law, common definitions and local examples of other wedding venues. See Applicant Submittal at page 5-6].

More helpful is SDC 3.3 -815 itself. As previously indicated, that section prohibits urban uses but makes an exception for home occupations. If home occupations, when limited as specified in that section, are not urban uses, Applicant's proposed new use, which varies only minimally from the requirements of a home occupation, cannot be considered an urban use.”

Finding: The applicant submittal relies on a comparison to the home occupation standards within the UF-10 Overlay District to legitimize the proposed use as a rural use.

Finding: The proposed use does not comply with 12 of 13 home occupation standards as referenced herein. The provision of retail or commercial services that do not meet Home Occupation standards are by definition commercial uses that are suitable in Commercial Zoning Districts.

Finding: The proposed use does not comply with Home Occupation standards and cannot be added as a new use under Urban Fringe Overlay Standards at 3.3-815. Criteria B.1.

Finding: The applicant did not respond to any further land use policies in the Springfield Development Code which are applicable to the particular zoning district.

Conclusion Criterion B.3: This criterion requires a demonstration of consistency with all land use policies in the Springfield Development Code which are applicable to the particular zoning district. It is the burden of the applicant to respond to the policies and standards of the SDC applicable to the proposed wedding, banquet and events center in the LDR/UF-10 District. Staff finds that the applicant's limited submittals rely primarily on a comparison to Home Occupation Standards and did not meet the burden of Criterion B.3. Therefore, the submittal does not comply with this Criterion of Approval.

Conclusion and Recommendation to the Hearings Official:

The purpose of an interpretation is to consider the applicability of new uses within each zoning district that are not specifically identified in this Code. SDC 5.11-100. SDC 5.11-120B1-3 states that a new use may be considered a permitted upon determining that the new use has the characteristics of one or more use categories currently listed in the applicable zoning district; is similar to other permitted uses in operational characteristics, including but not limited to, traffic generation, parking or density; and is consistent with all land use policies in this Code which are applicable to the particular zoning district. Staff analysis of the applicable criteria has lead to the following conclusions:

Conclusion B.1: The findings in response to the applicants' submittal and Criterion B.1 demonstrate that the new use cannot be approved because SDC Section 3.3-815 Permitted Uses precludes the establishment of new uses in the LDR/UF 10 District.

Conclusion B.2: The findings in response to the applicant's submittal of Home Occupation Standards as part of a comparison under Criterion B.1 demonstrate that the new use would fail to comply on the basic definition of home occupation and 12 of 13 standards applied. In the absence of any other submittal there are no other uses that are comparable to the proposed use. The new use is not similar to other permitted uses in operational characteristics, including but not limited to, traffic generation, parking, or density.

Conclusion B.3: This criterion requires a demonstration of consistency with all land use policies in the Springfield Development Code which are applicable to the particular zoning district. It is the burden of the applicant to respond to the policies and standards of the SDC applicable to the proposed wedding, banquet and events center in the LDR/UF-10 District. Staff finds that the applicant's limited submittals rely primarily on a comparison to Home Occupation Standards and did not meet the burden of Criterion B.3. Therefore, the submittal does not comply with this Interpretation Criterion of Approval.

Staff's findings and conclusions above demonstrate that the banquet, wedding and event venue cannot be considered either a "new use" or a "home occupation" in the LDR/UF-10 Overlay District and recommends that the Hearings Official deny the application.