



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

04/17/2012

TO: Subscribers to Notice of Adopted Plan

or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Springfield Plan Amendment

DLCD File Number 001-11

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: Tuesday, May 01, 2012

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. No LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: James Donovan, City of Springfield
Angela Lazarean, DLCD Urban Planner
Ed Moore, DLCD Regional Representative
Thomas Hogue, DLCD Economic Development Policy Analyst

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E 2 DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within 5-Working Days after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660.018-000

DA	☐ Inperson ☐ electronic ☐ mailed
TE	APR 1 1 2012
ST	LAND CONSERVATION AND DEVELOPMENT
M P	For Office Use Only

and all other requirements of ORS 197.615 and OAI					
Jurisdiction: City of Springfield Date of Adoption: JAN 17, 2012	Date Mailed: 4/5/12				
Was a Notice of Proposed Amendment (Form 1) Comprehensive Plan Text Amendment	Comprehensive Plan Map Amendr	•			
✓ Land Use Regulation Amendment	Zoning Map Amendment				
New Land Use Regulation		Other:			
		-17			
Summarize the adopted amendment. Do not use Changes to Application So		e a .			
Does the Adoption differ from proposal? Please	e select one				
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				
Was an Exception Adopted? ☐ YES ⋈ NO					
Did DLCD receive a Notice of Proposed Amend	dment	100			
35-days prior to first evidentiary hearing?					
If no, do the statewide planning goals apply? Yes No					
If no, did Emergency Circumstances require im	mediate adoption? Yes	No			
001-11 (18970) [17004]					

DLCD file No.

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

NONE

Local Contact: JAMES P. DONOVAN

Phone: (54) 74-3660 Extension:

Address: 225 5th 51.

Fax Number: 1 -716-3689

City: Springfield OR Zip: 97487

E-mail Address: fon ovan Ospingfield or, gov

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

- 1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
- 2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
- 3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
- 4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
- 5. Deadline to appeals to LUBA is calculated twenty-one (21) days from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
- 6. In addition to sending the Form 2 Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
- 7. Submit one complete paper copy via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
- 8. Please mail the adopted amendment packet to:

ATTENTION: PLAN AMENDMENT SPECIALIST DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT 635 CAPITOL STREET NE, SUITE 150 **SALEM, OREGON 97301-2540**

9. Need More Copies? Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

http://www.oregon.gov/LCD/forms.shtml

Updated December 30, 2011

ORDINANCE NO.	6274	(General)
JEDINANCE NO.	02/4	IGenerali

AN ORDINANCE AMENDING THE SPRINGFIELD DEVELOPMENT CODE, SECTIONS: 5.8-100-125, 5.17-105, 5.17-120, and 4.2-105A.4, MODIFYING SITE PLAN REVIEW, MINIMUM DEVELOPMENT AND TRANSPORTATION IMPACT STUDY SUBMITTAL STANDARDS AND PROCEDURES.

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, the City of Springfield's Development Services and Public Works Departments have reviewed development application requirements and procedures with the development community and identified process improvements to increase efficiency, reduce costs and improve communication.

WHEREAS, certain administrative process improvements proposed under this application require Springfield Development Code amendments prior to implementation; and

WHEREAS, the SDC amendments comply with the City Council goal regarding Community and Economic Development and Revitalization; and

WHEREAS, Section 5.6-100 of the SDC sets forth procedures for the amendment of this document; and

WHEREAS, on November 1, 2011, the Springfield Planning Commission held a work session and conducted a public hearing on this SDC amendment application (TYP2011-00004) voting 5 to 0 to recommend approval of the proposed changes 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 Council incorporated herein.

WHEREAS, on November 28, 2011, the Springfield Common Council conducted a public hearing and is now ready to take action on this application based upon findings in support of adoption of these SDC amendments as set forth in the aforementioned Staff Report incorporated herein by reference and the evidence and testimony already in the record as well as the evidence and testimony presented at this public hearing held in the matter of adopting this Ordinance.

NOW THEREFORE, based on the forgoing recitals, the City Council of the City of Springfield does ordain as follows:

Section 1: SDC Section 5.8-100-125 is amended to read:

"5.15-105 Purpose

Minimum Development Standards (MDS) are intended to support economic development by minimizing City review for minor additions or expansions, changes in approved use categories, or where land use conflicts have been mitigated or eliminated as a result of prior development approvals, zoning or regulation. The purpose of MDS procedures is to provide the minimum level of ministerial review that

guarantees compliance with applicable development standards. MDS approvals shall ensure compliance with specific appearance; transportation safety and efficiency, and storm water management standards of this Code or other applicable regulations as necessary to protect the public health, safety and welfare.

Minimum Development Standards include the following range of review procedures which shall be applied subject to applicability and locational standards contained herein. The Director shall determine the appropriate MDS approach from the following list of MDS review procedures:

- Building Permit Only (BPO): If no additional site review or MDS procedures are required by this
 code, building permit procedures and timelines shall be used to determine compliance with
 applicable standards of this code. Applicable zoning overlay applications may be processed
 concurrently with building permit applications.
- 2. Land Use Compatibility Inspection Application (LUCI): This ministerial planning review and/or site inspection process may be used to demonstrate that: a) the subject site is in substantial compliance with previous approvals, and b) existing improvements satisfy required standards. LUCI process shall not be used when other provisions of MDS or Site Plan review apply.
- 3. MDS Minor Application: This process shall be used for expansions or additions on an existing development site that do not exceed five thousand square feet.
- 4. MDS Major Application: This process shall be used for expansions or additions to certain existing development sites where the expansion or addition does not exceed twenty five thousand square feet of new impervious area.

All MDS applications may be submitted concurrently with a complete Building Permit application; the applicant assumes all liability and responsibility if concurrent reviews necessitate the revision of either permit in response to ministerial review.

5.15-110 Applicability

- A. MDS regulations shall apply as described below:
 - Land Use Compatibility Inspection procedures shall apply where the property is currently in compliance with all of the standards specified in Section 5.15-120, and the Director has verified compliance with the above standards through a ministerial land use compatibility inspection and/or review of prior land use approvals.
 - 2. MDS Minor provisions shall apply within all commercial, industrial and public land zoning districts, where there is a) new construction, an addition or expansion on a development site of up to five thousand square feet, or b) a change in land use category or building occupancy of a structure or property. MDS Minor submittals shall comply with the standards of Section 5.15-120 Subsections A.-H.
 - 3. MDS Major provisions shall apply only within Community Commercial, Light or Heavy Industrial and Public Land and Open Space zoning districts where:
 - The proposed development does not abut a zoning district other than Community Commercial, Light or Heavy Industrial and Public Land and Open Space, or,

- b. The proposed development area is not located within 50 feet of residentially zoned or designated property (as measured from the property line of the subject site and excluding public rights of way), and,
- c. The proposed construction, addition or expansion will not exceed 25,000 square feet of combined gross floor area and/or substantially reconstructed impervious area (excluding asphalt overlays), and
- d. Where the proposal will comply with the standards of Section 5.15-120 Subsections A.-I.
- 4. MDS provisions shall only apply to developed properties located within Springfield's land use jurisdiction. Development proposals that exceed the size provisions of MDS standards shall require Site Plan Review as specified in Section 5.17 of this code.
- B. Where there is an MDS application for addition, expansion or change of use category for a building or property containing multiple uses, the property owner may bring the entire property into compliance with the standards specified in Section 5.15-120 or the property owner may request that required improvements be reviewed, approved and installed in proportion to the relative impacts of the businesses on the property.

For example, if there are 3 businesses on the property with equal impacts and there is only one change of use, then approximately 1/3 of the improvements necessary for the entire development area shall be required to be completed to serve the proposed use. Improvements mitigating identified safety concerns shall be given priority.

Alternatively, if a multi-tenant space is being upgraded an owner may submit an MDS Major Application where applicable proposing full improvements to the entire development site with a proposed phasing plan stipulating a proportional percentage of the property shall comply with specified MDS requirements for each change of use category or expansion with the intent that the total property will meet MDS requirements over time. Upon approval of an MDS phasing plan, improvements consistent with the approval shall be reviewed under building permit procedures. This agreement shall not exceed the MDS timelines specified in Section 5.15-125 unless otherwise approved by the Director.

5.15-115 Review

- A. LUCI and MDS applications are reviewed under the Type I review process, unless the applicant requests or the Director finds that the proposed use should provide public notice. The target date for MDS approvals shall be 30 days from the date of submittal.
- **B.** Required public improvements and any additional required land use permits or approvals shall be reviewed in accordance with this code.

5.15-120 SDC Standards Applicable to MDS Approval

In order to grant MDS approval, the Director shall determine compliance with all applicable standards specified below. Subject to review and approval by the Director, the applicant may request deferral of plan details demonstrating compliance with standards of SDC 5.15-120 until Final MDS Plan Submittal,

building permit submittal or building permit occupancy as noted herein. Final approvals and/or occupancy is contingent upon the completion of all required site improvements. Application materials shall be submitted as required on application submittal checklists and in sufficient detail to demonstrate compliance with the following standards:

A. A 5-foot wide landscaped planter strip, including street trees, with approved irrigation or approved drought resistant plants as specified in Sections 4.4-100 and 4.2-140 shall be installed between the sidewalk and parking areas or buildings.*

EXCEPTIONS:

- 1. Where there is an unimproved street, a 4-foot wide landscaped planter strip shall be required to be set back 1 foot from the property line.
- 2. Where there is insufficient space for the landscaped strip required in Subsection A., above due to existing buildings, street width, paved parking, changes of elevation or location of utilities including catch basins, the Director may approve:
 - a. Decorative fencing located immediately behind the property line. The fencing may be wrought iron or masonry and shall be subject to the fence height standards of the applicable zoning district and the vision clearance setbacks of Section 4.2-130; and/or
 - b. Landscaping equivalent to the amount required in Subsection A., above may be placed at the property corners or other areas of the property that are visible from the street.
- *Property lines, setbacks and dimensioned landscape areas shall be shown on all applications; however street trees, fencing and planting information may be noted and details deferred to Final MDS Plan Approval or Building Permit Submittal.
- Trash receptacles shall be screened, covered and connected to the sanitary system in accordance with the Engineering Design Standards Manual as applicable. All outdoor storage areas shall be screened by a structure or enclosure permanently affixed to the ground as specified in Section 4.4-110.*
 - *Property lines, setbacks, and the location of covers and screens shall be shown on all applications; however materials and construction types may be noted and details deferred to Final MDS Plan Approval or Building Permit Submittal.
- C. Bicycle parking spaces shall be added to meet the numerical standards for the appropriate use or upgraded to meet the standards specified in Sections 4.6-140, 4.6-145 and 4.6-155.*
 - *Long term and short term bicycle parking areas may be noted on all applications; however, details may be deferred to Final MDS Plan Approval or Building Permit Submittal.

EXCEPTION: In cases where the number of bicycle parking spaces cannot be met due to lot/parcel size or physical constraint, the Director, in consultation with the Public Works Director, may reduce the standard without a Variance if a finding is made that the reduction will not have an adverse impact on public safety.

D. Parking and circulation areas shall be provided. Paving, striping and wheel stops shall be installed as specified in Sections 4.6-100 and 4.6-120. Required paving and other impervious surfaces on the site shall comply with on-site storm water management standards as specified in Section 4.3-110.

EXCEPTION: In cases where the number of vehicular parking spaces cannot be met due to lot/parcel size or physical constraint, the Director, in consultation with the Public Works Director, may reduce the standard without a Minor Variance if a finding is made that the reduction will not have an adverse impact on public safety.

- E. Access from the proposed development area to the public right-of-way shall comply with Section 4.2-120.
 - 1. Where the proposed development area abuts an improved street, any non-conforming or unsafe driveways, as determined by the Public Works Director, shall be removed and replaced with curb, gutter and sidewalk.
 - 2. Where the proposed development area abuts an unimproved street, any non-conforming or unsafe access points, as determined by the Public Works Director, shall be:
 - Removed by the use of fencing, extruded curbs or other method of approved barricade; and
 - **b.** The property owner shall sign an Improvement Agreement guaranteeing future participation in a Local Improvement District.
 - 3. If an existing driveway or access point is closed, the Director may approve a joint use access agreement with a neighboring property as specified in Section 4.2-120.
- F. Concrete sidewalks shall be installed where the proposed development area abuts a curb and gutter street as specified in Section 4.2-135.
- G. Streetlights required to serve the development area shall be installed as specified in Section 4.2-145.
- H. The development area shall connect to public utilities as specified in Sections 4.3-105, 4.3-110, 4.3-120, 4.3-125 and 4.3-130 and comply with the Springfield Building Safety Codes, where applicable. Easements may be required as specified in Subsection 4.3-140. (6238)

- I. MDS Major Approval pursuant to Section 5.15-110, Subsection A.3 shall also meet the following submittal standards in addition to A-H:
 - a. The applicant shall prepare an MDS Site Assessment of Existing Conditions meeting the following standards:
 - o The plan shall be drawn by a licensed engineer, architect, landscape architect, or land surveyor.
 - The plan shall provide the name, location and dimensions of all existing site features including, but not limited to significant stands of trees, watercourses shown on the Water Quality Limited Watercourse Map and their riparian areas, wetlands, flood designations and slopes.
 - b. The applicant shall provide an MDS Site Plan meeting the following standards:
 - o Prepared by a licensed engineer, architect, landscape architect, or land surveyor.
 - Proposed building envelopes
 - Location and dimension of proposed landscape areas including percentage of landscaped coverage
 - Required screening*
 - Required street tree location and types
 - Planting List*
 - o Dimensions of the Development Area
 - Where applicable, location of existing planned or proposed transit facilities*
 - Area of all property to be reserved conveyed of dedicated.
 - c. The applicant shall submit an Improvement and Public Utilities Plan meeting the following standards:
 - o Prepared by a licensed engineer where utility systems are proposed.
 - o Location and width of proposed easements
 - o Location and dimensions of all existing and proposed rights of way
 - Location of existing of proposed utilities and infrastructure on or adjacent to the subject site including the following as applicable: storm water management systems, sanitary sewer mains, power, water mains, gas, telephone and cable connections.
 - Drainage patterns and connection points with supporting documentation to demonstrate the proposed system will function consistent with the City of Springfield Engineering Design Standards and Procedures Manual.
 - * The applicant may request deferral of plan details demonstrating compliance with standards of SDC 5.15-120 until Final MDS Plan Submittal, building permit submittal or building permit occupancy as noted herein.

5.15-125 Timelines and Conditions

The property owner and/or applicant shall comply with the standards specified in Subsection 5.15-120 within 3 years of the Director's approval as follows:

- A. Submittal of a Final MDS Plan within 90 days of the Director's approval, including the following additional material, where applicable:
 - 1. The original recorded copy of any required Improvement Agreement.
 - 2. Where applicable, any required ODOT Right-of-way Approach Permit shall be submitted prior to construction of improvements with ODOT right of way.
 - 3. Where approved, a copy of a recorded joint use access/parking agreement.
 - 4. A copy of a recorded private easement or the original public utility easement.
- B. The signing of a Development Agreement by the property owner within 90 days of the Director's Final MDS Plan approval and issuance of the Development Agreement. A Building Permit may be issued by the Building Official only after the Development Agreement has been signed by the applicant. No structure or site shall be occupied until all improvements are made as specified in this Section, unless otherwise permitted below.
- C. The construction of the required improvements shall begin within 2 years of the signing of the Development Agreement. If this time line cannot be met, the applicant may submit a written request for a single one year extension of the 2 year start of construction time line specified above.
- D. If the time line established for the start of construction in Subsection C. above is not met and the applicant has not requested an extension, then the Director shall declare the application null and void.
- E. Upon satisfactory completion of site development, as determined by a Final Site Inspection (prior to the final building inspection), the City shall authorize the provision of public facilities and services and issue a Certificate of Occupancy or otherwise authorize use of the site.
- F. All required improvements shall be installed prior to the issuance of a Certificate of Occupancy or Final Building Inspection for the development, unless improvements have been deferred for good cause by the Director as noted below:
 - 1) A Temporary Certificate of Occupancy may be issued prior to complete installation and approval of improvements, if security is filed with the City.
 - 2) Required security shall equal 110 percent of the cost of the design, materials and labor, as determined by the Director. Required security may consist of cash, certified check, time certificate or deposit, or lending agency certification to the City that funds are being held until completion.
 - 3) If the installation of improvements is not completed within the period stipulated by the Director, or if the improvements have been improperly installed, the security may be used by the City to complete the installation, or the security may be held by the City and other enforcement powers employed to prevent final occupancy until the

improvements are completed. Upon completion of the improvements as certified by the Director, any portion of the remaining security deposited with the City, including any accrued interest, shall be returned."

Section 2: SDC Section 5.17-105B.2. is amended to read:

- "B. Site Plan Review is required for:
 - 2. Multifamily residential, commercial, public and semi-public, and industrial development or uses, including construction of impervious surfaces for parking lots and storage areas, including:
 - a. New development on vacant sites and redevelopment as a result of demolition and removal of existing buildings and impervious surfaces on a formerly occupied site, except where a proposed development qualifies as an MDS Application in accordance with SDC Section 5.15.
 - **b.** Additions or expansions that exceed either 50 percent of the existing building gross floor area or 5,000 square feet or more of new building gross floor area and/or impervious surface area, except where a proposed development qualifies as an MDS Application in accordance with SDC Section 5.15."

Section 3: SDC Section 5.17-120 is amended to read:

5.17-120 Submittal Requirements

"All Site Plan applications shall be prepared by an Oregon licensed Architect, Landscape Architect, Civil Engineer or Surveyor as determined by the Director. A Site Plan shall contain all the elements deemed necessary by the Director to demonstrate that provisions of this Code are being fulfilled and may include, but not be limited to, the following:"

Section 4: SDC Section 4.2-105A.4 is amended to read:

"4. An applicant may be required to prepare a Traffic Impact Study (TIS) to identify potential traffic impacts from proposed development and needed mitigation measures. A TIS is required if any of the following criteria are met:

a. Peak Hour Threshold

If a change in land use or intensification of an existing use generates 100 or more trips during any peak hour as determined by procedures contained in the most recent edition of the Institute of Transportation Engineers <u>Trip Generation</u> <u>Manual</u>, a TIS shall be performed by a registered professional engineer.

b. Average Daily Traffic Threshold

If a change in land use or intensification of an existing use generates 1,000 or more trips per day as determined by procedures contained in the most recent

edition of the Institute of Transportation Engineers <u>Trip Generation Manual</u>, a TIS shall be performed by a registered professional engineer.

c. Variance and Known Issues Threshold

The Public Works Director may determine that a TIS is necessary to support a request for a Variance from the transportation provisions of this code or where traffic safety, street capacity, future planned facility, or multimodal concerns may be associated with the proposed development.

- d. The nature and extent of the TIS scope shall be determined by the Public Works Director based upon a trip distribution and assignment prepared by the Applicant. At a minimum, locations impacted by more than 20 trips during the identified peak hour shall be included in the trip distribution and assignment.
- requirements consistent with applicable local and regional transportation system plans and the intent of this Code when existing conditions make their strict application impractical or inconsistent with accepted site planning or transportation planning principles."

Section 5: SEVERABILITY CLAUSE. 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 individual provision and such holding shall not affect the validity of the remaining portions thereof.

January, 2012

ADOPTED by the Common Council of the City of Springfield this <u>17th</u> day of December, 2011, by a vote of <u>6</u> for and <u>0</u> against.

Mayor

January, 2012

APPROVED by the Mayor of the City of Springfield this 17th day of December, 2011.

ATTEST:

City Recorder

REVIEWED & APPROVED

as to form,

ATE: 1 10 12

office of city attorney





AND DEVELOPMENT

CITY OF SPRINGFIELD

DEVELOPMENT SERVICES DEPARTMENT 225 5th ST SPRINGFIELD, OR 97477

Attention: Plan Amendment specialist Dept. of Lane Conservation and Development 635 Capitol Street NE, Suite ± 50 Salem, Oregon 97301-2540