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**AGENDA ITEM SUMMARY****SPRINGFIELD  
CITY COUNCIL**

**Meeting Date:** 6/24/2019  
**Meeting Type:** Work Session  
**Staff Contact/Dept.:** Mark Rust  
**Staff Phone No:** 541-726-3654  
**Estimated Time:** 45 Minutes  
**Council Goals:** Encourage Economic Development and Revitalization through Community Partnerships

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**ITEM TITLE:** DEVELOPMENT CODE UPDATE PROJECT – STATUS

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**ACTION REQUESTED:** Council input or feedback on the Development Code Update Project including the process so far and project components. Staff will be providing Council an update on the status of the project and presenting the final Housing Code Audit report.

**ISSUE STATEMENT:** The City Council recognizes that the Development Code is difficult to use, understand, and implement. Resolving the complexities and outdated nature of the code will help achieve the economic and housing goals for our community. The Council has directed staff to complete a full Development Code Update.

The purpose of this work session is to provide the City Council with an update on the project status, review the final Housing Code Audit report, and receive input and feedback from the City Council on the project components.

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**ATTACHMENTS:** Attachment 1 – Final Housing Code Audit report  
Attachment 2 – Project Purpose hand out

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**DISCUSSION/ FINANCIAL IMPACT:** Staff last presented to the City Council on this project on 3/18/19, providing a project status update. The Council reviewed the draft Housing Code Audit report and received an update on clear and objective standards development. The Project team for the Development Code Update Project has continued to meet with the Community Technical Advisory Committee (TAC) and worked with our consultant to finalize the Housing Code Audit report.

At this meeting the project manager will discuss the final Housing Code Audit report, the continued process to date, and the progress on moving into Phase 2 of the project. Phase 2 - the Economic Development phase involves looking at the development code for Commercial and Industrial lands.

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# SPRINGFIELD HOUSING CODE AUDIT

Final Code Audit - May 2019



# Acknowledgements

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*This project is funded by Oregon general fund dollars through the Department of Land Conservation and Development. The contents of this document do not necessarily reflect the views or policies of the State of Oregon.*

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## INTRODUCTION

This code audit is part of the City's overall, multiyear effort to fully update the Springfield Development Code. The audit will inform and guide the drafting of new residential code standards to be adopted as part of the first package of code amendments. The code update is intended to be a full rewrite process.

The purpose of the larger Development Code Update project is to change the Springfield Development Code (SDC) to support efficient, timely, and clear development review. The updated Development Code will support Springfield's economic development priorities and will honor Springfield's home town feel now and in the future.

The purpose of the clear and objective housing standards review, as a first phase of the Development Code Update Process, was to audit applicable residential standards to identify concerns about whether a clear and objective review option exists for all residential development, identify significant regulatory barriers to residential development, and to identify additional regulatory opportunities to support the development of desired housing types identified in the City's Housing Needs Analysis. The SDC contains many different sections that apply to housing. Standards include base zone standards, design and development standards, infrastructure standards, and development review process standards, including project approval criteria. The overarching goal for the code audit is to identify regulatory barriers to the development of a wide variety of housing types in compliance with both the letter and the spirit of Oregon's clear and objective requirements, to better meet the City's identified needs for housing.

State law requires a "clear and objective" review path for all "needed housing," which may not cause "unreasonable cost or delay." (See ORS 197.307.) Needed housing includes all housing types within residential and mixed-use zones that meet the needs of households at all income levels within the Urban Growth Boundary, effectively including all housing in Springfield. (See ORS 197.303.) A "clear and objective" review path means that there is only one way to interpret a standard, so that there is no discretion when applying it. However, cities may develop an optional review path with discretionary standards as an alternative to the clear and objective review path, for a limited number of exemptions, notably for historic districts.

*Please note, 3J Consulting and JET Planning are not law firms and therefore cannot provide legal advice. This report is intended for general information. The City should discuss these issues with its legal counsel.*



# CODE AUDIT FORMAT & METHODOLOGY

The code audit was developed through a comprehensive review of the existing Springfield Development Code against multiple performance objectives. The audit first identified standards impacting residential development across all zones, including mixed-use development. The primary goal of the audit was to identify whether standards supported a clear and objective path for development, consistent with state requirements. The audit also identified barriers to development caused by inefficient, unclear or inflexible standards, and considered the impact of standards on project development costs. In some cases, it could be the presence or absence of standards that limit development potential, such as the lack of standards allowing certain “missing middle” housing types. Finally, the audit balanced potential development barriers against standards necessary to promote quality development and maintain a “home town feel,” to uphold City Council priorities.

This report primarily focused on the standards that lacked clear and objective review paths, causing barriers to efficient and timely development. Standards that are working well are discussed in less detail.

Given that the City intends to write primarily new development code standards, rather than targeted edits to the existing standards, many of the audit findings are broad commentary on existing uses, standards, and review processes, rather than line-by-line analysis of the existing standards. Several sections identified by staff that are expected to be modified, rather than wholesale replaced, were audited in greater detail including the multi-unit design standards for multifamily residential development.

The audit findings were developed and refined through a series of public meetings with the Community Technical Advisory Committee (TAC) for Housing and in-depth discussion with City staff from multiple departments. The TAC met four times during the course of the project:

- ◆ January 23, 2019: Introductory meeting with Project Manager Mark Rust to convene the TAC.
- ◆ January 28, 2019: Overview of existing standards against audit goals to gather initial TAC impressions.
- ◆ March 11, 2019: Review of draft audit findings for TAC refinement and comments.
- ◆ April 8, 2019: Extended review of draft audit findings.

TAC comments and staff insights are integrated into the audit, with conclusions offered by the audit authors.

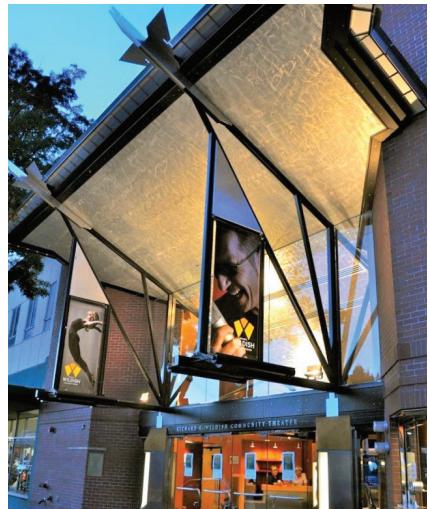


# SUMMARY AUDIT FINDINGS

The significant audit findings can be summarized in four main categories:

- 1. There are opportunities to both consolidate redundant residential use categories and expand those categories to provide more “missing middle” housing options in more residential zones, with corresponding dimensional standards and special development standards as needed. Development of clear and objective standards could also support reviewing a greater variety of projects through non-discretionary Type I and II review processes.**
- 2. Clear and objective development standards exist for many residential development types, but further revisions are recommended for the multi-unit residential standards and mixed-use standards that apply to residential development. There are also significant opportunities to revise the multi-unit standards to remove barriers to development and explore moving beyond one-size-fits all standards that have reportedly produced a largely uniform housing product in recent years.**
- 3. Additional revisions to the approval criteria for site plan review and land divisions are recommended to support a clear and objective review path for residential development.**
- 4. Infrastructure improvement standards could be better divided between the SDC and the more technical engineering standards manual, the EDSPM. Generally, standards that affect site design such as block spacing and vehicle access standards should be located in the SDC, while detailed technical specifications about construction techniques could be better located in the EDSPM.**

These recommendations illustrate key opportunities for revisions as part of the larger, multi-year Springfield Development Code Update project to better support quality residential development through clear and objective review paths.



# DETAILED AUDIT FINDINGS

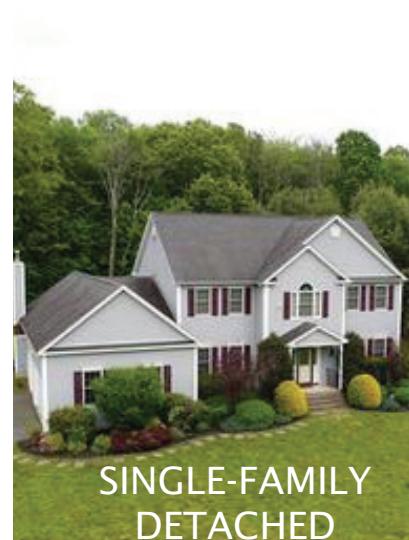
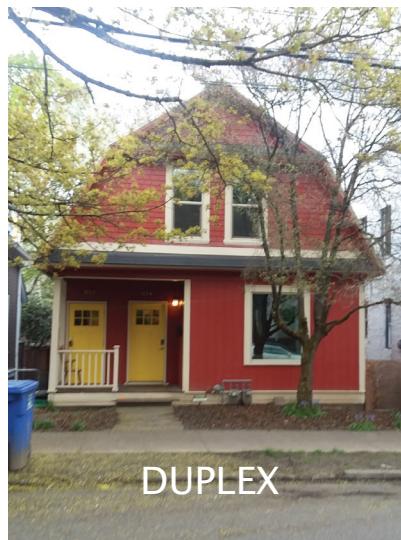
## LAND USE DISTRICTS (Chapter 3)

### Residential zones (Section 3.2-200):

- ◆ *Residential Zoning Districts (3.2-205):*
  - Requirement for a Refinement Plan and a Master Plan to implement the Small Lot Residential District (SLR) appears to be a barrier to applying the zone and realizing opportunities for smaller lot residential development at the desired density range of 8-14 units per acre.
  - Minimum and maximum densities included in the district definitions appear to be the only place where density standards are listed; this is an unusual place to locate them. Density standards could be better addressed in a section of their own.
- ◆ *Use Categories (3.2-210):* Existing residential use categories allowed in one or more zones include accessory dwelling units (ADUs), single-family attached dwellings, condominiums, cluster subdivisions, cottage clusters, detached single-family dwellings, duplexes, manufactured home parks, individual manufactured homes, manufactured home subdivisions, mobile homes, multiple-family residential including apartments, prefabricated dwellings, and zero lot line dwellings. Generally, consider opportunities for more housing types in fewer, broader categories, and in more zones with lower-level review required. Specific recommendations include:
  - Some use categories could be combined for simplicity. For example, individual manufactured homes should generally be permitted under the same circumstances as single-family detached dwellings, so those use categories could be combined. Other use categories that are based on development standards, like ownership or land division used to create the units, but that otherwise apply to same residential types could also be consolidated. For example, zero lot line dwellings are single-family detached dwellings distinguished by their setback configuration, so they could be permitted as part of the broader single-family detached use category with additional setback standards provided in Section 3.2-215. Similarly, condominiums are similar in form to multiple-family housing, aside from ownership patterns, and could be regulated as such.
  - The multiple-family dwelling use category encompasses all development with three or more units on a single lot; the use is permitted with site plan review in the MDR and HDR zones and prohibited in the LDR and SDR zones. This use category could be broken into several distinct categories that could then be permitted across more zones with a level of review appropriate for potential impacts. Triplexes, quadplexes and courtyard apartments with 5-12 units could be pulled out as separate use categories, permitted in a broader range of zones subject to special design standards calibrated to site design needs, for the scale of each use.



- Cottage cluster housing is permitted in the SLR and MDR zones, but would benefit from special development standards in Section 4.7-100 to more fully implement the concept. Cottage housing typically allows for development of a greater density of units, at a smaller scale, clustered around a common courtyard; no such standards currently exist to support meaningful cottage cluster development. There is some overlap with cluster subdivisions, but not clear alignment; see further discussion below of the development standards in Section 3.2-230.
  - Cluster subdivisions may not need to be permitted as a separate use, but rather, be treated as alternative form of land division that includes housing types already permitted in other use categories, or combined with cottage cluster development. See further discussion below of the development standards in Section 3.2-230.
  - Definitions of use categories in Section 6.1-110 should be reviewed and updated to match terms used in this table for clarity.
- ◆ *Base Zone Development Standards (3.2-215):* The dimensional standards here are not as clear as they could be, given the number of notes and exceptions. It is not clear when some of the exceptions apply, for example, lot coverage for MDR and HDR is set at 45% but can be increased to meet the density requirements, per note 17, without detail about how to qualify for the increase. Another general observation is that the base standards for the MDR and HDR appear fairly restrictive, creating potential barriers to development, and it is not clear when the exceptions to exceed the standards would be approved. Specific standards worth further consideration include:
- Differentiated lot sizes for single-family and duplex development based on orientation of the street are unusual, and may create complications for development; balance underlying policy goals against simplicity of a single lot size standard.
  - The alternative dimensions for Hillside Development and Urbanizable Fringe Overlay Districts could be relocated to those respective chapters, to simplify this table.
  - MDR and HDR standards including the 45% maximum lot coverage, 35-foot maximum height, and 4,500 to 9,000-SF minimum lot size appear fairly restrictive for the uses and density ranges desired. Exceptions, some tied to the Multi-unit Design Standards in Section 3.2-240, may allow greater intensity development, but are not presented clearly in this table. For example,



maximum height is listed at 35 feet but Note 14 allows a maximum 50-foot height for these districts, if additional setbacks in Section 3.2-240.D.3.c are met; the table could more clearly state the 50-foot height limit rather than referencing a footnote.

- Density minimums and maximums are not included in this table or elsewhere, aside from the district definitions in Section 3.2-205, and are only inferred by minimum lot size.
- Additional development standards could be developed to better support variety of missing middle housing types, rather than uniform standards by zone. For example, single-family attached development, in the zones where permitted, would benefit from a lower minimum lot size compared to single-family detached development.

- ◆ *Panhandle Lot Standards (3.2-220)*: No significant concerns.
- ◆ *Base Solar Development Standards (3.2-225)*: These add considerable complexity to the allowed height and required setbacks in each zone, and have the potential to require relatively high setbacks—in excess of 20 feet for many developments—which impacts development potential of a site and may be a barrier to development. Applicability of standards to base zones could be clearer.
- ◆ *Cluster Subdivision Standards (3.2-230)*: Cluster subdivisions are intended to create more flexibility for arranging dwellings on smaller, typically infill lots of one acre or more, resulting in innovative arrangements with more common open space and greater affordability. The cluster standards allow a mix of dwelling types, allow reductions in lot sizes and individual lot setbacks, and require common open space as part of an alternative land division process. No increase in density is permitted for cluster developments beyond base zone standards. There is considerable overlap between the cluster subdivision standards and typical cottage cluster housing standards; the most notable exception is that cottage cluster standards typically permit increased density in exchange for smaller scale development (height, building footprint, etc). The cluster subdivision standards have a fundamentally different land division process, whereas typical cottage housing projects are developed on a single, shared lot.

Given the significant overlap between cluster subdivision and cottage cluster housing uses, the standards could be revised to consolidate the uses and better meet the site design goals that typically define cottage cluster housing, while retaining optional alternative land division standards for projects wishing to create individual dwelling lots. Recommended revisions to the existing cluster subdivision standards could implement the goals of both cottage housing and cluster subdivisions as follows:

- Allow increased density for cottage housing projects relative to base zones, to reflect the smaller scale and compact form of such dwellings.
- Retain existing standard in Section D allowing a range of dwelling types, including single-family detached, single-family attached, and duplexes in the LDR zone per Section D.
- Develop minimum lot sizes, dimensions, setbacks and height scaled to smaller dwellings in Section E, in place of existing open-ended standards. To support cottage housing style development with lots fronting a common green rather than a public road, add explicit provisions for reducing or eliminating minimum lot frontage requirements.
- The neighborhood compatibility standards in Section F, while seemingly clear and objective, could create a significant barrier to development by requiring up to 25-foot setbacks around the perimeter of the cluster, which significantly exceeds the setbacks in the LDR base zone. Consider



whether there is significantly greater intensity of use possible through the cluster subdivision ordinance that merits additional setbacks, or reduce setbacks to align with base zone standards. For example, the additional height transition requirement for projects adjacent to single-story buildings requires up a 25-ft setback for two-story buildings that would not apply to a traditional single-family detached home built through the base zone standards, allowed up to 30 feet tall with as little as 5-10-foot setbacks.

- Design standards for dwellings in Section G appear reasonably clear and achievable; notably, they do not require a front porch which is a common feature of cottage housing design standards. They could be further reviewed for consistency with residential design standards in Section 4.7-100, or other cottage housing standards, if desired.
- Application of a landscape buffer option as a condition of approval in Section J is discretionary, seemingly based on whether concerns about buffering are raised during the review process. Consider developing a specific standard for buffering, if so desired, or removing discretionary option.
- Note that cottage cluster standards may or may not be required to meet the clear and objective standards requirement, because they offer a higher density development alternative to clear and objective development meeting base zone standards, consistent with ORS 197.307(6). Best practice for these and all residential standards is to strive for clear and objective standards to remove uncertainty and potentially reduce barriers to development.

◆ *Residential Manufactured Dwellings (3.2-235):*

- Integrate standards for manufactured homes currently located in the definitions section. Standards requiring a minimum size of 1,000 SF for manufactured homes limit options for smaller housing options, including tiny homes.
- Review standards for manufactured home parks for compliance with state building code standards. Consider simplifying the city standards to address only issues outside of the state building code, to avoid conflicts. Generally, standards will be applied to existing parks seeking modifications rather than



new manufactured home parks (land values and development economics disfavor new parks), so focus on local standards that support redevelopment of existing parks without triggering nonconformity concerns.

- ◆ *Multi-unit Design Standards (3.2-240):* Multi-unit standards must be clear and objective, and aim to achieve quality development as experienced by both future residents and abutting property owners, while keeping development costs reasonable to ensure that projects will “pencil” and actually get built. Generally the standards appear reasonable and consistent with other jurisdictions; exceptions are noted below.
  - Design standards are currently “one size fits all” for projects with three or more units, which can create barriers to development of smaller projects under 20 units or so. Evaluate recent development trends and projected future opportunities, including sizes of vacant and developable lots, to identify if there is an opportunity for distinct standards for projects of different sizes. As suggested above in reference to Section 3.2-210, consider creating separate use categories for smaller projects with 3-4 units, 5-12 units, or other tiers matching observed and projected development trends, and developing design standards scaled to each category.
  - Requirement for Type II review in Section C could be changed to a Type I review; assuming all standards are indeed clear and objective, it should be possible to review projects through a Type I process. The option to elevate review to Type III review “when it is in the public interest” does not appear to guarantee a clear and objective review path for all development and should be removed.
  - The LDR compatibility standards in Section D.3 require significant site area to be devoted to setbacks, which can be a barrier to development. The exception to compliance with the standards for LDR-sites committed to a long-term non-residential use could be worded more clearly. Matching the front setback to adjacent development can reduce buildable area, and creates less certainty for multifamily development given that it depends on site-specific conditions. The standards for the 25-foot buffer area required adjacent to LDR sites should be reviewed for intent and effectiveness; it is a large area, that can be further increased up to 50 feet for buildings 50 feet tall, with significant impacts to site development feasibility. The development allowed in the buffer area does not seem to support a consistent rationale for the buffer area, raising questions about its effectiveness. For example, landscaping requirements that could provide more effective buffering are vague, and rely upon discretion to determine what mix of planting, fencing, and acoustical barriers are required. The buffer area can be counted towards the open space requirement, but cannot be developed for active recreation areas, which may decrease the usability of the buffer area.
  - Open space standards in Section D.5 could benefit from greater clarity of purpose and relationship to other standards. The overlap is not clear between the minimum 15% open space requirement here and minimum 15% site landscaping required in Section D.6; if they are presumably the same 15% of the site, then the standards are duplicative, and if they are not, there are concerns about how much total site is taken up to meet the two requirements. The overall minimum 15% open space requirement, inclusive of yards and some provisions for resource areas, appears reasonable, but it is not easy to calculate whether the common and private open space requirements are high enough that it drives the total site area above 15% after accounting for yards. There may be opportunities to reduce the cumulative impact of setbacks, buffer areas, common and private open space, and landscaping standards, but it is





difficult to determine their combined footprint and impact on development feasibility as the standards are currently written. The open space reduction option for multi-family developments close to public parks in Section 5.b.x provides greater development flexibility while maintaining access to open space, and is consistent with standards in similar jurisdictions.

- Planting requirements in Section D.6.a are not clear about the desired ratio of trees, shrubs and other plant materials, only an overall percentage, and may not lead to a desired mix.
- Parking requirements in Section D.8 should be evaluated for overlap with parking standards for all development in Section 4.6-100, and consider combining. As currently written, there appears to be minimal overlap, but many of the multi-unit standards are common features of parking codes and could be rewritten into a central parking chapter. Lighting requirement in Section D.8.b should specify a foot-candle lighting level rather than the discretionary “for safety purposes.” Standard to reduce stormwater runoff “as practicable” in Section D.8.j is not clear; the goal is likely addressed through separate stormwater standards and may not be needed here.
- Vehicular circulation standards in Section D.9 could benefit from greater clarity or connection to related standards, specifically for the shared driveway standard in subsection b, to be provided “where practicable,” and the alley requirement in subsection d, when alleys can “reasonably be extended.”
- The regulatory and descriptive power of the figures at the end of the section is not clear. Repetition of the same figure in Figures 3.2-L, M, Q and R with different text and arrows provides little additional benefit. There are also some inconsistencies between the text and the figures, such as Figure 3.2-N specifies a maximum building length of 160 feet for 1-2 story buildings, and 120-foot length for 3 stories and taller. However, Section D.2.a only includes the former standard and does not appear to include a standard for taller buildings.



- ◆ *Multi-unit Discretionary Criteria (3.2-245):* This section provides an option to comply with alternative design discretionary criteria in place of the clear and objective standards in Section 3.2-240. These criteria appear to have a good one-to-one correspondence with the design standards, no significant concerns about content. Review requirements in 3.2-245.A could be clearer to explain what combination of design standards, discretionary criteria, and adjustments in Section 3.2-250 can be applied to a given project, whether a mix is permissible or if a project must comply with all of one track or the other.
- ◆ *Multi-unit Design Standards Variance (3.2-250):* This section provides a third option to satisfy the design objectives for multi-unit development, through an adjustment to the design standards, which is a welcome option. Many cities require either full compliance with clear standards or with discretionary criteria; the option to adjust one problematic standard rather than subjecting the entire project to discretionary guidelines should provide a meaningful “release valve.” However, the section could benefit from clarification about the exact procedural options; Section 3.2-250.A allows adjustments up to 20% by the Director, presumably a Type II review, and requires greater adjustments to comply with a Type III Major Variance process in Section 5.21-130, which is presumably the same as the Planning Commission review of adjustments referenced in Section 3.2-245.A. The general approval criteria for all adjustments in Section 3.2-250.B, allowing adjustments only for unusual site features not of the applicant’s own making, could be reviewed and revised to allow more projects to qualify for adjustments. One option could be to develop different thresholds for adjustments and variances, with a lower bar for adjustments than variances.

#### **Commercial zones (Section 3.2-300):**

The use table in Section 3.2-210 allows limited residential uses including in designated mixed-use areas, and one single-family dwelling as a secondary use in the NC and CC zones.

- ◆ The use table in Section 3.2-210 and referenced Section 4.7-210 allowing residential uses as part of designated mixed-use areas could benefit from greater clarity either as part of zoning district standards or zoning map revisions. If there are commercially zoned properties intended for mixed-use development, those properties should be rezoned to a mixed-use district rather than a roundabout application of mixed-use standards in commercial districts.
- ◆ Additional clarity on the applicable development standards for residential development in commercial zones is also needed, in place of the reference in Section 4.7-210.A to follow “MDR and HDR District standards.” MDR and HDR standards are not identical; for example, would development be allowed at the density permitted for MDR or HDR?
- ◆ Greater clarity regarding allowed secondary residential uses is needed, to determine whether this is intended to be similar to a live-work situation or perhaps similar to night watchman’s quarters, which are regulated in Section 4.7-185.
- ◆ Note that residential uses in commercial zones, where permitted, should be permitted through a clear and objective process.



## **Mixed Use zones (Section 3.2-600):**

Residential uses in mixed-use zones should be permitted through a clear and objective process, and it does not appear that this requirement is met with the current code.

- ◆ *Uses (3.2-610):* A mix of residential uses from rowhouses to multiple family dwellings is permitted across the mixed use districts. The limitation that such uses are only permitted in “Areas Designated Mixed-Use in the Metro Plan or Refinement Plans” creates an unnecessary external reference; consider fully integrating the Metro Plan and Refinement Plans into the adopted zoning map, so that areas with mixed-use zoning only need to consult the standards in this section.
- ◆ *Base Development Standards (3.2-615):*
  - The dimensional standards for the MUR zone reference the residential development standards in Sections 3.2-215 and 3.2-225 for the residential zones, but do not clearly identify which of residential standards apply. Consider developing dimensional standards specific to the MUR zone, or clarifying the reference to the HDR or MDR standards.
  - Note 1 grants the Director the discretion to waive requirement for minimum lot frontage. Because there is a clear and objective standard in the table for lot frontage, an alternative discretionary standard is permissible. Usability could be improved by specifying the process through which the Director can grant the exception.
- ◆ *Conflicts and Exemptions (3.2-620):* The exemption process in Section B allows the Director to approve exemptions, presumably through a Type II process; but this section could more clearly define the required review process and criteria for an exemption from the standards rather than “to the Director’s satisfaction.”
- ◆ *Development Standards (3.2-625):* Mixed-use districts are explicitly required to apply clear and objective standards to residential uses, which is a departure from earlier state legal requirements and a potential challenge to translate the design objectives of many mixed-use districts into clear and objective language. This section offers two options, compliance with the standards or an alternative design that equally or better meets the intent; this could be the foundation for developing a two-track set of standards including a clear and objective option and a discretionary alternative. However, the existing text needs additional clarification about the distinction between the two sets of standards and the required reviews for each, as well as additional clarity throughout the individual standards as they apply to residential development to remove discretionary language.
  - The standards incorporate considerable subjectivity, particularly those for Building Design Standards, Street Connectivity, and Neighborhood Compatibility.
  - It is not clear which of the standards apply to residential uses, whether an entirely residential building or a residential portion of a mixed-use building. Some standards such as the ground-floor window requirements in Section A.1 and 2 are differentiated for commercial, civic and industrial uses, but do not include a standard for residential uses. The only standard that specifically applies to “mixed-use residential development” is the weather protection standard in Section C.



◆ *Specific Development Standards (3.2-630):*

- The percentages of commercial and residential uses allowed per Section A.1.b could be better expressed; the allowance for up to 100% residential uses is not possible to achieve given that 60% of the ground floor must be used for commercial uses.
- The requirement in Section C.4 for MUR residential uses to also meet the multi-unit design standards in addition to the mixed-use standards in Section 3.2-625 is a concern. Applying two sets of standards is at best overkill and at worst conflicting. Consider developing distinct standards for mixed-use residential projects that could build upon the multi-unit design standards with refinements specific to mixed-use development, such as ground-floor active use requirements or transparency standards.
- The allowed density in the MUR district of 12-20 units per gross acre minimum with no maximum appears consistent with the medium and high-density districts. However, the residential districts express density in units per net acre, with minimums of 14-28 units per net acre per Section 3.2-205.C and D; density should be measured consistently for easier alignment.

**Willamette Greenway Overlay District (3.3-300):**

The requirement for a Discretionary Use permit and the discretionary greenway standards in Section 3.3-325, which are directly derived from the state's Goal 15 language, primarily apply to water-dependent and water-related uses permitted in the greenway, which do not generally include residences, as defined in Section 6.1-100. However, there is residential and mixed-use land within the Willamette Greenway where some minimum residential development allowance subject to clear and objective standards should be developed, including clarity about allowed residential uses. Additional consultation with DLCD is recommended to develop a balanced approach implementing Goal 15 to protect the Willamette Greenway, while complying with clear and objective standards.

**Floodplain Overlay District (3.3-400):**

The Floodplain Overlay District affects some residential properties, thus requiring a clear and objective review path. Type I permits are required to demonstrate compliance with general and specific residential criteria in Sections 3.3-420.A and B.1, which generally appear to provide a clear and objective development option.



### **Hillside Development Overlay District (3.3-500):**

Standards apply to sites or portions of sites that are over 670 feet in elevation or where any portion of the site has average slopes in excess of 15%. There are two options for residential development in Section 3.3-520 to determine allowable lot sizes and density, an allowable minimum based on average slopes or a density transfer option; both sets of standards appear clear and objective though there may be opportunities to refine the slope calculation technique for simplicity and uniformity. The minimum lot sizes in Table 3.3-1 repeat those in Section 3.2-215, and could be limited to this chapter to avoid duplication. The geotechnical report requirements in Section 3.3-530.A could be a concern because they rely on professional engineering judgment to demonstrate that lots are “suitable for development” and impose “the minimum variance from the natural conditions,” among other discretionary standards.

### **Urbanizable Fringe Overlay District (3.3-800):**

The limited development options in this overlay generally provide a clear and objective option for residential development, however, some of the restrictions to ensure future development at urban densities are not clear. Specifically, Section 3.3-825.D.2 allowing the application of “Additional development restrictions that limit the location of buildings and on-site sewage disposal facilities shall be applied where necessary to reserve land for future urban development,” appears discretionary.

### **Nodal Development Overlay District (3.3-1000):**

This overlay is intended to support mixed-use development nodes centered around transit stops, but given overlap with mixed-use districts, should be reevaluated to determine whether it provides additional development guidance beyond the existing mixed-use zones and standards. If retained, the additional design standards for single family and duplex residential in Section 3.3-1025.A include some discretionary language that should be further reviewed to ensure a clear and objective option exists for all residential development.

### **Glenwood Riverfront Mixed-Use Plan District (3.4-200) and Booth-Kelly Mixed Use Plan District (3.4-300):**

Residential uses are allowed in significant portions of these plan districts, without a clear and objective option for development. The district standards were developed to implement the Refinement Plan for the areas, which includes broader, discretionary goals that may not translate as easily into clear and objective standards. Further examination and revision of these plan districts is planned for a later phase of the SDC Update project.



## **INFRASTRUCTURE DEVELOPMENT STANDARDS (Sections 4.1, 4.2, 4.3)**

The central challenge is to determine that balance between the infrastructure improvement standards that should be located in this chapter of the development code, and those that should be located in the engineering standards (EDSPM). While a complete audit of infrastructure standards is outside the scope of this audit, some general guidelines include:

- ◆ Design issues that relate to land use approvals, such as tentative subdivision plans and site plans, should be included in the development code, while design and construction details should be located in the EDSPM. For example, street spacing and widths should be included in the SDC, but construction details about compaction and base layers for the roadway would be located in the EDSPM.
- ◆ Many infrastructure development requirements affect residential development and should have a clear and objective development option. There can still be a role for engineering discretion or analysis, however, provided it is through an alternative review path. For example, a clear and objective spacing requirement for block length could cap block length at 600 feet, while allowing an alternative length to be approved based on topography, natural resources, or other factors through an adjustment or similar process, similar to the existing standards in Section 4.2-115.
- ◆ There can still be a role for expert analysis and professional judgment, such as for stormwater reports or geotechnical analysis. One approach that may meet clear and objective requirements is to require a stamped report completed by a licensed professional as part of a land use application, which requires exercise of professional judgment in creating the report, but not City discretion in the acceptance of the report. A potential concern with this approach, however, would be situations with “dueling experts,” in which the conclusions of the applicant’s report were called into question by either the City or project opponents. This has emerged as a statewide issue and merits further consultation with DLCD.
- ◆ Processes to modify infrastructure standards in the SDC and EDSPM should be clear and aligned with process to modify other land use standards. The Public Works Director currently may modify the infrastructure standards in Sections 4.1, 4.2, and 4.3 on “a case-by-case basis” outside of the variance process “when existing conditions make their strict application impractical” (Section 4.1-110.B), which does not support clear and objective application of necessary infrastructure standards. While flexibility is necessary, modifications to those infrastructure standards that remain in the SDC should be reviewed through the existing variance process in Section 5.21. An alternative design modification review process may be developed for modifications to the EDSPM standards outside of the land use process, to address the more technical aspects of infrastructure development that often do require modifications for site conditions.
- ◆ Some regulatory requirements are driven by state and federal standards, such as stormwater, and may change more quickly than the development code is updated. Where possible, reference outside standards rather than integrating into the development standards.



## SITE DEVELOPMENT STANDARDS (Sections 4.4, 4.5, 4.6)

### Landscaping (4.4-100):

No specific concerns noted as applied to residential development; the exception to the landscaping standards for single-family residential and duplexes in Section 4.4-105.E could be clearer about which particular standards are exempted.



### Lighting (4.5-100):

No specific concerns noted as applied to residential development; single-family and duplex residential is exempt from these standards.

### Off-street Parking (4.6-100):

The minimum off-street parking spaces required in Section 4.6-125 range from .75 to 2 spaces per residential unit. Specific recommendations include:

- ◆ The requirement for multi-family is 1.5 spaces per unit and is within a typical range for cities of similar scale, but can be a barrier to development by requiring that a large portion of the site be devoted to parking. Consider whether a lower minimum requirement, such as 1.0 spaces per unit, a scaled parking requirement based on unit size, or additional site-specific earned reductions, such as for projects near transit or that provide shared vehicles, could better balance parking needs and site development flexibility to maximize housing units.
- ◆ The requirement for 4-5 unit multifamily projects to provide 0.75 spaces per bedroom, rather than per unit, could be revised for greater consistency with other parking requirements and to reduce burdens to development. The per bedroom measurement is inconsistent with parking standards for all other residential uses, and could result in a wide range of parking outcomes. For a smaller project with one-bedrooms, the standard would reduce parking to only 3 total spaces for four units, but a quad with three-bedroom units could be required to have 2.25 spaces per unit, greater than the single-family dwelling parking requirement. The rational for limiting this standard to 4-5 unit projects, and excluding triplexes, is not clear. An alternative parking standard for smaller multifamily projects, aligned with any



new use categories created for these projects, is recommended to support feasibility of these smaller projects, at a ratio as low as one space per unit, but no higher than the multifamily standards.

- ◆ Standards include credits to reduce off-street parking for additional bicycle parking facilities (Section 4.6-120.I) and for on-street parking spaces (Section 4.6-110.F). The credit for parking reductions for residential uses in mixed-use development for sites located near transit in Section 4.6-125.G.3 could be clarified to include the exact reductions that can be earned, rather than defaulting to the Director's discretion; it could also be expanded to apply to all multifamily development and not only mixed-use. Generally, the parking credits could be combined in a single location for ease of use.
- ◆ Multifamily bicycle parking standard of one long-term space per dwelling unit in Section 4.6-155 appears reasonable, with provisions for spaces to be located in garages or storage units in Section 4.6-150.A.6.



## SPECIFIC DEVELOPMENT STANDARDS (Section 4.7)

### Duplexes (4.7-140):

Duplexes are limited to corner lots in all residential zones; while this may have a policy purpose in the LDR zone, consider creating additional opportunities for mid-block duplexes in other zones. The provisions for duplex partitioning in Section D appear to provide an opportunity for separate ownership, but the intent and logistics, including minimum and maximum lot sizes and the feasibility of retrofitting existing duplexes to provide fire separation and separate utilities, are not entirely clear.

### Duplex and Attached Residential Design Standards (4.7-142):

Generally, the design menu approach offers a clear and objective method for design standards. The majority of these menu options, however, lack definitions and minimum dimensions, which could create uncertainty or lead to undesirable design outcomes, such as inclusion of a single brick or tile to satisfy the materials variation item in Section B.13 rather than a minimum percentage of the façade. Additionally, the language in Section B that features should be “appropriate for the proposed building type and style,” is discretionary and adds little regulatory specificity.

### Mixed-Use Districts (4.7-180):

No concerns noted; this section does not add any additional provisions affecting residential uses in mixed-use districts but rather redirects to MDR and HDR standards in Section 3.2-210.

### Residential Uses in Commercial Districts (4.7-210):

See discussion above with Commercial Districts.

### Small Lot Residential District Development Standards (4.7-233):

In addition to the SLR base zone requirements in Section 3.2-200, this section adds a requirement for variety of housing types within SLR developments. The standard appears clear and objective, but it could be strengthened by adding required minimum percentages of the various housing types used to ensure sufficient variety. See additional discussion of SLR zone in response to Section 3.2-205 above.



## DEVELOPMENT REVIEW PROCESS (Chapter 5)

### Pre-Development Meetings (5.1-120):

Pre-submittal meetings, required in advance of site plan review and subdivision applications, intend to support early dialogue about development projects to improve development efficiencies and avoid last-minute design problems and expensive revisions. However, the balance between upfront investment in developing detailed plans for the pre-submittal and costs of addressing issues later in the process emerged as a key issue among staff and TAC, and should continue to be explored. There may be opportunities to reduce barriers to development by streamlining application requirements for pre-submittal meetings, or using other tools like development issues meetings to review ideas at a more conceptual level prior to investing time in developing plans.

### Accessory Dwelling Units (5.5-100):

This section establishes development standards for ADUs and requires a Type I review process for most ADUs.

- ◆ The city's acknowledged requirements for two accessory dwelling units on medium-sized lots in the MDR and HDR zones, and the prohibition on ADUs for larger lots in those zones is intended to meet the minimum density standards for those zones. DLCD's guidance on implementing SB 1051, which supports permitting ADUs with all detached single-family dwellings in residential zones, does not take into account density standards. The standards could be revised to permit ADUs with all existing single-family detached dwellings in the MDR and HDR zones, regardless of lot size.
- ◆ The standards avoid several "poison pill" restrictions that should remove barriers to development; notably they allow a Type I review, do not require owner occupancy, and have a variety of ways to meet the parking requirement that could include on-street parking. The standards could be further strengthened to support ADU development by removing the parking requirement entirely.
- ◆ The design options in Section 5.5-130 include a clear and objective option, which appears reasonable. The exterior wall offset requirement in Section B.6 is unusual, and may not be commonly applied based on the typically small scale of ADUs.
- ◆ While these standards do address the applicable review process and are organized with the review standards, the majority are development standards for ADUs that could be better located in Section 4.7 or even the residential zone standards in Section 3.2.



## **Land Division (5.12-100):**

Because land division is required to create lots for residential development, a clear and objective review path must be available. The most significant issue in this section is the approval criteria for tentative plat in Section 5.12-125, which could be improved for greater clarity and effective review of proposed projects.

- ◆ Criteria A: No concerns about requirement to meet minimum lot sizes and dimensions. Conformance with density standards should also be required.
- ◆ Criteria B: Requirement for zoning to conform with applicable plans does not seem useful; zoning conformity should be addressed through a separate map amendment process prior to land division.
- ◆ Criteria C: Requirement for adequate infrastructure capacity to serve the development, as determined by the Public Works Director, could be more specific and detailed. Consider replacing with references to specific infrastructure capacity standards.
- ◆ Criteria D: Requirement for compliance with design and construction standards could be improved through a more detailed list of applicable standards elsewhere in code and outside of code; additional review of said standards should also evaluate whether improvement requirements themselves are clear and objective.
- ◆ Criteria E: Requirement to protect significant natural features could benefit from greater clarity. While some features reference specific SDC sections or ORS citations, other features that do not appear to be defined in the code, such as “significant clusters of trees” and “rock outcroppings.” Greater clarity is needed on the specific features protected and which code standards must be met to demonstrate protection.
- ◆ Criteria F: All of circulation standards in this criterion could benefit from additional clarification, either here in the criteria or through references to traffic and circulation standards elsewhere in the code. For example, the requirement to “facilitate vehicular traffic, bicycle and pedestrian safety to avoid congestion,” does not clearly define “congestion” and would be better served by a reference to adopted level-of-service standards or similar objective standards.
- ◆ Criteria G: Criterion to allow development of the remainder of the property would benefit from additional clarification about specific goals and standards at issue.
- ◆ Criteria H: Criterion to allow development of adjacent properties, including providing adequate access, would benefit from additional clarification about specific goals and standards at issue.
- ◆ Criteria I: No significant concerns about the requirement for subdivisions within the urbanizable fringe outside city limits. Potential to cross-reference standards for the Urbanizable Fringe Overlay District in Section 3.3-800.
- ◆ Criteria J: No significant concerns about standards for manufactured dwelling park subdivisions, though additional discussion around the needs of existing parks would be helpful to understand any potential barriers to development.



### **Master Plans (5.13-100):**

The two-stage master plan process can be used as an alternative to the subdivision process for projects larger than five acres, multi-year phased projects, and/or projects with a mix of uses. Master planning or planned unit developments (PUDs) are typically used as a discretionary alternative to subdivisions to allow greater flexibility and departures from base zoning. As an alternative to subdivision processes, master plans or PUDs are typically exempt from complying with clear and objective review requirements, and are generally recommended as a “relief valve” for unusual projects; some cities review the majority of residential development as PUDs. The existing master plan standards are not specific to residential development, and include several provisions that may limit the utility of master plans as a meaningful alternative to subdivisions:

- ◆ The requirement for sequential, rather than concurrent processing of master plan and subdivision applications in Section 5.13-116.C creates a four-stage review process that likely adds significant cost and delay to the review process. Currently, the standards would require a preliminary master plan, final master plan, tentative subdivision plan, and final subdivision plat as four separate applications. Common practice for greater efficiency is to allow concurrent review of the preliminary master plan and tentative subdivision plan, followed by concurrent review of the final master plan and final plat to reduce the process to two separate applications.
- ◆ The requirement for master plans to meet all zoning district standards as an approval criteria in Section 5.13-125.B is unusual, in that master plans and PUDs are typically used as a way to vary base zone standards for greater flexibility. Consider developing master plan standards that allow applicants to propose alternative development standards to vary base zone standards.

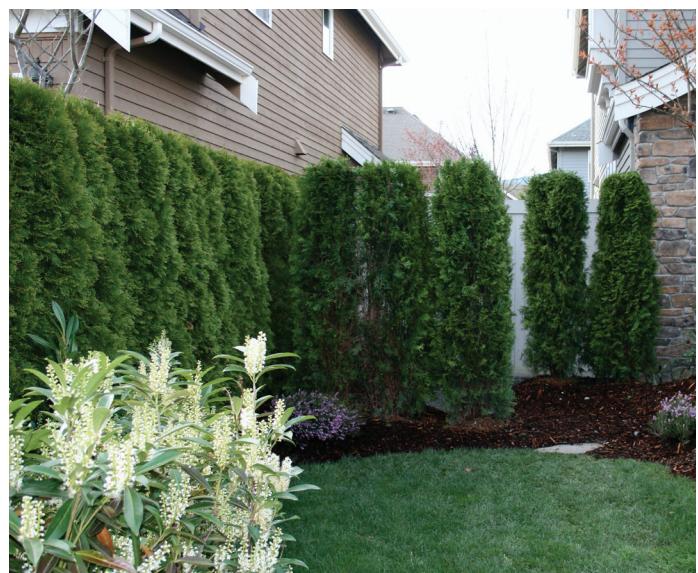
### **Site Plan Review (5.17-100):**

Because Site Plan Review is required for all multi-family development in residential, commercial and mixed-use districts, a clear and objective review path must be available. There are several concerns about the existing process.

- ◆ Review (5.17-110): In line with comments to consider a Type I review process for multi-family development electing to meet strictly clear and objective standards in Section 3.2-240.C, the current requirement in Section 5.17-110.B for a Type II could be expanded to allow a Type I review. Application of clear and objective standards could be done without using discretion, thus avoiding triggering a Type II review.
- ◆ Submittal Requirements (5.17-120): The application requirements for site plan review include multiple specialized plans that must be prepared by professionals, including lighting, landscaping and stormwater plans, which is typical of the development review process in Springfield and elsewhere. There may be opportunities to reduce barriers to development by aligning the level of detail in these materials with the level required to determine compliance with standards, while deferring more detailed plans to later design and construction stages.
- ◆ Approval criteria (5.17-125): The approval criteria cause the most significant concerns about the opportunity for clear and objective review of residential projects, because they incorporate discretion. Note that many overlap with the tentative plat approval criteria.



- Criteria A: Requirement for zoning to conform with applicable plans does not seem useful; zoning conformity should be addressed through a separate map amendment process prior to land division.
  - Criteria B: Requirement for adequate infrastructure capacity to serve the development, as determined by the Public Works Director, is an inherently discretionary criterion. Consider replacing with references to specific infrastructure capacity standards.
  - Criteria C: Requirement for compliance with design and construction standards could be improved through a more detailed list of applicable standards elsewhere in code and outside of code; additional review of said standards should also evaluate whether improvement requirements themselves are clear and objectives.
  - Criteria D: All of circulation standards in this criterion could benefit from additional clarification, either here in the criteria or through references to traffic and circulation standards elsewhere in the code.
  - Criteria E: Requirement to protect significant natural features could benefit from greater clarity. While some features reference specific code sections or ORS citations, other features that do not appear to be defined in the code, such as “significant clusters of trees” and “rock outcroppings.” Greater clarity is needed on the specific features protected and which code standards must be met to demonstrate protection.
- ◆ Conditions (5.17-130): This section includes a lengthy list of discretionary requirements, seemingly over and above the standards elsewhere in the code. For example, the blanket requirement for a sight-obscuring fence and/or vegetative screen to address a “land use conflict” as determined by the Director could be addressed through clear and objective screening requirements between zoning districts or for specific use types where conflicts could be anticipated. There is an attempt to avoid conflicts with the clear and objective standards requirement by stating, “Conditions imposed to satisfy the Site Plan application approval criteria shall not be used to exclude “needed housing” as defined in OAR 660-08-015,” but the language does not entirely exempt residential projects from compliance with this section, or define when the conditions cross into excluding residential projects.



# CODE ORGANIZATIONAL & OVERARCHING ISSUES

The audit identified several organizational and overarching issues within the development code.



1. The “EXCEPTION” language, used extensively in the existing code, could be rewritten to integrate into the text of the standard itself, calling less attention to the exception with more focus on the standard. Generally, offering exceptions to standards, even if they incorporate discretionary language, do not run afoul of state requirements for clear and objective standards provided that there is a clear standard as the base requirement. For example, a standard may require 15% window coverage on the front façade, with the exception that an alternative glazing pattern may be approved if it provides a similar level of visual connection between the street and buildings. In addition, exceptions should specify how the alternative proposal should be reviewed, through something like an adjustment process or site plan review, rather than simply delegating authority to the Director.
2. Generally, code standards that grant authority to the Director to approve an alternative design should be rewritten to specify when and how an alternative design can be approved, ideally referencing an established land use process such as an adjustment. For example, allowing three different materials for fences or “an alternative that equally meets privacy needs as approved by the Director,” provides too much discretion to the Director and not enough certainty for code users. The requirement for clear and objective standards can be met by listing the three approved materials, and flexibility can then be provided by offering an alternative review path.
3. Organization of special residential development standards could be improved for greater clarity and ease of use. For example, just as the multi-unit design standards are integrated into the residential zone sections, the ADU design and development standards could be integrated into the residential zone sections. Many of the specific development standards in Section 4.7-100 that apply to residential uses, such as duplexes, could also be integrated into the residential standards.



4. A common density metric should be used throughout the code for uniform application and easier comparison across districts, in place of the existing standards that reference both units per gross acre and units per net acre. For example, density in the MUR district is reported as units per gross acre in Section 3.2-630, and as units per net acre in Section 3.2-205.C and D for the MDR and HDR zones. Both net density and gross density are defined in Section 6.1-110 and should be used consistently throughout the code.
5. Some residential compatibility standards are applicable when there are nearby single-family detached residences, and other times standards apply for sites adjacent to the property zoned LDR or other residential zones. Recommended approach is to consistently use adjacency to LDR zone (or other desired zones) as the applicability trigger for additional standards, rather than the development type on a specific lot which can be inconsistent with the current zoning and purpose.





## ADDITIONAL AUDIT FINDINGS

The code audit process also identified related findings about the application of the code standards through the development review process. Though beyond the scope of this audit to fully address, the following additional findings are incorporated to provide broader context of how development works “in real life” when applied to proposed development. Broader issues discussed included:

- ◆ Finding the right amount of information to require at each step in the review process is a difficult balance, particularly for technical and expensive-to-produce reports such as stormwater engineering reports. The pre-submittal application is perceived to require a significant amount of detailed information, which may create a barrier for developers, particularly non-profit ones, to begin the process. However, waiting to develop technical reports until late in the land use review process may uncover “fatal flaws” in the project after significant time and money have been invested.
- ◆ Infrastructure improvement requirements can be difficult to enforce on some individual projects, even when standards are clearly written. This can lead to “kicking the can down the road” as improvements are deferred for individual projects, particularly smaller projects, resulting in significant future improvement needs with limited funding or design options.
- ◆ System Development Charges (SDCs) assessed on residential development include both fees set by the City and fees set by special districts; SDCs are often publicly perceived as a barrier to development but are necessary to fund infrastructure expansion to serve new development. In Springfield, the Willamalane Parks and Recreation District SDCs in particular are perceived as high by many developers. There is a disconnect between the district, which sets fees, and the City, which collects the fees and thus hears much of the negative feedback.



# PROPOSED CODE UPDATE SCHEDULE

The housing code audit is part of the City's overall Development Code Update Project, consisting of multiple tasks over the next three years to update the entire Development Code. The City's overall project schedule includes several tasks to guide development of updated residential standards, including and building upon the findings of this audit:

*Updates to the residential code sections, building upon the code audit findings, will be completed as part of the overall Development Code Update Project.*

- ◆ Task 5: Conduct Audit of Housing Code Sections (December 2018 to June 2019). This audit completes this initial task.
- ◆ Task 6: Draft Housing Code Sections (April to December 2019)
- ◆ Task 7: Public Outreach for Housing Code Sections (January to March 2020)
- ◆ Task 8: Adoption Process for Housing Code Sections (April to December 2020)

Multiple notices, workshops and hearings will be necessary during the adoption process in Task 8 to ensure thorough review of the proposed standards. A recommended review timeline, to comply with all City and state notice requirements, is provided on the next page; actual dates will be finalized as the adoption task is getting underway.





- ◆ Planning Commission Work Sessions: May 5, May 19, June 2 and June 16, 2020  
*Four to six work sessions anticipated, additional sessions may be added as needed.*
  
- ◆ Measure 56 notice: Between May 28 to June 17, 2020  
*Must be provided 20-40 days before the first Planning Commission hearing.*
  
- ◆ DLCD Notice: June 1, 2020  
*Must be submitted 35 days before first Planning Commission hearing.*
  
- ◆ Newspaper Public Notice: Published by June 23, 2020  
*Must be published 14 days before the first Planning Commission hearing.*
  
- ◆ Planning Commission Public Hearings: July 7 and 21, 2020  
*Planning Commission and City Council are on recess in August.*
  
- ◆ City Council Work Sessions: September 14, September 28, October 12 and October 26, 2020  
*Four to six work sessions anticipated, additional sessions may be added as needed.*
  
- ◆ Newspaper Public Notice: published by October 19, 2020  
*Must be published 14 days before the first City Council hearing.*
  
- ◆ City Council Public Hearing and first Ordinance reading: November 2, 2020
  
- ◆ Second Ordinance reading and adoption: November 16, 2020

Effective Date:  
December 16, 2020



## **SPRINGFIELD DEVELOPMENT CODE UPDATE PROJECT**

### **PURPOSE**

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



# **DEVELOPMENT CODE UPDATE PROJECT**

### **OBJECTIVES**

The Project objectives are to:

1. Enable quick review of development applications.
2. Provide easy to understand code language presented in a clear and user-friendly format.
3. Provide a straight-forward processing path to development decisions.
4. Support/further economic development in all sectors.
5. Protect and enhance the beauty of our city to boost or stabilize property values, encourage investment, and improve the image of the community.
6. Comply with mandatory regulatory requirements.
7. Implement the City's adopted policies.

### **KEY MESSAGES**

- The City of Springfield is committed to:
  - Reducing development barriers to allow for efficient utilization of the available land supply inside the Urban Growth Boundary.
  - Encouraging and facilitating development of more attached and clustered single-family housing in the low density and medium density residential zones.
  - Providing a variety of housing options for all income levels in both existing neighborhoods and new residential areas.
  - Enhancing the quality and affordability of new development within existing neighborhoods and of multi-family housing.
  - Promoting compact, orderly, and efficient urban development.
  - Making development decisions predictable, fair, and cost-effective.
  - Promoting efficient and economical patterns of mixed land uses and development densities.
  - Broadening, improving, and diversifying the Springfield economy.
  - Maintaining or enhancing environmental qualities and Springfield's natural heritage.

There will be multiple ways and opportunities for the Springfield community to receive project information and provide input on the project.

**Project Manager: Mark Rust, Senior Planner – 541-726-3654, email: [mrust@springfield-or.gov](mailto:mrust@springfield-or.gov)**

**Project webpage: <http://www.springfield-or.gov/city/development-public-works/springfield-development-code-update-project/>**

**WE ARE HERE**

