



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

July 24, 2007

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 015-06



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: August 8, 2007

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
Marguerite Nabeta, DLCD Regional Representative
Mark Metzger, City of Springfield

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FORM **2**

DLCD

Notice of Adoption

In person electronic mailed

DEPT OF

JUL 19 2007

LAND CONSERVATION
AND DEVELOPMENT
For DLCD Use Only

**THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18**

Jurisdiction: **City of Springfield**

Local file number: **LRP2006-00037**

Date of Adoption: **7/16/2007**

Date Mailed: **7/18/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 12/19/2006

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amended Article 26 of the Springfield Development Code to expand the application of "density transfer" to all hillsides with slopes between 15% and 25%. The prior language in the Article limited density transfer to south-facing slopes. The adopting ordinance detailing the amendments is enclosed.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD # 015-06 (15748)

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

City of Springfield, Lane County

Local Contact: **Mark Metzger**

Phone: (541) 726-3775 Extension:

Address:

Fax Number: 541-726-3689

City: **Springfield**

Zip: 97477-

E-mail Address:

mrmetzger@ci.springfield.or.us

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 Complete Copies (documents and maps) 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. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
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 this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not 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 now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

CITY OF SPRINGFIELD, OREGON

DEVELOPMENT SERVICES DEPARTMENT

SPRINGFIELD



225 FIFTH STREET
SPRINGFIELD, OR 97477
(541) 726-3753
FAX (541) 726-3689
www.ci.springfield.or.us

July 18, 2007

Mara Ulloa, Plan Amendment Specialist
Oregon Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540

Dear Mara,

Enclosed please find a Notice of Adoption for an amendment to the Springfield Development Code, modifying Article 26—Hillside Development Overlay District. Also enclosed are the adopted ordinance and staff report with findings supporting the amendment.

There were two persons who gave testimony regarding the amendments. Each has been mailed a Notice of Final Decision.

Sincerely,

A handwritten signature in blue ink, which appears to read "Mark Metzger", is written over the word "Sincerely,".

Mark Metzger
Planning Supervisor

ORDINANCE NO. 6202 (General)

AN ORDINANCE AMENDING SECTIONS 26.030, 26.050 (INCLUDING TABLE 26-1) AND 26.070 OF ARTICLE 26 "HD HILLSIDE DEVELOPMENT OVERLAY DISTRICT" OF THE SPRINGFIELD DEVELOPMENT CODE TO EXPAND THE APPLICATION OF "DENSITY TRANSFER" TO MAKE MORE EFFICIENT USE OF REMAINING BUILDABLE RESIDENTIAL LANDS; REQUIRING DEVELOPERS TO PAY FOR PEER REVIEW OF TECHNICAL STUDIES REQUIRED FOR HILLSIDE DEVELOPMENT; AND ADOPTING A SEVERABILITY CLAUSE.

WHEREAS, The Springfield Development Code was adopted in May 1986 and revised in March 1998, to ensure that development within the planning jurisdiction of the City of Springfield is of a proper type, design and location; and

WHEREAS, Article 26 (HD Hillside Development Overlay District) of the Springfield Development Code describes the policies and development standards that apply to hillside development; and

WHEREAS, Section 8.010 of the Springfield Development Code allows the Director, the Planning Commission, the City Council or a resident of the City of Springfield to initiate an amendment of the Springfield Development Code; and

WHEREAS, the Director initiated a text amendment's to Sections 26.030, 26.050 (including Table 26-1) and 26.070 of Article 26 of the Springfield Development Code on December 12, 2006; and

WHEREAS, Article 8 of the Springfield Development Code sets forth procedures for amendments of the Development Code text and those procedures were followed; and

WHEREAS, the Springfield Planning Commission unanimously recommended the proposed amendments to Article 26 of the Springfield Development Code be approved by the Springfield City Council by action taken at a public meeting held on April 17, 2007; and

WHEREAS, the Springfield City Council conducted a public hearing on July 2, 2007 and having considered the matter in regular session on that date, is now ready to take action based upon the above recommendations and the evidence and testimony already in the record as well as the evidence and testimony presented at the public hearing held in the matter of adopting the amendments to Article 26 of the Springfield Development Code (Hillside Development Overlay District).

NOW THEREFORE, THE CITY OF SPRINGFIELD ORDAINS AS FOLLOWS:

Section 1. The Amendments to Sections 26.030, 26.050 (including Table 26-1) and 26.070 of Article 26, HD Hillside Development Overlay District, of the Springfield Development Code as set forth in Exhibit A, attached and incorporated herein, are hereby adopted, added to, and made part of the Springfield Development Code.

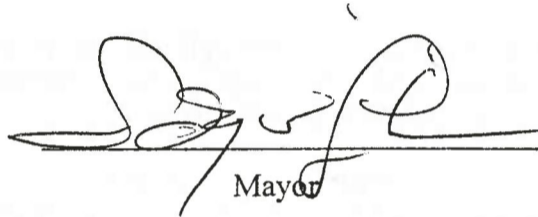
Section 2. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 3. This ordinance shall take effect 30 days after the date action is taken by the Common Council of the City of Springfield to approve this amendment.

Section 4. The Springfield City Council adopts the findings set forth in the Staff Report which demonstrate conformance of this amendment to the Metro Plan, applicable State statutes and applicable State-wide Planning Goals and Administrative Rules, and is attached as Exhibit B.

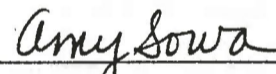
ADOPTED by the Common Council of the City of Springfield this 16th day of July, 2007 by a vote of 6 for and 0 against.

APPROVED by the Mayor of the City of Springfield this 16th day of July, 2007.



Mayor

ATTEST:



City Recorder


APPROVED

6-26-07

EXHIBIT A

“26.030 APPLICABILITY.

The HD Overlay District shall apply in residential zoning districts within the city limits and the City’s urbanizable areas above 670 feet elevation or to development areas below 670 feet in elevation where any portion of the development area exceeds 15 % slope as determined using the slope calculation described in subsection 26.050 (1)(a) ‘Step A-1’.”

“26.050 DEVELOPMENT DENSITY AND OPTIONS.

(1) For the purpose of calculating the allowed number of dwelling units in a development area below 670 feet in elevation, the “average slope” as defined below may be used.

$$S = \frac{0.00229 I L}{A}$$

Where:

S = Average % of slope for the area.

I = Contour interval. (Not greater than 10 feet).

L = Summation of length of the contour lines within the area.

A = Area in acres.

Where the average slope of the portion of the development area below 670 feet in elevation is less than 15%, the number of dwelling units allowed shall be as provided in Article 16.010(1).

The developer has two options for the development of steeply sloped land. The first option, Option "A", is designed to correlate minimum lot sizes to the average slope of the development area. The second option, Option "B", is designed to allow for a density transfer bonus to stimulate development on those portions of the development area where the slope of the land is less than 15 percent. A combination of Options "A" and "B" may be used.

(2) OPTION "A" - AVERAGE SLOPE - MINIMUM LOT SIZE. The site development requirements of the LDR District shall apply, with the exception of the minimum lot size and duplex standards. Determination of minimum lot size where the slope is 15 percent or greater is a 3 step process.

(a) Step 'A-1' Determine the area of the parcel where the slope of the land is:

1. Less than 15 percent.

2. From 15 percent to 35 percent.
3. Greater than 35 percent.

Use the following formula to determine the % of slope:

$$\frac{\text{Vertical distance between contours}}{\text{Horizontal distance between contours}} = \frac{V}{H} \times 100 = \% \text{ slope}$$

Indicate the portions of the development area that are less than 15 percent; from 15 percent to 35 percent; and greater than 35 percent then use a planimeter or other technology acceptable to the City Engineer to determine the land area of each category.

- (b) Step 'A-2' Determine the average slope of the portion of the development area where the slope of land is from 15 percent to 35 percent by using the following formula:

$$S = \frac{0.00229 \text{ I L}}{A}$$

Where:

S = Average % of slope for the area where the slope ranges from 15 percent to 35 percent.

I = Contour interval. (Not greater than 10 feet).

L = Summation of length of the contour lines within the area where the slope is from 15 percent to 35 percent.

A = Area in acres of the portion of the parcel where the slope is from 15 percent to 35 percent.

- (c) Step 'A-3' Determine the minimum lot size for the portion of the development area where the slope of the land is greater than 15% by using the following Table:

TABLE 26-1

AVERAGE SLOPE	MINIMUM LOT SIZE PER DWELLING UNIT	MINIMUM PER LOT FRONTAGE
Less than 15% and below 670'	See the applicable lot/parcel size and frontage requirements in Article 16.030 (1)-(4) and (6) of this Code.	
Less than 15% on wooded lots**	10,000 sq. ft.	60 ft.

15% - 25%	10,000 Sq. Ft.	90 ft.
25% - 35%	20,000 sq. ft.	150 ft.
Over 35%	40,000 sq. ft.	200 ft.

* Panhandles are permitted only when requirements of this Section pertaining to fire protection and lot size are met and the lot cannot be served with a public street. Minimum frontage standards for all other lots may be amended by the Director when it is found that the topography or location of natural features prevent achieving the standard. Cul de sac frontages are as specified in Section 16.030.

**Wooded lot is defined as a lot or parcel 10,000 sq. ft. or larger, above 670 feet in elevation, which contains more than 5 trees eight inches or greater dbh. (Section 2.010 of this Code).

(3) OPTION "B" DENSITY TRANSFER BONUS. In order to promote the preservation of natural slopes greater than 25 percent and encourage solar access, development density transfer is encouraged when dividing land with slopes greater than 25%. The density transfer bonus is only feasible where there are sizable portions of the development area which have slopes less than 25 percent. Determination of the density transfer bonus is a 4 step process:

- (a) Step 'B-1' Determine the area of the parcel where the average slope of the land is:
 - 1. Less than 15 percent.
 - 2. From 15 percent to 25 percent.
 - 3. From 25 percent to 35 percent.
 - 4. Greater than 35 percent.
- (b) Step 'B-2' Determine the average slope of the area of the parcel where the average slope of the land is greater than 15 percent by using the formula identified in Option A, Step 'A-2'.
- (c) Step 'B-3' Determine the number of potential lots for the total development area which could have been permitted, for the portion of the parcel where the average slope is greater than 15 percent, if the average slope option had been considered by using Table 26-1 in Option "A", Step 'A-3'.
- (d) Step 'B-4' Multiply the number of potential lots by 1.2 to determine the density that may be transferred to those sections of the development area where the slopes are less than 25 percent. In no case shall the density of the developed portion of the site exceed 8 dwelling units per developable acre, (i.e., excluding streets and open space). Land of greater than 15 percent average slope used to calculate a density transfer bonus shall be maintained as permanent open

space or dedicated for park use. Modification of standards as stated in Section 26.080 of this Article may be applied to the entire development area.”

“26.070 REPORTS REQUIRED.

Where the buildable portion of the land to be developed exceeds 15 percent average slope, the following reports shall be required and their conclusions applied in order to prevent or mitigate possible hazards to life and property and adverse impacts on the natural environment, consistent with the purpose of this Article. The applicant shall fund peer review of the reports as deemed necessary by the City.

- (1) Geotechnical Report. This report shall include data regarding the geology of the site, the nature, distribution, and strength of existing soils, conclusions and recommendations for grading procedures, design criteria for corrective measures, and options and recommendations to maintain soil and slope stability and minimize erosion of the site to be developed in a manner imposing the minimum variance from the natural conditions. The investigation and report shall be prepared by a civil engineer/geologist or a geotechnical engineer.
- (2) Grading Plan Report. This plan shall include the following information:
 - (a) Existing and proposed details and contours (five-foot intervals) of property;
 - (b) Details of terrain and area drainage;
 - (c) Location of any existing buildings or structures on the property where the work is to be performed, the location of any existing buildings or structures on land of adjacent owners which are within 100 feet of the property or which may be affected by the proposed grading operations, and proposed or approximate locations of structures relative to adjacent topography;
 - (d) The direction of drainage flow and the approximate grade of all streets with the final determination to be made in accordance with Section 26.070(4) of this Article;
 - (e) Limiting dimensions, elevations, or finished contours to be achieved by the grading, including all cut and fill slopes, proposed drainage channels, and related construction;
 - (f) Detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs, and other protective devices to be constructed with, or as a part of, the proposed work, together with a map showing drainage areas, the complete drainage network, including outfall lines and natural drainageways which may be affected by the proposed development, and the estimated run-off of the area served by the drains;

- (g) A schedule showing when each stage of the project will be completed, including the total area of soil surface which is to be disturbed during each stage, and estimated starting and completion dates; the schedule shall be drawn up to limit to the shortest possible period the time that soil is exposed and unprotected. In no event shall the existing "natural" vegetative ground cover be destroyed, removed, or disturbed more than 15 days prior to grading or construction of required improvements. Within 15 days of grading or other pre-development activity that removes or significantly disturbs ground cover vegetation, exposed soil shall either be built upon (i.e., covered with gravel, a slab foundation or other construction), landscaped (i.e., seeded or planted with ground cover) or otherwise protected; and
 - (h) The Grading Plan shall be prepared by a civil engineer.
- (3) Vegetation and Re-vegetation Report. This report shall be in accordance with Section 38.030(2) of this Code if tree felling is proposed.
 - (4) Verification of Slope and Grade Percentages. Prior to acceptance of the Final Plat, all streets shall be cross-sectioned and their center-lines staked in the field, to determine the accuracy of preliminary slope and grade percentages. If there are significant differences between preliminary and final grade and slope determinations, i.e., density or street gradients exceed the limits set forth in this Article, the Tentative Plan shall be modified to reflect the revised information and resubmitted.
 - (5) Development Plan Report. A proposed development plan shall be submitted, depicting building envelopes for each lot, including driveway approaches and all other associated impervious surface areas. The applicant shall specify whether trees will be felled under one Tree Felling Permit, in accordance with Article 38 of this Code, as part of the subdivision construction process or by separate Tree Felling Permit for each individual lot prior to the issuance of a Building Permit. The plan shall be based upon the findings of the required reports in this Section and the lot coverage standards of Section 16.040. Building envelopes shall be specified in Covenants, Conditions, and Restrictions recorded with the Subdivision Plat.”

City Of Springfield
Development Services Department
June 25, 2007

Staff Report

Applicant: City of Springfield	Journal No. LRP2006-00037
Request: To make text amendments to the Springfield Development Code, Articles 26—Hillside Development Overlay District. The purpose is to extend the ability to locate cluster development on all qualified hillsides with slopes of 15-25%. Article 26 currently allows cluster development on slopes between 15-25% on south-facing slopes only.	ProcedureType: Type IV-- Legislative
Attachments: Attachment 2: Summary of Proposed Changes to Articles 26 in Legislative Format. Attachment 3: Background—Hillside Development Overlay District Attachment 4: Planning Commission Order	

I. Executive Summary

The proposed amendments to Article 26—Hillside Development Overlay District (HDOD) are intended to: 1) extend the ability to locate cluster development to all-facing hillsides with slopes of between 15 and 25%; 2) adjust the formula for computing the number of units for density transfers; and 3) to require developers to pay for peer review of sophisticated geotechnical and engineering studies required for hillside development.

The practice of cluster development on slopes between 15 and 25% is already allowed by Article 26 on south-facing hillsides. The proposed amendments would allow that practice to be extended to all-facing hillsides between 15 and 25%, where such a development is deemed to be safe through a review process that includes a rigorous geo-technical analysis.

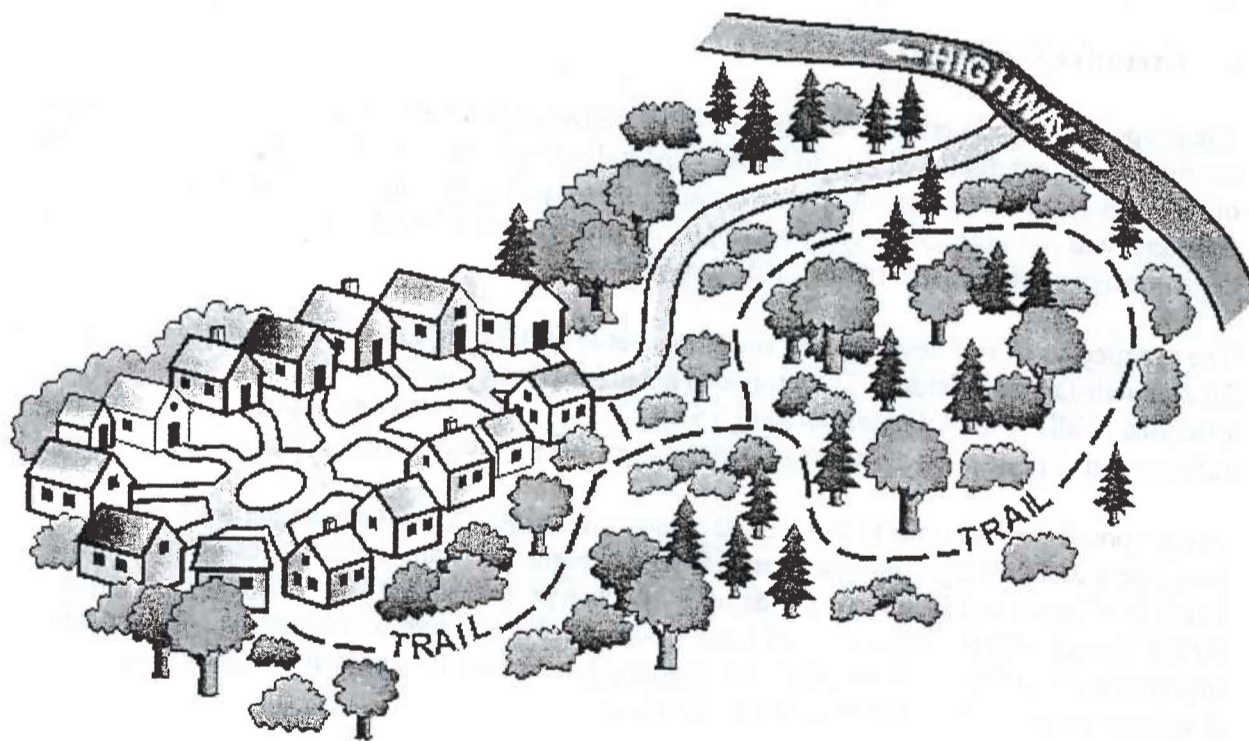
The proposed amendments to the HDOD relate to inquiries that have been made by area developers and the larger issue of Springfield's remaining vacant buildable residential land. Table 1—Vacant and Buildable Lands by Slope was produced by Lane Council of Governments for the Homebuilders Association of Lane County in 2005 as part of a larger report. The table shows that about 48% of Springfield's remaining land zoned for low density residential development is located on slopes of 15% or more.

Table 1. Vacant Buildable Land in Springfield by Slope

Plan Designation	Vacant Buildable Acres	Percentage of Total LDR Land
Low Density Residential		
Slope:		
Up to 15%	1145.5	51.9%
15 to 25	446.9	20.2%
Greater than 25	615.3	27.9%
Total LDR	2207.7	

With almost half of Springfield’s remaining single-family residential inventory located on slopes affected by the HDOD, a review of the standards is appropriate as new development is poised to impact these lands. Cluster development is a tool which is designed to help communities to protect natural resource areas from development while allowing property owners to “transfer” some of the development density that they are losing to another, less sensitive site.

Article 26 allows development on steep slopes, but requires large lots. Generally, larger lot sizes mean lower development density. Article 26 makes provisions for density transfers (cluster development) in areas affected by slopes. The idea is to credit developers for not developing on steep slopes by allowing them to increase the density of development on land with lesser slope. The developer must agree to protect the steeper slopes from any future development to be allowed the increased density (density transfer).



Clustering of residential density from preserved hillsides is illustrated above.

Section 26.050 of Article 26 describes two options for development on slopes that affect density. Option "A" requires increasingly larger lots for homes on increasingly steeper slopes. Option "B" allows for a transfer of density from steep areas to lesser slopes to achieve higher development density. Development density is capped at 8 dwelling units per acre, which is less than the 10 units per acre allowed within the LDR zone.

Under Option B density transfer can be made to land with slopes up to 15%. Density transfers may be made to slopes up to 25% on south-facing slopes. No rationale is offered for allowing density transfers on steeper south facing slopes and not on other slopes. A staff review of the legislative history of Article 26 failed to reveal the reason for the limitation.

Through a series of meetings between public works engineering, environmental services, and planning staff, no specific reason could be identified for limiting cluster development on 15-25% slopes to just south-facing hillsides. The critical issue that was identified was the need to conduct a thorough geotechnical review of each site to determine if the area is stable enough support increased development. The same concern for requiring a rigorous geotechnical review was promoted by private practice engineers and a developer who were interviewed. The private practice engineer further suggested that developers be required to fund a "peer review" of the geotechnical report for a property (at the discretion of the City) to verify the accuracy of the findings and recommendations of report.

The specific text of the amendments are scattered throughout Article 26. Please see Attachment 1 to examine the proposed changes in legislative format that show the existing text and highlight changes.

II. Procedural Requirements

Procedural requirements for amending the Springfield Development Code (SDC) are described in Article 8 and Article 14.

Article 8 indicates that the Planning Director, Planning Commission, City Council or a resident of the City can initiate amendments to the SDC. Such amendments are reviewed under a "Type IV" procedure and require public hearings before the Planning Commission and the City Council. Type IV procedures are detailed in Article 3.100 of the SDC. The proposed revisions to Articles 26 have been initiated by the Planning Director.

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

Findings:

- #1. The Planning Director has initiated these amendments to Article 26—Hillside Development Overlay District. The amendments are not site specific and fall under the definition of a legislative action.

#2. A "DLCD Notice Proposed Amendment" was mailed to the Department of Land Conservation and Development on December 19, 2007, alerting the agency to the City's intent to amend the Article 26. The notice was mailed more than 45 days in advance of the first evidentiary hearing as required by ORS 197.610. No comment has been received from the Department concerning the amendments.

#3. Notice of the public hearing concerning this matter was published on June 11, 2007 in the Eugene Register Guard, advertising the hearing before the Springfield City Council on July 2, 2007. The content of the notice followed the direction given in Section 14.030 (2) of the SDC for legislative actions.

Conclusion:

Procedural requirements described in Article 8 and Article 14 of the SDC have been followed. Notice requirements established by DLCD for amending the Development Code have also been followed.

IV. Decision Criteria and Findings

Article 8 describes the criteria to be used in approving an amendment to the SDC. It states that in reaching a decision, the Planning Commission and the City Council must adopt findings which demonstrate conformance with "1) *the Metro Plan*; 2) *applicable State statutes*; and to 3) *applicable State-wide Planning Goals and Administrative Rules.*"

Criterion #1 "Conformance with the Metro Plan"

Findings

#4. The Eugene-Springfield Metropolitan Area General Plan (Metro Plan) is the basic guiding land use policy document for the City of Springfield. A text search related to development on steep slopes and hillside development yielded little specific policy.

#5. Steep slopes are recognized as a development constraint for residential lands by findings made in Section A—Residential Element (pg. III-A-2).

#6. Section E—Environmental Design Element, Policy E.8 states, "Site planning standards developed by local jurisdictions shall allow for flexibility in design that will achieve site planning objectives while allowing for creative solutions to design problems" (pg. III-E-3).

#7. The Springfield Development Code (SDC) implements the Metro Plan. It contains various planning policies and standards including Article 26—Hillside Development Overlay District which sets forth standards for development on hillsides with a slope of 15% and greater. When the Springfield Development Code was adopted in May 1986, it was found by the City Council to be consistent with the Metro Plan. The Development

Code was subsequently acknowledged by the Land Conservation and Development Commission as being consistent with the Metro Plan and with Statewide Planning Goals.

#8. Section 26.010 of the Hillside Development Overlay District makes the following purpose statement:

“The HD Overlay District ensures that development in hillside areas:

Minimizes the potential for earth movement and resultant hazards to life and property;

Protects water quality by minimizing soil erosion and siltation;

Retains and protects natural vegetation, natural water features and drainageways, scenic quality and open space by minimizing vegetation removal in sloped areas;

Assure compatibility with new development with surrounding areas;

Encourages site and building design that is consistent with the natural topography in order to minimize the cost of public infrastructure;

Provides for adequate access for emergency services and protects the public health and safety.”

#9. The proposed amendments provides for cluster development on hillsides with a slope between 15 and 25% with certain standards and prior analysis meant to ensure that such development meets the purposes listed in Finding #8. Such cluster development is currently allowed on south-facing as described in Section 26.050, “Option B.” The amendments would extend cluster development to all-facing hillsides with 15-25% slope. The same standards for geotechnical reporting and other planning and engineering analysis remain in place.

#10. Cluster development is a widely recognized tool for addressing site design problems while achieving the objective of making the best use of land of inventoried residential land on constrained sites while protecting valuable natural areas. The amendments clarify and facilitate the greater use of cluster development, consistent with the Metro Plan policies cited in Findings #5 and #6.

Conclusion

The findings show that the proposed amendments facilitate Metro Plan policies and are consistent with those few policies related to hillside development found in the Metro Plan. The proposed amendments to Article 26, based on the findings included above, are consistent with the Metro Plan. It is the conclusion of staff that the proposed amendments comply with this criterion.

Criterion #2 “Conformance with Applicable State Statutes”

Finding

- #11. A text search of the Oregon Revised Statutes yielded no references to hillside development or development on steep slopes that prevent or limit their location as a land use policy. The statutes authorized the establishment of Oregon’s Statewide Planning Goals which include Goal 7—Areas Subject to Natural Disasters and Hazards.

Conclusion

The Oregon Revised Statutes appear to be silent on the specifics of hillside development policy. The statutes do address hillside development issues through Statewide Planning Goal 7 which is discussed below under Criterion #3.

For lack of a prohibition against it, hillside development and cluster development are presumed to be allowable development forms. This action clarifies how cluster development on hillsides may be accomplished in a safe manner that is sensitive to multiple community purposes.

The proposed amendments to Articles 26, based on the findings included above, are consistent with applicable state statutes. It is the conclusion of staff that the proposed amendments comply with this criterion.

Criterion #3 “Applicable State-wide Planning Goals and Administrative Rules”

Findings

Compliance with Administrative Rules

- #12. A text search of the Oregon Administrative Rules (OAR) yielded no references to specific policies related to hillside development or cluster development. OAR Division 15 describes Oregon’s Statewide Planning Goals. Goal 7—Areas Subject to Natural Hazards is among the Goal listed.
- #13. Statewide Planning Goal 7 states that “Local governments shall adopt comprehensive plans (inventories, policies and implementing measures) to reduce risk to people and property from natural hazards. Among these hazards are “landslides.”
- #14. The standards found in Article 26 are intended to protect the community from landslides and related hazards caused by improper development of slopes. The proposed amendments embrace the existing standards while allowing the extension of cluster development to all-facing slopes and not just south facing slopes.

- #15. The proposed amendments include strengthen provisions for emergency access and water lines in hillside areas and precludes the finalizing of plats or sale of lots before such facilities have been tested and approved by the Fire Marshal.

Compliance with Statewide Planning Goals

- #16. **Goal 1 – Citizen Involvement.** Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process."

The proposed amendments to Article 26 were the subject of legislative public hearings advertised in the Eugene Register Guard on January 26, 2007. The Planning Commission is conducted a public hearing on February 6, 2007. The Commission continued the hearing twice to include March 13 and April 17, 2007. The City Council is scheduled to hold a public hearing on July 2, 2007.

- #17. **Goal 2 – Land Use Planning.** Goal 2 outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted.

The Eugene-Springfield Metropolitan Area General Plan (Metro Plan) is the acknowledged comprehensive plan that guides land use planning in Springfield. Various adopted refinement plans and specific area plans provide more detailed direction for planning under the umbrella of the Metro Plan. The SDC implements the policies and direction of the Metro Plan. The proposed amendments to Articles 26 will modify existing standards for development that implement adopted policies found in the Metro Plan as cited in Findings #8-#10 above.

- #18. **Goal 3 – Agricultural Land.** Goal 3 defines "agricultural lands." It then requires counties to inventory such lands and to "preserve and maintain" them through farm zoning.

This goal does not apply within adopted, acknowledged urban growth boundaries. The City of Springfield does not have any agricultural zoning districts. These amendments do not apply outside the urban growth boundary and, because of limitations on commercial and industrial development without full urban services, generally do not apply outside the city limits. All land in the City's urban transition area carries City zoning. An exception to this goal was taken in 1982 when the comprehensive plan was acknowledged.

- #19. **Goal 4 – Forest Land.** This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."

This goal does not apply within adopted, acknowledged urban growth boundaries. The City of Springfield does not have any forest zoning districts. These amendments do not apply outside the urban growth boundary and, because of limitations on commercial and industrial development without full urban services, generally do not apply outside the city

limits. All land in the City's urban transition area carries City zoning. An exception to this goal was taken in 1982 when the comprehensive plan was acknowledged.

- #20. **Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources.** Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated.

The amendments to Articles 26 do not repeal, replace or void existing Metro Plan policy or Development Code regulations with respect to any identified natural resources. No changes to supporting ordinances or policy documents adopted to comply with Goal 5 are affected by these amendments.

Goal 6 – Air, Water and Land Resources Quality. This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution. The amendments to Article 26 do not repeal, replace or void existing Metro Plan policy or Development Code regulations with respect to any identified air, water or land resource issues. No changes to supporting ordinances or policy documents adopted to comply with Goal 6 are affected by these amendments.

- #21. **Goal 7 – Areas Subject to Natural Disasters and Hazards.** Goal 7 deals with development in places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply "appropriate safeguards" (floodplain zoning, for example) when planning for development there.

All sites within Springfield that are subject to these hazards (floodplain, erosion, landslides, earthquakes, weak foundation soils) are inventoried through a variety of sources. The proposed amendments do not remove or exempt compliance with other Code standards that may apply to development.

The standards found in Article 26 are intended to protect the community from landslides and related hazards caused by improper development of slopes. The proposed amendments embrace the existing standards while allowing the extension of cluster development to all-facing slopes and not just south facing slopes.

The proposed amendments include strengthen provisions for emergency access and water lines in hillside areas and precludes the finalizing of plats or sale of lots before such facilities have been tested and approved by the Fire Marshal.

- #22. **Goal 8 – Recreational Needs.** This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. Willamalane Park and Recreation District is the entity responsible for park planning, development and maintenance in the urban transition area as well as the city limits. The proposed amendments do not alter policies encouraging the provision of recreational facilities or the incorporation of community open space in development design. Expanding the opportunity to apply density transfer holds the possibility of

preserving property in the hills that might be acquired by the Willamalane Park and Recreation District.

#23. **Goal 9 – Economic Development.** Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs. The amendments to Articles 26 do not repeal, replace or void existing Metro Plan policy or Development Code regulations with respect to any economic development issues. No changes to supporting ordinances or policy documents adopted to comply with Goal 9 are affected by these amendments.

#24. **Goal 10 – Housing.** This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. The amendments to Articles 26 do not repeal, replace or void existing Metro Plan policy or Development Code regulations with respect to any housing issues. No changes to supporting ordinances or policy documents adopted to comply with Goal 10 are affected by these amendments.

The proposed amendments may encourage more efficient development of residential land located on hillsides by facilitating cluster development as a means of increasing development density while protecting sensitive natural areas.

#25. **Goal 11 – Public Facilities and Services.** 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 amendments to Articles 26 do not repeal, replace or void existing Metro Plan policy or Development Code regulations with respect to any public facilities. No changes to supporting ordinances or policy documents adopted to comply with Goal 11 are affected by these amendments.

The proposed amendments include strengthen provisions for emergency access and water lines in hillside areas and precludes the finalizing of plats or sale of lots before such facilities have been tested and approved by the Fire Marshal.

#26. **Goal 12 – Transportation.** The goal aims to provide "a safe, convenient and economic transportation system."

Section 660-012-0060 of the Transportation Planning Rules requires evaluation of a comprehensive plan or land use regulation amendment to determine if an amendment to the Springfield Development Code significantly affects a transportation facility. The proposed amendments do not: change the functional classification of an existing or planned transportation facility; change standards implementing a functional classification system; allow types of levels of use which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or reduce the

level of service of a facility below the minimum acceptable level identified in the Metropolitan Area Transportation Plan (TransPlan).

- #27. **Goal 13 – Energy Conservation.** Goal 13 declares that "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."

The amendments to Articles 26 do not repeal, replace or void existing Metro Plan policy or Development Code regulations with respect to energy conservation. No changes to supporting ordinances or policy documents adopted to comply with Goal 13 are affected by these amendments.

- #28. **Goal 14 – Urbanization.** This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs.

The amendments to Articles 26 do not repeal, replace or void existing Metro Plan policy or Development Code regulations with respect to Springfield's inventory of buildable lands. No changes to supporting ordinances or policy documents adopted to comply with Goal 14 are affected by these amendments.

The proposed amendments may increase the viable use of lands within the UGB that are currently shown on the residential land inventory that are constrained by steep slopes. Cluster development has been used effectively in some communities to safely develop some hillside areas, without undue loss of property value for land owners, while preserving steeper areas as community open space.

- #29. **Goal 15 – Willamette River Greenway.** Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.

The proposed amendments to Articles 26 do not change the obligation to comply with the City's existing standards for development with respect to the Willamette River Greenway. The Greenway provisions allow development of permitted uses in the underlying zone, provided that all other Greenway requirements are satisfied. The City's adopted, acknowledged Greenway ordinance will not be changed.

- #30. **Goals 16 through 19 – Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources.** There are no coastal, ocean, estuarine, or beach and dune resources within the City's jurisdiction. These goals do not apply in Springfield.

Conclusion

The proposed amendments to Articles 26, based on the findings included above, are consistent with Oregon Administrative Rules and Oregon's Statewide Planning Goals. It is the conclusion of staff that the proposed amendments comply with this criterion.

V. Conclusion and Recommendation of Staff

Based on the findings of staff with respect to the criteria defined in Article 8 for approving amendments to the SDC, staff finds the proposed amendments to Articles 26 to be consistent with these criteria and recommend approval of the proposed amendments.