



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT



February 13, 2006

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Springfield Plan Amendment
DLCD File Number 012-05

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: March 1, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Meg Fernekees, DLCD Regional Representative
Gary Karp, City of Springfield

<paa> ya

FORM 2

DLCD NOTICE OF ADOPTION

DEPT OF

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18

FEB 09 2006

(See reverse side for submittal requirements)

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: Springfield Local File No.: LRP2005-0031 (If no number, use none)

Date of Adoption: February 6, 2006 (Must be filled in) Date Mailed: February 8, 2006 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD:

- Comprehensive Plan Text Amendment
Comprehensive Plan Map Amendment
[X] Land Use Regulation Amendment
Zoning Map Amendment
New Land Use Regulation
Other: (Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached." The SDC amendment of Article 23 are necessary to site the proposed Justice Center in downtown Springfield on property zoned PLO. This will apply to all PLO zoning that allows public buildings and include additions to the use list under "Government"; specific expectations for setbacks, height, parking and fence standards in downtown Springfield and the addition of pedestrian amenity standards for public buildings.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

There were amendments to the use list and level of review in Section 23.020(2)

Plan Map Changed from: N/A to N/A

Zone Map Changed from: N/A to N/A

Location: N/A Acres Involved: N/A

Specify Density: Previous: N/A New:

Applicable Statewide Planning Goals: 1, 2 & 12

Was an Exception Adopted? Yes: No: X

DLCD File No.: 012-05 (14682)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: Public agencies
on properties zoned PLO

Local Contact: Gary Karp Area Code + Phone Number: 541-726-3777
Development Services Department

Address: 225 Fifth Street

City: Springfield, OR Zip Code+4: 97477

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed to DLCD within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:
**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

CITY OF SPRINGFIELD
DEVELOPMENT SERVICES DEPARTMENT
225 FIFTH STREET
SPRINGFIELD, OREGON 97477

NOTICE OF DECISION
SPRINGFIELD CITY COUNCIL

MAILING DATE OF NOTICE: February 8, 2006
DATE OF DECISION: February 6, 2006
EFFECTIVE DATE: March 8, 2006
JOURNAL NUMBER: LRP2005- 00031
APPLICANT: City of Springfield

NATURE OF REQUEST

AN ORDINANCE AMENDING THE SPRINGFIELD DEVELOPMENT CODE, ARTICLE 23 PLO PUBLIC LAND AND OPEN SPACE DISTRICT AND ADOPTING A SEVERABILITY CLAUSE.

PURPOSE OF THE AMDNEMENT

The SDC amendments are necessary to site the proposed Justice Center in downtown Springfield on property zoned PLO. The amendments will apply to all PLO zoning that allows public buildings and include: additions to the use list under the heading "Government"; specific exceptions for setbacks, height, parking and fence standards in downtown Springfield; and the addition of pedestrian amenity standards for public buildings.

PROCEEDINGS AND DECISION

On November 1, 2005 the Planning Commission held a public hearing on the proposed amendments. There was no written or oral public testimony. The Planning Commission voted (5-0, with 2 absent) to recommend adoption of the amendments, with revisions to the City Council. During the preparation of the Ordinance, staff had concerns regarding the proposal to require Type III Discretionary Use approval for Justice Center uses, fire stations and public transit facilities. The staff report presented at the City Council public hearing (first reading) on November 28, 2005 proposed an alternative to the Planning Commission's recommendation. The City Council directed staff to take the matter back to the Planning Commission for additional consideration; however, the City Council opened the public hearing (first reading) and continued it until January 17, 2006. On January 4, 2006 the Planning Commission held a work session and public hearing to reconsider the level of review for fire stations, police stations, including jails, and public transit facilities. There was no written or oral public testimony. The Planning Commission considered four review options and voted 4 to 3 against Option D - Allow the Justice Center to be listed as an outright permitted use; and voted 5 to 2 for Option A - Retaining the Planning Commission's original recommendation to the City Council (Type III Discretionary Use approval). The Planning Commission motion approving Option A added the term "Justice Center" to the use list and changed the term "police stations, including jail facilities" to "police satellite facilities". These two uses, as well as fire stations and public transit facilities, are shown as "D" (Discretionary Use) on the use list. On January 17 the City Council held a work session and the continued public hearing. There was no written or oral public testimony. The City Council unanimously adopted the SDC amendments on February 6, 2006 (second reading).

ADDITIONAL INFORMATION

If you have questions concerning the amendments or the decision of the City Council in this matter, please contact Gary M. Karp, Senior Planner at 541.726.3777. E-mail address: gkarp@ci.springfield.or.us. The adopting ordinance, along with supporting staff report and documents, are available for review between 8:00AM and 4:00PM, at the Development Services Department counter, Springfield City Hall, at 225 Fifth Street. These documents can be e-mailed to interested parties if an e-mail address is provided.

APPEAL

All parties are advised that a *Notice of Intent to Appeal* conforming to the requirements of the Oregon Revised Statutes 197.830(9) shall be filed on or before the 21st day after the mailing date of this notice. All parties are further advised to consult an attorney or land use consultant regarding their appeal.

ORDINANCE

ORDINANCE NO. 6154 (General)

AN ORDINANCE AMENDING THE SPRINGFIELD DEVELOPMENT CODE, ARTICLE 23 PLO PUBLIC LAND AND OPEN SPACE DISTRICT AND ADOPTING A SEVERABILITY CLAUSE.

THE CITY COUNCIL OF THE CITY OF SPRINGFIELD FINDS THAT:

WHEREAS, the Springfield Development Code (SDC) was adopted by the Springfield City Council on May 5, 1986 and amendments thereto were subsequently adopted by Ordinance; and

WHEREAS, Article 8 of the SDC sets forth procedures for the amendment of this document; and

WHEREAS, the intent of the proposed SDC amendments is to: add to the use list under the heading "Government"; allow specific exceptions for setbacks, height, parking and fence standards in downtown Springfield; and add pedestrian amenity standards for public buildings; and

WHEREAS, on November 1, 2005 the Planning Commission held a work session and a public hearing on this SDC amendment application and voted 5 to 0 to with 2 abstentions to recommend approval of these amendments to the City Council based upon findings in support of adoption of these amendments to the SDC as set forth in the Staff Report and the Recommendation to the City Council incorporated herein by reference (Case Number LRP 2005-00031); and

WHEREAS, on November 28, 2005 the City Council held a work session and directed staff to seek further Planning Commission consideration of the options for siting the Justice Center and opened the public hearing for the first reading of the Ordinance and continued that hearing until January 17, 2006; and

WHEREAS, on January 4, 2006 the Planning Commission held a work session and a public hearing to consider options concerning the siting of the Justice Center and voted 5 to 2 to recommend approval of Option A requiring discretionary approval, to the City Council; and

WHEREAS, on January 17, 2006 the City Council held a work session and reopened the public hearing for the first reading; and

WHEREAS, on February 6, 2006 the City Council is now ready to take action on this matter based upon the above recommendation and the evidence and testimony already in the record in the matter of adopting this Ordinance amending the SDC by a second reading.

NOW THEREFORE, THE CITY OF SPRINGFIELD ORDAINS AS FOLLOWS:

Section 1: Section 23.010 is hereby amended to read as follows:

“23.010 ESTABLISHMENT OF THE PLO PUBLIC LAND AND OPEN SPACE DISTRICT.

- (1) The PLO District implements the Metro Plan Public and Semi-Public land use designation, which includes the following categories:
 - (a) Government uses, including public offices and facilities;
 - (b) Educational uses, including high schools and colleges; and
 - (c) Parks and open space uses including, publicly owned metropolitan and regional scale parks and publicly and privately owned golf courses and cemeteries.
- (2) The PLO zoning district shall also be permitted on properties designated other than Public and Semi-Public as specified in the Metro Plan, a refinement plan or a plan district.”

Section 2: Section 23.020 is hereby amended to read as follows:

“23.020 SCHEDULE OF USE CATEGORIES.

The following specific buildings and uses are permitted in this district as indicated subject to the provisions, additional restrictions and exceptions set forth in this Code.

"P" = PERMITTED USE, subject to the standards of this Code; may be processed under Type I, II or III procedures.

"S" = SPECIAL USE, subject to special locational and siting standards to be met prior to being deemed a permitted use; may be processed under Type I, II or III procedures.

"D" = DISCRETIONARY USE, may or may not be permitted, based upon the application of general criteria; may be subject to certain locational and siting standards to be met prior to being deemed a permitted use processed under Type III procedures.

SITE PLAN REVIEW SHALL BE REQUIRED, unless specifically exempted elsewhere in this code.

USE CATEGORIES / USES	PLO DISTRICT
(1) Education (23.100)	
(a) Colleges	S
(b) High Schools	S
(c) Private/Public Elementary and Middle Schools (23.100(7))	S

- (2) Government (23.100)
 - (a) Libraries S
 - (b) Senior/Adult Activity Centers S
 - (c) Courts S
 - (d) Fire Stations D
 - (e) Administrative offices S
 - (f) Museums S
 - (g) Neighborhood and community centers S
 - (h) Performing arts centers S
 - (i) Plazas and other sites of public interest, S
 - (j) Police satellite facilities D
 - (k) Post offices S
 - (l) Public transit facilities D
 - (m) Sports complexes/stadiums D
 - (n) Justice Center, a building including but not limited to a police station, courts, administrative offices and a jail D
- (3) Parks and open spaces (23.100)
 - (a) Public and private parks and recreational facilities.
 - 1. Neighborhood Parks P
 - 2. Community Parks S
 - 3. Regional Parks S
 - 4. Private areas of greater than one acre reserved for open space as part of a cluster or hillside development. P

- (b) Publicly and privately owned golf courses and cemeteries. D
 - (c) R.V. parks and campgrounds within a regional park. S
 - (d) R.V. parks and campgrounds outside of a regional park and without sanitary sewer service as a temporary use subject to termination when within 1,000 feet of sanitary sewer. D
- (4) Secondary uses – public land and open space.
- (a) Agricultural cultivation of undeveloped land. P
 - (b) Cafeteria and restaurants primarily serving the patrons of the development. P
 - (c) Day care facilities. P
 - (d) Heliports and helistops. D
 - (e) Office and storage yards that are incidental to a primary use. P
 - (f) Mortuaries and chapels associated with cemeteries. D
 - (g) Maintenance and security residences, excluding mobile homes. D
 - (h) Low impact public facilities. P
 - (i) High impact public facilities. D
 - (j) Certain Wireless Telecommunications Systems Facilities (article 32). Refer to Section 32.130 for siting standards and review process in the PLO PUBLIC LANDS AND OPEN SPACE District.
 - (k) Wellness center S
 - (l) Parking structures S''

Section 3: Section 23.050 is hereby amended to read as follows:

“23.050 SETBACK STANDARDS.

In the PLO District, each development area shall have planted setbacks of not less than the following, unless otherwise provided for in this Code.

- (1) Street setbacks 15 feet
- (2) Residential property line setbacks 20 feet
- (3) Parking and driveway setbacks 5 feet
- (4) Where an easement is larger than the required setback standard, no building or above grade structure, except for a fence, shall be built upon or over that easement.
- (5) When additional right of way is required, whether by City Engineering standards or the Metro Plan, setbacks shall be based on future right of way locations. Dedication of needed right of way shall be required prior to the issuance of any building permit that increases parking or gross floor area.
- (6) Structural extensions may extend into any 5 foot or larger setback area by not more than 2 feet.
- (7) **EXCEPTION:** In the Downtown Exception Area, there shall be no minimum setback for administrative offices and other public uses listed under Section 23.020(2)(a) through (l), of this Article.”

Section 4: Section 23.060 is hereby amended to read as follows:

“23.060 HEIGHT STANDARDS.

- (1) There shall be no building height standards in the PLO District unless abutting a residential district. In this case, the following height limitations shall apply:

When a PLO District abuts a residential district, the maximum building height shall be defined as the height standard of the applicable residential district for a distance of 50 feet measured from the boundary of the adjacent residential zoning district. Beyond the 50 foot measurement, there shall be no building height limitation.
- (2) Incidental equipment may exceed the height standards specified in Subsection (1) of this Section.”

Section 5: Section 23.070 is hereby amended to read as follows:

“23.070 PARKING STANDARDS.

The Downtown Exception Area shall be exempt from the motor vehicle and bicycle parking space requirements of this Article. However, any voluntarily installed parking shall conform to the design standards of this Code. In this case, the required number and type of vehicle and bicycle parking spaces shall be determined based upon standards for similar uses in other districts.”

Section 6: Section 23.090 is hereby amended to read as follows:

“23.090 FENCE STANDARDS.

- (1) General. Unless specified elsewhere in this Code, fences shall not exceed the height standards listed below and shall be located as follows:
 - (a) Six feet, provided that the fence is located behind the required front yard and street side yard planted areas and outside of the vision clearance area.
 - (b) Eight feet for public utility facilities, school yards and playgrounds, provided that the fence is located behind the required front yard and street side yard planted areas and outside of the vision clearance area.
 - (c) Two and one-half feet in the vision clearance area in accordance with Section 32.070 of this Code.
- (2) Fences shall comply with the screening standards of Section 31.160 of this Code. Partial screening along rights-of-way and non-residential zoning districts may be permitted when necessary for security reasons.
- (3) Outdoor storage of materials:
 - (a) When abutting residential properties along common property lines, outdoor storage of materials shall be screened by a sight obscuring fence.
 - (b) When abutting public rights-of-way, barbed wire and/or razor wire shall be permitted atop a slatted 6 foot-high chain link fence. The total height of the fence and barbed and/or razor wire shall not exceed 8 feet. These materials shall not extend into the vertical plane of adjoining public sidewalks.

EXCEPTION: In the Downtown Exception Area, barbed and/or razor wire shall not be permitted.
- (4) Review Procedure.
 - (a) A construction permit shall be required for all fences over six feet in height.

- (b) Fences within the Willamette Greenway shall be reviewed under Type III procedure (Discretionary Use)."

Section 7: Subsections 23.100(4) and (9) are hereby amended to read as follows:

"23.100 SPECIAL USE STANDARDS."

- "(4) For all special uses, a traffic impact study shall be prepared as specified in Section 32.010(1)(e) of this Code."
- "(9) Pedestrian amenities for public buildings in mixed use Metro Plan land use designations.
 - (a) All new structures and substantial improvements to existing buildings shall provide pedestrian amenities, as specified in this Subsection. The number of pedestrian amenities provided shall comply with the following sliding scale.

<u>Size of Structure or Substantial Improvement</u>	<u>Number of Amenities</u>
<5,000 sq. ft.	<u>1</u>
5,000 – 10,000 sq. ft.	<u>2</u>
10,000 – 50,000 sq. ft.	<u>3</u>
>50,000 sq. ft.	<u>4</u>

- (b) Acceptable pedestrian amenities include:
 1. Sidewalks incorporating ornamental paving treatments, including but not limited to concrete masonry unit pavers, brick, or stone, which are 50% wider than required by this Code.
 2. A public outdoor seating plaza adjacent to or visible and accessible from the street (minimum useable area of 300 square feet).
 3. Sidewalk planters between sidewalk and building including stormwater swales.
 4. Street tree density more extensive than required by this Article.
 5. Streetscape scale container planters.
 6. Installation of 3" caliper tree size or larger to fulfill the street tree requirement.
 7. Public art including but not limited to sculptures, fountains, clocks, or murals with a value equal to or greater than one (1) percent of construction value of the structure.

8. Pocket parks with a minimum usable area of 300 square feet.
- (c) Guidelines for the siting, construction and character of pedestrian amenities:
1. Amenities shall be visible and accessible to the general public from a fully improved street. Access to pocket parks, plazas, and sidewalks shall be provided via a public right-of-way or a public access easement.
 2. The size or capacity of pedestrian amenities shall be roughly proportional to their expected use, including use by employees, customers, residents, and other visitors. The Director may alter minimum area standards for pocket parks and plazas based on this guideline.
 3. Amenities shall be consistent with the character and scale of surrounding developments. For example, similarity in awning height, bench style, planter materials, street trees, and pavers is recommended to foster continuity in the design of pedestrian areas. Materials shall be suitable for outdoor use, easily maintained, and have at least a 10-year expected service life.
 4. Bus stops, as a pedestrian amenity, shall conform to standards of the Lane Transit District."

Section 8: Severability Clause. If any section, subsection, sentence, clause, phrase or portion of the Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion thereof.

ADOPTED by the Common Council of the City of Springfield by a vote of 6 for and 0 against, this 6th day of February, 2006.

APPROVED by the Mayor of the City of Springfield, this 6th day of February, 2006.

ATTEST:

Amy Sowa
City Recorder

[Signature]
Mayor

City of Springfield, Oregon

CERTIFIED TRUE COPY

Amy Sowa
City Recorder

REVIEWED & APPROVED
AS TO FORM
[Signature]
DATE: 1-25-2006
OFFICE OF CITY ATTORNEY



MEMORANDUM

CITY OF SPRINGFIELD

DATE OF HEARING: January 4, 2006

TO: Springfield Planning Commission

PLANNING COMMISSION
TRANSMITTAL
MEMORANDUM

FROM: Greg Mott, Planning Manager 
Gary M. Karp, Planner III 

SUBJECT: Springfield Development Code Amendment –
Case Number LRP 2005-00031, City of Springfield, Applicant

ISSUE

Hold a public hearing on the proposed Springfield Development Code (SDC) amendment of Article 23 PLO Public Land and Open Space District to reconsider the level of review for fire stations, police stations, jails and public transit facilities in the PLO District.

DISCUSSION

The Planning Commission voted to forward an Ordinance amending Article 23 to the City Council for adoption on November 1, which included several revisions requested by the Commission. During the preparation of the Ordinance, the Justice Center Project Team raised some concerns regarding the proposal to require Type III Discretionary Use approval for fire stations, police stations, jails and public transit facilities. Staff prepared an explanation of this concern with a choice of options for the City Council's consideration at their work session and public hearing on November 28. The City Council deferred expressing an interest in any of these options and directed staff to take the matter back to the Planning Commission for additional consideration. The City Council opened the public hearing and continued it until January 17, 2006.

RECOMMENDATION/ACTION REQUESTED

Consider options for the review of fire stations, police stations, jails and public transit facilities in the PLO District. Select one of the attached options, propose a new option or blend portions of these options and advise the City Council, by motion and signature of the revised order and recommendation by the Planning Commission Chairperson, to approve the Ordinance amending Article 23, PLO Public Land and Open Space District, as may be revised, at the continuation of the public hearing on January 17, 2006.

ATTACHMENTS

Attachment 1 Background

Attachment 2: Options, Assets and Liabilities

Attachment 3 Revisions to the uses under "Government" based on the proposed options

Attachment 4 Discretionary Use Criteria of Approval

Attachment 5 Site Plan Review Criteria of Approval

Attachment 6: Revised Order and Recommendation

ATTACHMENT 1

BACKGROUND

Currently, SDC Section 23.020(2) "Government" contains a use list that is limited to libraries, public office buildings, senior centers and sports complexes/ stadiums. Staff proposed to expand this use list to specifically include the elements that comprise the Justice Center (courts, a police station and a jail) and added other uses consistent with established public buildings in the City.

Currently, approval of all uses listed in SDC Section 23.020(2) "Government" requires Type III Discretionary Use approval from the Planning Commission. Staff proposed that instead, the Type II Site Plan Review process, along with compliance with the applicable special use standards found in SDC Section 23.100, (a staff decision) be used. Staff's recommendation for the Type II process was to comply with the Planning Commission's direction given during the recently adopted SDC "housekeeping" amendments (July '05). The Planning Commission wanted staff to reduce the number of Type III reviews decided by the Commission.

At their public hearing on November 1, the Planning Commission directed staff to apply the Type III Discretionary Use approval process for fire stations, police stations including jail facilities, and public transit facilities. The Planning Commission felt that these uses may have an impact on neighboring properties, especially those zoned residential. Staff stated that the SDC currently gives the Development Services Director the authority to raise a Type II Site Plan application to a Type III review before the Planning Commission "due to the complexity of the application or the need for discretionary review." The Planning Commission preferred the certainty of requiring discretionary review and voted unanimously to forward the use list amendments to the City Council with the four uses cited above requiring Type III Discretionary Use approval.

The Site Plan Review process considers applications on the basis of compliance with SDC development standards such as zoning consistency; availability and capacity of necessary public improvements, compliance with applicable construction standards, transportation issues and protection of physical features (see Attachment 5). Two recent public developments, the fire station on Game Farm Road near Harlow Road and the LTD Transit facility at 4th and South A Streets were both reviewed under the Type II Site Plan Review process.

While one of the Discretionary Use approval criteria specifically addresses the mitigation of: "Any adverse effects of the proposed use on adjacent properties and the public...", when adverse effects and/or compatibility issues with surrounding uses are raised during any Type III public hearing process, including Site Plan Review, the Planning Commission has the authority to add conditions of approval addressing mitigation of these issues.

As staff began to prepare the adopting Ordinance, the Justice Center Project Team raised some concerns about applying Type III Discretionary Use approval because this process requires a determination that the site must be considered "suitable for the proposed use" resulting in a yes/no decision by the Planning Commission in order to site the use (see Attachment 4). The Discretionary Use would apply to the Justice Center because it includes a police station and a jail. Implementation of the Discretionary Use process appears to conflict with the recent Downtown Refinement Plan text amendments that state: "*All publicly owned property within the nodal development mixed use plan diagram designation shall be rezoned Public Land and Open Space (PLO).*" (Implementation Policy A. 1.). Additionally, "*Downtown shall be the*

preferred location for civic and governmental uses serving the Springfield community. Within the downtown, governmental uses, including City Hall, the Justice Center, Willamalane and SUB offices, shall be encouraged to locate and expand along A Street. Other civic uses or public places, such as theaters, parks, plazas and other sites of public interest, should be dispersed throughout downtown to encourage walking from place to place, provide visual contrast to the built environment, and compliment adjoining businesses." (Implementation Policy A. 2.).

As the cover memorandum indicates, the City Council wanted to be sure that these concerns and options were thoroughly discussed by the Planning Commission and that any option chosen by that body should result in a recommendation to the City Council. For this reason, staff now presents what we believe is a full array of potential options for the Planning Commission's consideration. Option A is the Planning Commission's recommendation as approved on November 1; Option B is the original staff recommendation of Site Plan Review, administrative approval; Option C elevates Site Plan Review to the Planning Commission's jurisdiction; Option D, which is presented for the first time, confers a status of outright use, without the Site Plan requirement.

As these options are discussed, the other unique circumstances that exist in the Downtown Exception Area should not be overlooked:

1. The evidence of Downtown Refinement Plan policy for the proposed use.
2. No off-street parking requirements.
3. No landscape requirements.
4. No building setback requirements.
5. No height requirements.

These rules apply to all development in the Downtown Exception Area, not just government property. Development standards that are otherwise achieved during Site Plan Review are deliberately reduced in this area

ATTACHMENT 2

OPTIONS

A. Retain the Planning Commission's Original Recommendation to the City Council. That recommendation required Type III Discretionary Use Approval for fire stations; police stations, including jail facilities; and public transit facilities. If this option is selected, no change to the Ordinance is necessary. The four uses listed above would appear as "D" on the use list. See Attachment 3 Option A. A Site Plan Review application would also be required.

B. Original Recommendation to the Planning Commission. In this option, the Development Services Director currently has the authority to raise a Type II Site Plan Review application to a Type III review before the Planning Commission on a case-by-case basis for four uses listed above. If this option is selected, the Ordinance must be revised to show an "S" instead of a "D". See Attachment 3 Option B.

C. Modification of Option B. In this option, the required Site Plan Review for the four uses listed above will be a Type III review before the Planning Commission. If this option is selected, the Ordinance must be revised to show "SPR/III" (Site Plan Review/ Type III approval required) instead of a "D". See Attachment 3 Option C.

D. Allow the Justice Center to be Listed as an Outright Permitted Use. In this option, the term "Justice Center" would be defined and specifically listed as a permitted use. The four uses cited above are considered separately from the Justice Center use, applying Options A-C to those uses. In this case, the Ordinance must be revised to show a separate listing for "Justice Center" - a building including but not limited to a police station, courts, administrative offices and a jail - and a P with a notation that the Justice Center is allowed as of right without addressing Site Plan Review or Discretionary Use Standards. Revise the four uses cited above as necessary. See Attachment 3 Option D.

Note: The difference between Options B and C is that in Option B the Director is not required to raise the Type II Site Plan to a Type III review; in Option C the Site Plan Review is automatically raised to a Type III review.

PROCESS

Public notice is required - newspaper/mail
A public hearing is required
Planning Commission review is automatic
Requires a decision on whether the use may be sited
Must also meet Site Plan Review standards
Mitigation conditions can be applied
The Planning Commission decision can be appealed*

Public notice is required - Type II mail only - Type III newspaper/mail
A public hearing may be required
Planning Commission review is not automatic
Must meet Site Plan Review standards only
Mitigation conditions can be applied - Type III review
The Planning Commission decision can be appealed*

Public notice is required - newspaper/mail
A public hearing is required
Planning Commission review is automatic
Must meet Site Plan Review standards only
Mitigation conditions can be applied
The Planning Commission decision can be appealed*

Public notice is not required
A public hearing is not required
Planning Commission review is not required
Site Plan Review standards are not required
Discretionary Use standards are not required
No mitigation conditions can be applied
No staff or Planning Commission decision to be appealed
A Technical Advisory Committee is in place
A Citizen Review Committee is in place
The site was evident and available for discussion during the levy process.
An Architect has been hired and there are a number of design scenarios to choose from
There is a budget that will accommodate building design elements.

Note: Type II staff decisions are appealed to the Planning Commission. This is the last local hearing unless the City Council decides it wants to hear the appeal (applies only to Type II Site plan Review). Type III Planning Commissions decisions are appealed to the City Council which is the last local hearing. The last local hearing is appealed to the Land Use Board of Appeals.

ATTACHMENT 3

REVISIONS TO THE USES UNDER "GOVERNMENT"
BASED ON THE PROPOSED OPTIONS

OPTION A

- | | |
|---|--------------|
| (1) Government (23.100) | |
| (a) Libraries | S |
| (b) Senior/Adult Activity Centers | S |
| (c) Courts | S |
| (d) Fire Stations | D |
| (e) Administrative offices | S |
| (f) Museums | S |
| (g) Neighborhood and community centers | S |
| (h) Performing arts centers | S |
| (i) Plazas and other sites of public interest, | S |
| (j) Police stations, including jail facilities | D |
| (k) Post offices | S |
| (l) Public transit facilities | D |
| (m) Sports complexes/stadiums | D |

ATTACHMENT 3

OPTION B

- (2) Government (23.100)
 - (a) Libraries S
 - (b) Senior/Adult Activity Centers S
 - (c) Courts S
 - (d) ~~Fire Stations~~ S
 - (e) Administrative offices S
 - (f) Museums S
 - (g) Neighborhood and community centers S
 - (h) Performing arts centers S
 - (i) Plazas and other sites of public interest, S
 - (j) ~~Police stations, including jail facilities~~ S
 - (k) Post offices S
 - (l) ~~Public transit facilities~~ S
 - (m) Sports complexes/stadiums D

ATTACHMENT 3

OPTION C

- (3) Government (23.100)
 - (a) Libraries S
 - (b) Senior/Adult Activity Centers S
 - (c) Courts S
 - (d) ~~Fire Stations~~ SPR/III
 - (e) Administrative offices S
 - (f) Museums S
 - (g) Neighborhood and community centers S
 - (h) Performing arts centers S
 - (i) Plazas and other sites of public interest, S
 - (j) ~~Police stations, including jail facilities~~ SPR/III
 - (k) Post offices S
 - (l) ~~Public transit facilities~~ SPR/III
 - (m) Sports complexes/stadiums D

ATTACHMENT 3

OPTION D

(4)	Government (23.100)	
(a)	Libraries	S
(b)	Senior/Adult Activity Centers	S
(c)	Courts	S
(d)	Fire Stations	D
(e)	Administrative offices	S
(f)	Museums	S
(g)	Neighborhood and community centers	S
(h)	Performing arts centers	S
(i)	Plazas and other sites of public interest,	S
(j)	Police stations, including jail facilities	D
(k)	Post offices	S
(l)	Public transit facilities	D
(m)	Sports complexes/stadiums	D
(n)	Justice Center, a building including but not limited to a police station, courts, administrative offices and a jail	P

Allowed as of right without addressing Site Plan Review or Discretionary Use Standards

Note: The Planning Commission must fill in the review processes on the blank spaces in this table. The Planning Commission may choose from Options A – C or propose a new option or blend portions of these options.

ATTACHMENT 4
DISCRETIONARY USE CRITERIA OF APPROVAL (ref. SDC 10.030).

A Discretionary Use may be approved only if the Planning Commission or Hearings Official finds that the proposal conforms with the Site Plan Review approval criteria specified in Section 31.060 of this Code, where applicable, and the following approval criteria:

- (1) The proposed use conforms with applicable:
 - (a) Provisions of the Metro Plan;
 - (b) Refinement plans;
 - (c) Plan District standards;
 - (d) Conceptual Development Plans or
 - (e) Special use standards in this Code;
- (2) The site under consideration is suitable for the proposed use, considering:
 - (a) The location, size, design and operating characteristics of the use (operating characteristics include but are not limited to parking, traffic, noise, vibration, emissions, light, glare, odor, dust, visibility, safety, and aesthetic considerations, where applicable);
 - (b) Adequate and safe circulation exists for vehicular access to and from the proposed site, and on-site circulation and emergency response as well as pedestrian, bicycle and transit circulation;
 - (c) The natural and physical features of the site, including but not limited to, riparian areas, regulated wetlands, natural stormwater management/drainage areas and wooded areas shall be adequately considered in the project design; and
 - (d) Adequate public facilities and services are available, including but not limited to, utilities, streets, storm drainage facilities, sanitary sewer and other public infrastructure.
- (3) Any adverse effects of the proposed use on adjacent properties and on the public can be mitigated through the:
 - (a) Application of other Code standards, for example buffering from less intensive uses, increased setbacks, etc.;
 - (b) Site Plan Review conditions of approval, where applicable;
 - (c) Other conditions of approval that may be required by the Approval Authority; and/or
 - (d) A proposal by the applicant that meets or exceeds the cited Code standards and/or conditions of approval.

ATTACHMENT 5

SITE PLAN REVIEW CRITERIA OF APPROVAL (ref SDC 31.060)

The Director shall approve or approve with conditions: a Type II Site Plan Review application upon determining that approval criteria (1) through (5) of this Section have been satisfied. If conditions cannot be attached to satisfy the approval criteria, the Director shall deny the application.

- (1) The zoning is consistent with the Metro Plan diagram, and/or the applicable Refinement Plan diagram, Plan District map, and Conceptual Development Plan.
- (2) Capacity requirements of public improvements, including but not limited to, water and electricity; sanitary sewer and stormwater management facilities; and streets and traffic safety controls shall not be exceeded and the public improvements shall be available to serve the site at the time of development, unless otherwise provided for by this Code and other applicable regulations. The Public Works Director or a utility provider shall determine capacity issues.
- (3) The proposed development shall comply with all applicable public and private design and construction standards contained in this Code and other applicable regulations.
- (4) Parking areas and ingress-egress points have been designed to: facilitate vehicular traffic, bicycle and pedestrian safety to avoid congestion; provide connectivity within the development area and to adjacent residential areas, transit stops, neighborhood activity centers, and commercial, industrial and public areas; minimize curb cuts on arterial and collector streets as specified in this Code or other applicable regulations and comply with the ODOT access management standards for state highways.
- (5) Physical features, including but not limited to, significant clusters of trees and shrubs, watercourses shown on the Water Quality Limited Watercourse Map and their associated riparian areas, wetlands, rock outcroppings and historic features have been evaluated and protected as specified in this Code or other applicable regulations.

BEFORE THE PLANNING COMMISSION
OF THE CITY OF SPRINGFIELD, OREGON

ORDER AND RECOMMENDATION FOR A]
SPRINGFIELD DEVELOPMENT CODE]
TEXT AMENDMENT]

CASE NUMBER LRP 2005-00031

RECOMMENDATION TO THE CITY COUNCIL

NATURE OF THE APPLICATIONS

CASE NUMBER LRP 2005-00031. The purpose of the Springfield Development Code text amendment is to amend SDC Article 23, PLO Public Land and Open Space District to: 1) Revise the use list under "Government" to allow the Justice Center and other specific uses as outright permitted uses along with other minor siting standard amendments; 2) Reduce approval process from Type III review to Type II review; and 3) To add pedestrian amenity standards for public buildings from SDC Article 40 Mixed Use Districts as special use standards in SDC Article 23.

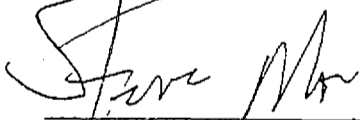
1. The above referenced applications have been accepted as complete.
2. The applications were initiated and submitted in accordance with Section 3.050 of the Springfield Development Code. Timely and sufficient notice of the public hearing, pursuant to Section 14.030 of the Springfield Development Code, has been provided.
3. On November 1, 2005 the Planning Commission held a public hearing on the proposed amendments. The Development Services Department staff notes and recommendation together with the oral testimony and written submittals of the persons testifying at that hearing have been considered and are part of the record of this proceeding.
4. On January 4, 2006 the Planning Commission reopened the public hearing to consider options for the review of fire stations, police stations, jails and public transit facilities in the PLO District, select an option, and advise the City Council to approve the Ordinance amending Article 23, PLO Public Land and Open Space District, as may be revised, at the continuation of the public hearing on January 17, 2006.

CONCLUSION

On the basis of this record, the proposed amendments are consistent with the criteria of SDC Sections 8.030. This general finding is supported by the specific findings of fact and conclusion in the Staff Report and Findings.

ORDER/RECOMMENDATION

It is ORDERED by the Springfield Planning Commission that approval of CASE NUMBER LRP 2005-00031, be GRANTED and a RECOMMENDATION for approval forwarded to the Springfield City Council.



Planning Commission Chairperson

ATTEST

AYES: 5
NOES: 2
ABSENT: 0
ABSTAIN: 0

MEMORANDUM**CITY OF SPRINGFIELD**

DATE OF HEARING: November 1, 2005**TO:** Springfield Planning Commission**PLANNING COMMISSION****FROM:** Gary M. Karp, Planner III *GK***TRANSMITTAL
MEMORANDUM****SUBJECT:** Springfield Development Code Amendment –
Case Number **LRP 2005-00031**, City of Springfield, Applicant

ISSUE

Conduct a public hearing on the proposed Springfield Development Code (SDC) amendment and decide whether to advise the City Council to approve, approve with conditions or deny the request.

DISCUSSION

Staff is proposing to amend SDC Article 23, PLO Public Land and Open Space District.

Staff has recently submitted to the Planning Commission separate applications for: a Metro Plan diagram amendment implementing the Nodal Development Area; a Downtown Refinement Plan text amendment; and mixed use zoning in downtown Springfield. However, properties currently zoned PLO will retain that zoning. The Downtown Refinement Plan text amendment includes language allowing PLO zoning within the Nodal Development Area Metro Plan designation.

During the review of the applications referenced above, staff also reviewed SDC Article 23. Staff found that the proposed Justice Center is not an outright permitted use. The proposed SDC amendments are primarily necessary to site the Justice Center in downtown Springfield without the need of a use interpretation.

The proposed Article 23 SDC amendments will apply to all PLO zoning that allows public buildings and include: additions to the use list under the heading "Government"; specific exceptions for setbacks, height, parking and fence standards in downtown Springfield; and the addition of pedestrian amenity standards for public buildings that are the same as those found in SDC Article 40 Mixed Use Districts. The pedestrian standards are proposed because the Metro Plan Nodal Development Area land use designation in downtown Springfield requires "pedestrian friendly land use patterns."

RECOMMENDATION

Staff recommends approval of the proposed SDC Article 23 amendments based on the attached findings.

ACTION REQUESTED

Advise the City Council, by motion and signature of the attached order and recommendation by the Planning Commission Chairperson, to approve the proposed request at their public hearing on December 5, 2005.

ATTACHMENTS

Attachment 1: Staff Report, Findings and Order
Attachment 2: Proposed Amendments to SDC Article 23

City Of Springfield
Development Services Department
Staff Report

Applicant: City of Springfield	Case Numbers: LRP 2005-00031
Request: Amendment of SDC Article 23 PLO Public Land and Open Space District These amendments include: Additions to the uses list under the heading "Government"; specific exceptions for setbacks, height, parking and fence standards in downtown Springfield; and the addition of pedestrian amenity standards for public buildings from SDC Article 40 Mixed Use Districts.	Procedure Type: Type IV
Attachments: Proposed Amendments to SDC Article 23	

I. EXECUTIVE SUMMARY

The proposed amendments to SDC Article 23 are divided into three categories: 1) Revising the use list under "Government" to allow the Justice Center and other specific uses as outright permitted uses along with other minor siting standard amendments; 2) Reducing approval process from Type III review to Type II review; and 3) The addition of pedestrian amenity standards for public buildings from SDC Article 40 Mixed Use Districts as special use standards in SDC Article 23.

1) Use list additions and siting standard exceptions.

a) Use list additions. Currently, SDC Section 23.020(2) "Government" contains a use list that is limited to libraries, public office buildings, senior centers and sports complexes/stadiums. Staff proposes to add courts and police stations with jail facilities (the Justice Center) and other government uses including fire stations, administrative offices, museums, performing arts centers, plazas, post offices and public transit facilities. The intent is to reduce the need for a use interpretation by staff for specific uses under the "Government" category. The proposed "other government uses" listed above are consistent with established government uses in the PLO District.

b) Siting setback exceptions. The proposed minor siting standards exceptions specifically apply to setbacks, height, parking and fences in downtown Springfield.

2) Currently, approval of uses listed in SDC Section 23.020(2) "Government" requires Type III Discretionary Use approval from the Planning Commission. Staff proposes to utilize the Type II review process (Site Plan Review along with special use standards) to further comply with the Planning Commission's direction that was followed during the recently adopted SDC housekeeping amendments to reduce the number of Type III reviews that are decided by that body. That being said, the Development Services Director or a designee has the authority to raise a Type II review to a Type III review "due to the complexity of the application or the need for discretionary review."

3) Pedestrian amenity standards for public buildings. The Oregon Transportation Planning Rule requires metropolitan areas with populations under one million to plan for a 5 percent per capita reduction in vehicle miles traveled (VMT) over the 20 year planning horizon. The revised TransPlan adopted by Springfield, Eugene and metro Lane County in 2001 allows for Nodal Development Areas as an alternative strategy to meet the VMT standard. The Springfield City Council selected and adopted the Nodal Development Area concept after reviewing a preliminary assessment of several potential Nodal Development Area sites in 2003. Downtown Springfield is one of the selected sites.

Nodal Development Areas are areas of higher-density, mixed-use development that are served by transit and designed to facilitate walking and bicycling within the area. By allowing developments where employment and services are in close proximity, more trips will be made by walking, biking and transit, or are internalized and do not need to use the arterial system. Increasing these types of trips will help reduce automobile trips and minimize increases in congestion on the arterial system.

Recent proposed amendments to the Downtown Springfield Refinement Plan include language that allows PLO zoned property in the Nodal Development Area designation, encourages public buildings and other civic uses to locate and expand in downtown Springfield and encourages pedestrian amenities.

Staff is proposing to add existing pedestrian amenity text from SDC Article 40 to SDC Article 23. Specifically, these pedestrian amenity (special use) standards would be applied by staff during the Type II Site Plan Review approval process. The proposed pedestrian amenity standards include sidewalks incorporating ornamental paving treatments, outdoor seating, additional landscaping, public art and pocket parks.

The proposed text amendments are found in Attachment 2.

II. PROCEDURAL REQUIREMENTS

Procedural requirements for SDC text amendments are described in Springfield Development Code (SDC) Article 8 and notice requirements are described in SDC Article 14.

SDC Article 8 indicates that the Development Services Director, the Planning Commission, the City Council or citizen can initiate an amendment to the SDC text. These amendments are reviewed under a "Type IV" procedure and require public hearings before the Planning Commission and the City Council. Type IV review procedures are specified in SDC Section 3.100.

SDC Section 14.030 (2) requires that legislative land use decisions be advertised in a newspaper of general circulation, providing information about the proposed application and the time, place and location of the public hearing.

Findings:

The Development Services Director has initiated the proposed amendment to the SDC text as specified in SDC Section 8.010. The proposed amendment to the SDC text is a Type IV legislative action.

Notice of the public hearings concerning this matter was published on October 21, 2005 in the Springfield News, advertising both the hearing before the Springfield Planning Commission on November 1, 2005 and the City Council on November 28, 2005. The content of the notice followed the direction given in Section 14.030 (2) of the SDC for legislative actions.

Procedural requirements described in SDC Articles 8 and 14 have been followed.

IV. DECISION CRITERIA AND FINDINGS

SDC Section 8.030 establishes criteria that must be met in order to approve this request. *"In reaching a decision on these actions, the Planning Commission and the City Council shall adopt findings which demonstrate conformance to the following: (1) The Metro Plan; (2) Applicable State statutes; and (3) Applicable State-wide Planning Goals and Administrative Rules."*
SDC Section 8.030 (1) *"The Metro Plan;"*

The following statement defines the Metro Plan:

"The Eugene-Springfield Metropolitan Area General Plan [Metro Plan] is the official long-range general plan (public policy document) of metropolitan Lane County and the cities of Eugene and Springfield. Its policies and land use designations apply only within the area under the jurisdiction of the Plan. The Plan sets forth general planning policies and land use allocations and serves as the basis for the coordinated development of programs concerning the use and conservation of physical resources, furtherance of assets, and development or redevelopment of the metropolitan area." P. I-1

The following Metro Plan citations apply to the proposed SDC Article 23 amendments:

D. Use of the Plan

"The degree to which the General Plan provides sufficient detail to meet the needs of each jurisdiction will have to be determined by the representative jurisdictions; and where conflicts exist among the General Plan, refinement plans and existing zoning, each jurisdiction will have to establish its own schedule for bringing the zoning and refinement plans into conformance with the General Plan." P. I-5

Findings:

This Metro Plan policy applies to the concept of the consistency between the comprehensive plan and the zoning of the local jurisdiction. Typically, PLO zoning is within the Public Semi-Public Metro Plan land use designation. However, PLO zoning may also be permitted within other Metro Plan land use designations or when implemented by refinement plans or plan districts. In this case, the Downtown Springfield Refinement Plan has been amended to allow PLO zoning in the Nodal Development Area land use designation.

The proposed amendments to SDC Article 23 will apply in downtown Springfield in the Nodal Development Area and under the Public Semi-Public Metro Plan land use designation. The proposed amendments to SDC Article 23 are consistent with the use of the Metro Plan.

E. The Plan Diagram

4. Nodal Development Area (Node)

"Areas identified as nodal development areas in TransPlan are considered to have potential for this type of land use pattern." PII-E-9

Findings:

The Metro Plan land use designation cited above applies to the proposed SDC Article 23 amendments. In order to implement the Nodal Development Area concept in downtown Springfield, staff has recently prepared a Metro Plan diagram amendment from Downtown Mixed Use to Nodal Development Area, Downtown Refinement Plan text amendments and rezoning to Mixed Use Commercial and Mixed Use Residential. Staff determined that those publicly owned properties that are currently zoned PLO should retain the PLO zoning. The Downtown Refinement Plan text amendments include language that states: *"All publicly owned property within the nodal development mixed use plan diagram designation shall be rezoned Public Land and Open Space (PLO)." Proposed Implementation Policy A. 1.* Additionally, *"Downtown shall be the preferred location for civic and governmental uses serving the Springfield community. Within the downtown, governmental uses, including City Hall, the Justice Center, Willamalane and SUB offices, shall be encouraged to locate and expand along A Street. Other civic uses or public places, such as theaters, parks, plazas and other sites of public interest, should be dispersed throughout downtown to encourage walking from place to place, provide visual contrast to the built environment, and compliment adjoining businesses."* Proposed Implementation Policy A. 2.

The proposed amendments to SDC Article 23, specifically, the addition of the pedestrian amenity standards in SDC 23.100(9) that would be applied during the review of the uses specified in SDC Section 29.020(2) under the heading "Government" are consistent with the Nodal Development Area Metro Plan designation.

F. Transportation Element

Land Use

"F.1 Apply the nodal development strategy in areas selected by each jurisdiction that have identified potential for this type of transportation-efficient land use pattern." P. III-F-4

"F.4 Require improvements that encourage transit, bicycles, and pedestrians in new commercial, public, mixed use, and multi-unit residential development." P. III-F-5

Findings:

The implementation of the Nodal Development Area land use designation discussed above apply to these Metro Plan transportation policies as well. The Nodal Development Area designation is being applied to downtown Springfield. In this case, Policy F.4 refers to pedestrian improvements that are proposed in the amendment of Section 23.100(9). The remaining elements of Policy F.4 were addressed in the staff reports applicable to downtown Springfield.

The proposed amendments to SDC Article 23, specifically, the addition of the pedestrian amenity standards in SDC 23.100(9) that would be applied during the review of the uses specified in Section 29.020(2) under the heading "Government" are consistent with the transportation element policies cited above.

SDC Section 8.030 (2) "*Applicable State statutes,*"

POST ACKNOWLEDGEMENT PROCEDURES ORS 197.610

"1) A proposal to amend a local government acknowledged comprehensive plan or land use regulation or to adopt a new land use regulation shall be forwarded to the Director of the Department of Land Conservation and Development at least 45 days before the first evidentiary hearing on adoption. The proposal forwarded shall contain the text and any supplemental information that the local government believes is necessary to inform the director as to the effect of the proposal. The notice shall include the date set for the first evidentiary hearing. The director shall notify persons who have requested notice that the proposal is pending."

Finding:

The ORS cited above applies to the Department of Land Conservation and Development (DLCD) notification as required as part of the processing of this SDC Article 23 amendment application.

Notice was mailed to DLCD on September 14, 2005, alerting the agency of the City's intent to amend the Springfield Development Code. The notice was mailed more than 45 days in advance of the first evidentiary hearing as required by ORS 197.610. The first evidentiary hearing is scheduled before the Planning Commission on November 1, 2005.

Therefore, the DLCD notice process cited above complies with ORS 197.610.

DEVELOPMENT ORDINANCES ORS 227.215

"(1) As used in this section, "development" means a building or mining operation, making a material change in the use or appearance of a structure or land, dividing land into two or more parcels, including partitions and subdivisions as provided in ORS 92.010 to 92.285, and creating or terminating a right of access.

(2) A city may plan and otherwise encourage and regulate the development of land. A city may adopt an ordinance requiring that whatever land development is undertaken in the city comply with the requirements of the ordinance and be undertaken only in compliance with the terms of a development permit.

(3) A development ordinance may provide for:

(a) Development for which a permit is granted as of right on compliance with the terms of the ordinance;

(b) Development for which a permit is granted discretionarily in accordance and consistent with the requirements of ORS 227.173;

(c) Development which need not be under a development permit but shall comply with the ordinance; and

(d) Development which is exempt from the ordinance.

(4) The ordinance may divide the city into districts and apply to all or part of the city."

Finding:

DLCD acknowledged the SDC at the time of its adoption in May of 1986 and every amendment since that time. The proposed SDC Article 23 amendments are consistent with ORS 227.215 because they address how property may develop within the City.

Therefore, the proposed SDC Article 23 amendments comply with ORS 227.215.

SDC Section 8.030 (3) "*Applicable State-wide Planning Goals and Administrative Rules.*"

GOAL 1: CITIZEN INVOLVEMENT - OAR 660-015-0000(1)

"To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."

GOAL 1: CITIZEN INVOLVEMENT

Findings:

"To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."

Goal 1 requires a citizen involvement program. The City has an acknowledged citizen involvement program as well as an acknowledged development code, both of which identify and require citizen involvement for all land use and limited land use decisions. SDC amendments require initial public hearings before the Planning Commission and City Council. Notice of these hearings is provided to the Land Conservation and Development Commission 45 days prior to the initial evidentiary hearing. Notice is printed in the newspaper 20 days before the first evidentiary hearing. The staff report and application are available for viewing or purchase 7 days prior to the initial evidentiary hearing. All interested parties are welcome to attend these meetings and provide oral or written testimony.

GOAL 2: LAND USE PLANNING OAR 660-015-0000(2)

"To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions."

Findings:

Goal 2 requires comprehensive plans to be consistent with applicable State-wide Planning Goals. On August 23, 1982 DLCD acknowledged that the Metro Plan and the all implementing measures were found to be in compliance with the State-wide Planning Goals pursuant to ORS 197.245 and 197.250. This act established, for the Eugene-Springfield metropolitan area and for Springfield in particular, a land use planning process and policy framework for all decisions and actions related to the use of land and assurance for an actual factual base for such decisions and actions. The Metro Plan has been amended several times since 1982.

Additionally, various adopted refinement plans and specific area plans, including TransPlan provide more detailed direction for planning under the umbrella of the Metro Plan. TransPlan guides regional transportation system planning and development in the Eugene-Springfield area. TransPlan was last amended in December 2001 with the goal of reducing vehicle miles traveled. Consistent with this goal, staff has proposed to apply the Metro Plan Nodal Development Area land use designation in downtown Springfield.

The SDC was adopted in May 1986 and also has been amended several times. The SDC implements Metro Plan policies. As the public hearing process evolves from the Planning Commission to the City Council, the record of the hearings includes all testimony and factual evidence intended to support the decision. The Springfield Development Code requires affirmative findings in support of the applicable criteria in order to amend the SDC. The proposed SDC amendments are consistent with applicable Metro Plan text. Citations of Metro Plan compliance are included in this report under criterion SDC Section 8.030(1).

The proposed SDC Article 23 amendments are consistent with Goal 2.

GOAL 3: AGRICULTURAL LAND OAR 660-015-0000(3)

"To preserve and maintain agricultural lands."

Finding:

Goal 3 defines "agricultural lands" by stating, in part, that they: *"...do not include land within acknowledged urban growth boundaries or land within acknowledged exceptions to Goals 3 or 4."* SDC Article 23 applies only within the city limits and the City's urbanizable area within the Urban Growth Boundary.

Goal 3 does not apply to this application.

GOAL 4: FOREST LANDS OAR 660-015-0000(4)

"To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture."

Finding:

SDC Article 23 applies only within the city limits and the City's urbanizable area within the Urban Growth Boundary.

Goal 4 does not apply within urban growth boundaries and therefore, does not apply to this application.

GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES OAR 660-015-0000(5)

"To protect natural resources and conserve scenic and historic areas and open spaces."

Findings:

Goal 5 protection begins with an acknowledged inventory of Goal 5 resources and then proceeds through an economic, social, environmental and energy analysis to determine whether the resource should be protected from conflicting uses; limit conflicting uses; or allow conflicting uses fully (OAR 660-016-0010). The City has an acknowledged historic structures inventory, a local wetland inventory and recently adopted a natural resources inventory that considered uplands, wildlife habitat and riparian corridors.

The proposed SDC Article 23 amendments do not repeal, replace or void existing Metro Plan policy or SDC regulations with respect to any identified natural resources. However, while the proposed SDC Article 23 amendments apply primarily to downtown Springfield, there may be cases where PLO zoned development may be subject to regulations governing inventoried lands. In these cases, any new use, re-use or expansion of use within the PLO District is subject to the development permitting and approval process of the SDC; various building safety codes and the Public Works Design Manual for on-site storm water management; and other applicable state and federal regulations.

The proposed SDC Article 23 amendments are consistent with Goal 5.

GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY OAR 660-015-0000(6)

"To maintain and improve the quality of the air, water and land resources of the state."

Findings:

The proposed SDC Article 23 amendments affect only land zoned PLO. Any new use, re-use or expansion of use within the PLO District is subject to the development permitting and approval process of the SDC; various building safety codes and the Public Works Design Manual for on-site storm water management; and other applicable state and federal regulations.

In addition, the City has an adopted well head protection plan and overlay zone requiring observance of certain development standards and prohibitions of specific chemicals and chemical storage. There are a number of PLO zoned properties within 2, 5 and 10-year time of travel zones and are therefore, subject to the Drinking Water Protection Overlay District standards. Site specific well head protection issues are addressed during the application review process (SDC Articles 17 Drinking Water Protection Overlay District and Article 31 Site Plan Review).

Finally, the proposed amendments to SDC Article 23, specifically, the addition of the pedestrian amenity standards in SDC 23.100(9) that would be applied during the review of the uses specified in Section 29.020(2) under the heading "Government" are intended to result in less dependence on the automobile for transportation.

The proposed SDC Article 23 amendments are consistent with Goal 6.

GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS

"To protect people and property from natural hazards."

Finding:

Goal 7 requires that development subject to damage or that could result in loss of life shall not be planned nor located in known areas of natural disasters and hazards without appropriate safeguards. These

safeguards are based on inventories of these known natural disasters and hazards. Sites with these qualities are generally limited to the City's flood plain and steep slopes. The proposed SDC Article 23 amendments do not remove or exempt compliance with other Code standards that may apply to development. While the proposed SDC Article 23 amendments apply primarily to downtown Springfield, there may be cases where PLO zoned development may be subject to areas subject to natural hazards. In these cases, any new use, re-use or expansion of use within the PLO District is subject to the development permitting and approval process of the SDC; various building safety codes and the Public Works Design Manual for on-site storm water management; and other applicable state and federal regulations.

The proposed SDC Article 23 amendments are consistent with Goal 7.

GOAL 8: RECREATIONAL NEEDS OAR 660-015-0000(8)

"To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts."

Finding:

Willamalane Park and Recreation District is the entity responsible for park planning, development and maintenance in the City's urbanizable area as well as the city limits. Willamalane's Comprehensive Plan was adopted by the City as the acknowledged Goal 8 comprehensive planning element on November 14, 2004. A number of properties owned by Willamalane are zoned PLO. The proposed SDC Article 23 amendments do not remove or exempt compliance with other Code standards that may apply to development. While the proposed SDC Article 23 amendments apply primarily to downtown Springfield, there may be cases where PLO zoned development may be subject to the Willamalane Comprehensive Plan. In these cases, any new use, re-use or expansion of use within the PLO District is subject to the development permitting and approval process of the SDC; various building safety codes and the Public Works Design Manual for on-site storm water management; and other applicable state and federal regulations.

The proposed SDC Article 23 amendments are consistent with Goal 8.

GOAL 9: ECONOMIC DEVELOPMENT OAR 660-015-0000(9)

"To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens."

Finding:

Explanation language under State-wide Planning Goal 9 states:

"Comprehensive plans and policies shall contribute to a stable and healthy economy in all regions of the state. Such plans shall be based on inventories of areas suitable for increased economic growth and activity after taking into consideration the health of the current economic base; materials and energy availability and cost; labor market factors; educational and technical training programs; availability of key public facilities; necessary support facilities; current market forces; location relative to markets; availability of renewable and non-renewable resources; availability of land; and pollution control requirements."

One measure of "adequate opportunities" required under Goal 9 is an inventory of commercial land suitable and available for development, expansion and redevelopment of projected employment growth for the planning area. The current Springfield Commercial Lands Study was adopted in February 2000. The PLO District does not regulate commercial development. It does regulate the development of public and semi-public development, including schools and public office buildings. Development within the PLO District is not included in the Springfield Commercial Lands Study.

Goal 9 does not apply to this application

GOAL 10: HOUSING OAR 660-015-0000(10)

"To provide for the housing needs of citizens of the state."

Finding:

The proposed SDC Article 23 amendments do not affect State-wide Planning Goal 10 or the Springfield Residential Buildable Lands Inventory (1999).

Findings:

One measure to determine "housing needs" is an inventory of residential land suitable and available for development, expansion and redevelopment of housing for the planning area. The Eugene-Springfield Metropolitan Residential Lands and Housing Study, Policy Recommendations Report was adopted in 1999. The PLO District does not regulate residential development. It does regulate the development of public and semi-public development, including schools and public office buildings. Development in the PLO District is not included in the Eugene-Springfield Metropolitan Residential Lands and Housing Study, Policy Recommendations Report.

Goal 10 does not apply to this application

GOAL 11: PUBLIC FACILITIES AND SERVICES OAR 660-015-0000(11)

"To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."

Findings:

Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection.

The Eugene-Springfield Metropolitan Public Services and Facilities Plan (PFSP) is a refinement plan of the Metro Plan that guides the provision of public infrastructure, including water, sewer, storm water management, and electricity. The PFSP specifically evaluated the impact of nodal development and increased development densities on the potential node sites being considered in the Springfield area. The PFSP is supportive of the Nodal Development Area Metro Plan land use designation that is being applied to downtown Springfield. Findings in the PFSP conclude that most potential Nodal Development Area sites can be provided with key urban service using existing infrastructure capacity (Finding #10, PFSP, page 11). Based on this conclusion, Policy #G7 in the PFSP states, *"Service providers shall coordinate the provision of facilities and services to areas targeted by the cities for higher densities, infill, mixed uses, and nodal development"* (PFSP, pg. 12).

All urban services needed for existing uses and redevelopment are available to properties in the downtown Springfield Nodal Development Area and those properties outside of downtown that are zoned PLO, including fire and police protection, parks, sanitary and storm sewer, public transportation, schools, street systems and utilities. The property is served by Springfield Utility Board for water and electricity; by Willamalane Park and Recreation District; by School District 19; and by the City of Springfield for maintenance of sewers, streets, alleys, library and development and permit services.

The proposed SDC Article 23 amendments are consistent with Goal 11.

GOAL 12: TRANSPORTATION OAR 660-015-0000(12)

"To provide and encourage a safe, convenient and economic transportation system."

Staff Response/Finding:

Goal 12 encourages development that avoids principal reliance on one mode of transportation. Mixed use development as permitted under the Nodal Development Area Metro Plan land use designation that is being applied in downtown Springfield is intended to bring people closer to where they shop and work and create, and to support pedestrian-friendly neighborhoods where walking, bicycling and transit use are attractive transportation choices.

The Transportation Planning Rule (TPR) (OAR 660-12-0000 – 660-12-0070), adopted in 1991, and last amended in March 2005 implements Goal 12. The intent of the Transportation Rule is to "...*promote the development of safe, convenient and economic transportation systems that are designed to reduce reliance on the automobile...*" The Metro Plan is Springfield's comprehensive plan acknowledged LCDC in 1982. TransPlan (the Eugene-Springfield Metro Area's adopted TSP (Transportation System Plan) is the transportation element of the Metro Plan. DLCD acknowledged the current TransPlan in 2001. The Metro Plan was also amended at that time to include the Nodal Development Area land use designation. Both documents implement Goal 12 and the Transportation Rule in the Eugene-Springfield metropolitan area. The recent Metro Plan diagram amendment to Nodal Development Area is constant with the intent of the Transportation Rule and is consistent with the City's commitment to the State to redesignate land to mixed use - nodal development in downtown Springfield and at various other sites throughout the City.

OAR 660-012-0060(1) (a-c) requires a specific analysis whenever an amendment to a functional plan, acknowledged comprehensive plan or land use regulation is proposed. This analysis must determine whether or not the proposal "*would significantly affect a transportation facility*" and if so, "*assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. An amendment significantly affects a transportation facility if it would:*

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);"

"(b) Change standards implementing a functional classification system; or"

Subsections (a) and (b) do not apply because the proposed amendments to SDC Article 23 only revises the current use list to specify the uses that may be allowed without a formal interpretation by the Development Services Director, revises specific siting standards and adds pedestrian amenity standards. The proposed amendments to SDC Article 23 do not change functional classifications of transportation facilities as would be the case with an amendment to a state or local street plan and they do not change standards implementing a functional classification system for transportation facilities, which would be the case if the City were, for example, changing its threshold for an acceptable level of service for collectors from D to E.

"(c) As measured at the end of the planning period identified in the adopted transportation system plan:

(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan."

The proposed amendments to SDC Article 23 are primarily intended to apply to PLO zoned properties in downtown Springfield. The classification of the following streets serving the downtown Springfield Nodal Development Area is shown on the TransPlan Federally Designated Roadway Functional Classification Map (Appendix A) as follows:

North-South Streets:

Pioneer Parkway East and West -- Minor Arterial
5th and 7th Streets -- Major Collector

East-West Streets:

Main and South A Streets -- Principal Arterial
A and B Streets -- Major Collector

All streets are fully improved with curb, gutter and sidewalk. While Main and South A Streets are part of the state highway system, downtown Springfield is not ¼ mile of a limited access highway interchange.

Subsection (c) is applicable with respect to state and local transportation facilities. In addition, TransPlan's TSI Roadway Policy #2: Motor Vehicle Level of Service adopts LOS standards for the local facilities and recognizes Oregon Highway Standards for state facilities as follows:

- "1. Use motor vehicle level of service standards to maintain acceptable and reliable performance on the roadway system. These standards shall be used for:
 - a. Identifying capacity deficiencies on the roadway system.
 - b. Evaluating the impacts on roadways of amendments to transportation plans, acknowledged comprehensive plans and local land use regulations, pursuant to TPR (OAR 660-12-0060).
 - c. Evaluating development applications for consistency with the land-use regulations of the applicable local government jurisdiction.*
- 2. Acceptable and reliable service is defined by the following levels of service under peak hour traffic conditions: Level of service E within Eugene's Central Area Transportation Area and Level of Service D elsewhere.*
- 3. Performance standards for the Oregon Highway plan shall be applied on state facilities in the Eugene-Springfield metropolitan area.*

In some cases, the level of service on a facility may be substandard. The local government jurisdiction may find that transportation system improvements to bring performance up to standard within the planning horizon may not be feasible, and safety will not be compromised, and broader community goals would be better served by allowing a substandard of service. The limitation on the feasibility of a transportation system improvement may arise from sever constraints including but not limited to environmental conditions, lack of public agency financial resources, or land use constrain factors. It is not the intent of TransPlan's TSI Roadway Policy #2: Motor Vehicle Level of Service to require deferral of development I such cases. The intent is to defer motor vehicle capacity increasing transportation improvements until existing constraints can be overcome or develop an alternative mix of strategies (such as land use measures, TDM, short-term safety improvements) to address the problem." TransPlan Ch. 2, Page 25

The staff report for the amendments to the Metro Plan diagram, Downtown Refinement Plan diagram and the concurrent rezoning consistent with this diagram amendment (Case Numbers LRP 2005-00026, LRP 2005-00027 and ZON 2005-00040) addressed the Goal 12 criteria for downtown Springfield and will not be repeated in this staff report. The 5 PLO zoned sites that have "Government" uses in downtown Springfield are already developed. At the time of proposed expansion or redevelopment any PLO zone property would require Site Plan Review approval. In addition, the proposed amendment to SDC Section 23.020(2) "Government" requires all development to comply with all special use standards in SDC Section 29.100 including Subsection (4) that requires a traffic impact study for all special use development and Subsection (9) pedestrian amenity standards in order to reduce dependence on the automobile for travel.

The proposed SDC Article 23 amendments are consistent with Goal 12.

GOAL 13: ENERGY CONSERVATION OAR 660-015-0000(13)

"To conserve energy. Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

Finding:

The Energy Goal is a general planning goal and provides little guidance for site specific comprehensive plan diagram changes. However, the recent Metro Plan designation amendment to Nodal Development Area and the proposed Springfield Zoning Map amendments to Mixed Use Commercial and Mixed Use Residential are intended to promote higher density development that is transit supportive in downtown Springfield. This form of development allows persons to live closer to where they live and work, thus encouraging more energy efficient modes of transportation such as transit, bicycling, or walking. The proposed amendment to SDC Section 23.100(9) adding pedestrian amenity standards are specifically intended to aid in reducing dependence on the automobile for travel.

The proposed SDC Article 23 amendments are consistent with Goal 13.

Goal 14: Urbanization OAR 660-015-0000(14)

"To provide for an orderly and efficient transition from rural to urban land use."

Findings:

Goal 14 requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs.

The PLO District does not regulate residential or commercial development. It does regulate the development of public and semi-public development; including schools and public office buildings. Development in the PLO District is not included in the Eugene-Springfield Metropolitan Residential Lands and Housing Study, Policy Recommendations Report (1999) or the Springfield Commercial Lands Study (February 2000). The proposed SDC Article 23 amendments do not repeal, replace or void existing Metro Plan policy or Development Code regulations with respect to an orderly and efficient transition from rural to urban land use. Goal 14 also encourages compact forms of development within Urban Growth Boundaries. Implementation of the Nodal Development Area in downtown Springfield accomplishes mixed use and higher density development and the economies that accompany efficient and orderly urban growth. The proposed amendment to SDC Section 23.100(9) adding pedestrian amenity standards are specifically intended to reduce dependence on the automobile for travel.

The proposed SDC Article 23 amendments are consistent with Goal 14.

GOAL 15: WILLAMETTE RIVER GREENWAY OAR 660-015-0005

"To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway."

Findings:

The western border of the downtown Springfield Nodal Development Area abuts the Willamette River. There also are properties outside of the downtown Springfield area that abut the Willamette River and are zoned PLO. The proposed SDC Article 23 amendments do not remove or exempt compliance with Willamette River Greenway development standards specified in SDC Article 25. While the proposed SDC Article 23 amendments apply primarily to downtown Springfield, there may be cases where PLO zoned development may be subject to the development standard specified in SDC Article 25. In these cases, any new use, re-use or expansion of use within the PLO District is also subject to the development permitting and approval process of the SDC; various building safety codes and the Public Works Design Manual for on-site storm water management; and other applicable state and federal regulations.

The proposed SDC Article 23 amendments comply with Goal 15.

Goals 16 through 19 – Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources.

Staff Response/Finding:

These goals do not apply because there are no coastal, ocean, estuarine, or beach and dune resources within the City's jurisdiction.

CONCLUSION/RECOMMENDATION/REQUESTED ACTION

Staff has demonstrated that the proposed SDC Article 23 amendments comply with the criteria of approval listed in SDC 8.030: specifically applicable Metro Plan policies; applicable State statutes; and applicable State-wide Planning Goals and Administrative Rules.

Staff recommends the Planning Commission: approve the attached Order and forward the proposed SDC Article 23 amendments, as may be amended, to the City Council with a recommendation for adoption.

BEFORE THE PLANNING COMMISSION
OF THE CITY OF SPRINGFIELD, OREGON

ORDER AND RECOMMENDATION FOR A]
SPRINGFIELD DEVELOPMENT CODE]
TEXT AMENDMENT]

CASE NUMBER LRP 2005-00031

RECOMMENDATION TO THE CITY COUNCIL

NATURE OF THE APPLICATIONS

CASE NUMBER LRP 2005-00031. The purpose of the Springfield Development Code text amendment is to amend SDC Article 23, PLO Public Land and Open Space District to: 1) Revise the use list under "Government" to allow the Justice Center and other specific uses as outright permitted uses along with other minor siting standard amendments; 2) Reduce approval process from Type III review to Type II review; and 3) To add pedestrian amenity standards for public buildings from SDC Article 40 Mixed Use Districts as special use standards in SDC Article 23.

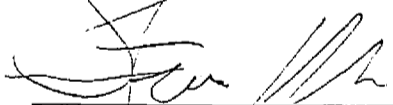
1. The above referenced applications have been accepted as complete.
2. The applications were initiated and submitted in accordance with Section 3.050 of the Springfield Development Code. Timely and sufficient notice of the public hearing, pursuant to Section 14.030 of the Springfield Development Code, has been provided.
3. On November 1, 2005 the Planning Commission held a public hearing on the proposed amendments. The Development Services Department staff notes and recommendation together with the oral testimony and written submittals of the persons testifying at that hearing have been considered and are part of the record of this proceeding.

CONCLUSION

On the basis of this record, the proposed amendments are consistent with the criteria of SDC Sections 8.030. This general finding is supported by the specific findings of fact and conclusion in the Staff Report and Findings.

ORDER/RECOMMENDATION

It is ORDERED by the Springfield Planning Commission that approval of CASE NUMBER LRP 2005-00031, be GRANTED and a RECOMMENDATION for approval forwarded to the Springfield City Council.



Planning Commission Chairperson

ATTEST

AYES: 4
NOES: 0
ABSENT: 3
ABSTAIN: 0

PROPOSED SPRINGFIELD DEVELOPMENT
CODE AMENDMENTS, WITH COMMENTARY

Language proposed to be deleted is shown as: ~~[strike-through]~~. Language proposed to be added is shown as: language added. Note: Not all current subsections within a section may be shown.

ARTICLE 23

PLO PUBLIC LAND AND OPEN SPACE DISTRICT

23.010 ESTABLISHMENT OF THE PLO PUBLIC LAND AND OPEN SPACE DISTRICT.

Commentary. The proposed text revision to Subsection (1) is from the Metro Plan Public and Semi-Public land use designation. The specific uses permitted in the PLO District are listed in Section 23.020. The PLO zoning district can be used in land use designations other than Public Semi-Public. Specifically, in the Nodal Development Area Metro Plan land use designation recently approved in downtown Springfield.

- (1) ~~[In order to implement the policies of the Metro Plan, regulate the use of land and buildings, and promote the public health and safety, the Public Land and Open Space District is established in this Article.]~~ The PLO District ~~[is intended to]~~ implements the Metro Plan Public and Semi-Public land use designation, which includes the following categories: Government, Educational and Parks and Open Space development designations, by providing a zoning designation for]
- ~~[Public and private educational facilities, parks, cemeteries and golf courses; and]~~
- (a) Government uses, including public offices and facilities;
- (b) Educational uses, including high schools and colleges; and
- (c) Parks and open space uses including, publicly owned metropolitan and regional scale parks and publicly and privately owned golf courses and cemeteries.
- (2) ~~[Public offices, libraries, other government or publicly owned facilities and similar uses located]~~ The PLO zoning district shall also be permitted in areas on properties designated other than Public and Semi-Public Residential or as specified in the Metro Plan, Diagram, regardless of size] a refinement plan or a plan district.

23.020 SCHEDULE OF USE CATEGORIES.

Commentary. Currently, SDC Section 23.020(2) "Government" contains a use list that is limited to libraries, public office buildings, senior centers and sports complexes/stadiums. Staff is expanding the use list to specifically include the elements that comprise the Justice Center, courts, a police station and a jail and other uses-consistent with established government uses in the PLO District including fire stations, administrative offices (including city hall, Williamslane Park and Recreation District, School District 19, Springfield Utility Board, Rainbow Water District and Lane Regional Air Pollution Authority), museums, performing arts centers, plazas, post offices and public transit facilities. The intent is to reduce the need for a use interpretation by staff for specific uses under the "Government" category. Also, "Parking structure" is added as a secondary use.

Currently, approval of uses listed in SDC Section 23.020(2) "Government" requires Type III Discretionary Use approval from the Planning Commission. Staff is utilizing the Type II review process (Site Plan Review along with current and additional special use standards) to further comply with the Planning Commission's direction that was followed during the recently adopted SDC housekeeping amendments to reduce the number of Type III reviews that are decided by that body. However, the Development Services Director or a designee has the authority to raise a Type II review to a Type III review "due to the complexity of the application or the need for discretionary review."

The following specific buildings and uses are permitted in this district as indicated subject to the provisions, additional restrictions and exceptions set forth in this Code.

"P" = PERMITTED USE, subject to the standards of this Code; may be processed under Type I, II or III procedures.

"S" = SPECIAL USE, subject to special locational and siting standards to be met prior to being deemed a permitted use; may be processed under Type I, II or III procedures.

"D" = DISCRETIONARY USE, may or may not be permitted, based upon the application of general criteria; may be subject to certain locational and siting standards to be met prior to being deemed a permitted use processed under Type III procedures.

SITE PLAN REVIEW SHALL BE REQUIRED, unless specifically exempted elsewhere in this code.

USE CATEGORIES / USES

PLO DISTRICT

(I) Education (23.100)

(a) Colleges

S

(b) High Schools

S

- (c) Private/Public Elementary and Middle Schools (23.100(7)) S*
- (2) Government (23,100)
 - ~~(a) Libraries~~ D
 - ~~(b) Public Office Buildings~~ D
 - (c) Senior Centers (ADULT ACTIVITY) D] ADD
 - (a) Courts S
 - (b) Fire Stations S
 - (c) Administrative offices S
 - (d) Libraries S
 - (e) Museums S
 - (f) Neighborhood and community centers S
 - (g) Performing arts centers S
 - (h) Plazas and other sites of public interest S
 - (i) Police stations, including jail facilities S
 - (j) Post offices S
 - (k) Public transit facilities S
 - (l) Sports complexes/stadiums S
- (3) Parks and open spaces (23.100)
 - (a) Public and private parks and recreational facilities.
 - 1. Neighborhood Parks P
 - 2. Community Parks S
 - 3. Regional Parks S

- 4. Private areas of greater than one acre reserved for open space as part of a cluster or hillside development. P
- (b) Publicly and privately owned golf courses and cemeteries. D
- (c) R.V. parks and campgrounds within a regional park. S
- (d) R.V. parks and campgrounds outside of a regional park and without sanitary sewer service as a temporary use subject to termination when within 1,000 feet of sanitary sewer. D
- (4) Secondary uses – public land and open space.
 - (a) Agricultural cultivation of undeveloped land. P
 - (b) Cafeteria and restaurants primarily serving the patrons of the development. P
 - (c) Day care facilities. P
 - (d) Heliports and helistops. D
 - (e) Office and storage yards that are incidental to a primary use. P
 - (f) Mortuaries and chapels associated with cemeteries. D
 - (g) Maintenance and security residences, excluding mobile homes. D
 - (h) Low impact public facilities. P
 - (i) High impact public facilities. D
 - (j) Certain Wireless Telecommunications Systems Facilities (article 32). Refer to Section 32.130 for siting standards and review process in the PLO PUBLIC

LANDS AND OPEN SPACE District.

- (k) Wellness center S
- (l) Parking structures S

23.050 SETBACK STANDARDS.

Commentary. The proposed setback exception in Subsection (7) gives staff flexibility in siting public buildings in downtown Springfield. Note: The Downtown Exception Area is defined in SDC Article 2 as: "An area defined by the Willamette River on the west, 10th Street on the east, the alley between north B and north C Streets on the north, and a line north of the Southern Pacific Railroad tracks on the south." However, there is a conflict between the current definition and the Nodal Development Area Mixed Use boundary recently revised in downtown Springfield. This conflict will be resolved early next year by amending the definition cited above in Article 2.

In the PLO District, each development area shall have planted setbacks of not less than the following, unless otherwise provided for in this Code.

- (1) Street setbacks 15 feet
- (2) Residential property line setbacks 20 feet
- (3) Parking and driveway setbacks 5 feet
- (4) Where an easement is larger than the required setback standard, no building or above grade structure, except for a fence, shall be built upon or over that easement.
- (5) When additional right of way is required, whether by City Engineering standards or the Metro Plan, setbacks shall be based on future right of way locations. Dedication of needed right of way shall be required prior to the issuance of any building permit that increases parking or gross floor area.
- (6) Structural extensions may extend into any 5 foot or larger setback area by not more than 2 feet.
- (7) EXCEPTION: In the Downtown Exception Area, there shall be no minimum setback for administrative offices and other public uses listed under Section 23.020(2)(a) through (k), of this Article.

23.060 HEIGHT STANDARDS.

Commentary: A building height exception is proposed. The intent is to allow, at a minimum, a two-story administrative office building or other uses listed in SDC Section 29.020(2)(a)-(k) under the heading "Government". The maximum building heights for residential buildings is 30 in the Low Density Residential District and 35 feet in the Medium and High Density Residential Districts.

- (1) There are no building height standards in the PLO District unless abutting a residential district. In this case, the following height limitations shall apply:

~~[(a) When a PLO District abuts a residential district to the north, the maximum building height shall be defined by the Maximum Shade Point Height requirement of Section 16.050(a)2, up to 50 feet south of a northern lot line plane extending south with an angle of 23 degrees and originating from the top of a 16 foot hypothetical fence located on the northern lot line.~~

~~[(b) When a PLO District abuts a residential district to the east, west or south, the building height limitation shall be no greater than 30 feet for a distance of 50 feet.]~~

When a PLO District abuts a residential district, the maximum building height shall be defined as the height standard of the applicable residential district for a distance of 50 feet. The 50 foot dimension shall be measured from the boundary of the adjacent residential zoning district and shall include any public right-of-way that separates the PLO and adjacent residential zoning districts. Beyond the 50 foot measurement, there shall be no building height limitation.

JCS

REVISION
FROM
CITY OF
MILWAUKEE
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COSTELLO

- (2) Incidental equipment may exceed the height standards specified in Subsection (1) of this Section.

23.070 PARKING STANDARDS.

Commentary: This text is based on similar language in Article 40 Mixed Use.

~~[Except for special uses, motor vehicle parking standards shall be determined based upon standards for similar uses in other districts, unless they are not directly covered, in which case a Traffic Study shall be required. Bicycle parking standards and requirements are found in Section 31.210 and 31.220 of this Code.]~~

The Downtown Exception Area shall be exempt from the motor vehicle and bicycle parking space requirements of this Article. However, any voluntarily installed parking shall conform to the design standards of this Code. In this case, the required number and type of vehicle and bicycle parking spaces shall be determined based upon standards for similar uses in other districts.

23.090 FENCE STANDARDS.

Commentary: In Subsection (3), barbed wire is proposed to be limited to the outside storage of materials. An exception is proposed to not allow barbed wire within the Downtown Exception Area.

- (3) Barbed Wire Fence Standards. In the PLO District, barbed wire shall be permitted only for the outside storage of materials atop a chain link fence 6 feet in height, provided that, when abutting a public right of way:
- (a) The fence is not located in any required setback area (5 feet for parking and 15 feet for buildings);
 - (b) The setback area between the fence and property line shall be planted in accordance with Section 31.150, Planting Installation Standards, if Site Plan Review Standards apply.
 - (c) EXCEPTION: In the Downtown Exception Area, barbed wire shall not be permitted.

AMM
10.100(1)
(2) 13.

+ RAZON/CONSTANTIA

Commentary. Subsections (1) and (4) are existing text. Subsection (1) is a current development standard in Article 40 Mixed Use Districts.

Subsection (4) is modified to reference current standards in Article 32 for traffic impact studies. These standards currently give the Development Services Director and the Public Works Director flexibility to modify traffic impact study specifications.

Subsection (9) adds "pedestrian amenities" language from Article 40 Mixed Use Districts to apply to PLO government uses in mixed use Metro Plan land use designations.

23.100 SPECIAL USE STANDARDS.

- (1) Primary access shall be on arterial or collector streets except as provided or exempted elsewhere in this Article.
- (4) For all special uses, a traffic impact ~~[and parking]~~ study shall be prepared ~~[by a Traffic Engineer and approved by the City Engineer]~~ as specified in Section 32.010(1)(e) of this Code.
- (9) Pedestrian amenities for public buildings in mixed use Metro Plan land use designations.
 - (a) All new structures and substantial improvements to existing buildings shall provide pedestrian amenities, as specified in this Subsection. The number of pedestrian amenities provided shall comply with the following sliding scale.

<u>Size of Structure or Substantial Improvement</u>	<u>Number of Amenities</u>
<5,000 sq. ft.	<u>1</u>
5,000 – 10,000 sq. ft.	<u>2</u>
10,000 – 50,000 sq. ft.	<u>3</u>
>50,000 sq. ft.	<u>4</u>

(b) Acceptable pedestrian amenities include:

1. Sidewalks incorporating ornamental paving treatments, including but not limited to concrete masonry unit pavers, brick, or stone, which are 50% wider than required by this Code.
2. A public outdoor seating plaza adjacent to or visible and accessible from the street (minimum useable area of 300 square feet).
3. Sidewalk planters between sidewalk and building including stormwater swales.
4. Street tree density more extensive than required by this Article.
5. Streetscape scale container planters.
6. Installation of 3" caliper size or larger ^{TREE} to fulfill the street tree requirement.
7. Public art including but not limited to sculptures, fountains, clocks, or murals with a value equal to or greater than one (1) percent of construction value of the structure.
8. Pocket parks with a minimum usable area of 300 square feet.

(c) Guidelines for the siting, construction and character of pedestrian amenities:

1. Amenities shall be visible and accessible to the general public from a fully improved street. Access to pocket parks, plazas, and sidewalks shall be provided via a public right-of-way or a public access easement.
2. The size or capacity of pedestrian amenities shall be roughly proportional to their expected use, including use by employees, customers, residents, and other visitors. The Director may alter minimum area standards for pocket parks and plazas based on this guideline.
3. Amenities shall be consistent with the character and scale of surrounding developments. For example, similarity in awning height, bench style, planter materials, street trees, and pavers is recommended to foster

continuity in the design of pedestrian areas. Materials shall be suitable for outdoor use, easily maintained, and have at least a 10-year expected service life.

4. Bus stops, as a pedestrian amenity, shall conform to standards of the Lane Transit District.