

PASSED

IN THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

ORDINANCE NO. 4-06

IN THE MATTER OF AMENDING CHAPTER 10 OF LANE CODE TO ADOPT AMENDMENTS TO THE SPRINGFIELD DEVELOPMENT REGULATIONS FOR APPLICATION TO URBANIZABLE LANDS WITHIN THE SPRINGFIELD URBAN GROWTH AREA (LC 10.600-15) AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES

WHEREAS, on November 24, 1986, the Lane County Board of Commissioners enacted Ordinance No. 16-86 to adopt the City of Springfield land use regulations for application to urbanizable lands within the Springfield Urban Growth Boundary in accordance with an urban transition agreement with the City of Springfield; and

WHEREAS, Lane County Ordinance No. PA 1233 co-adopts the Springfield Natural Resources Study for application within the Springfield Urban Growth Area; and

WHEREAS, amendments to the Springfield Development Code, to add provisions in Article 31 Minimum Development Standards and Site Plan Review Standards, Article 34 Partition Standards, and Article 35 Subdivision Standards, were developed through a citizen involvement process that analyzed the impacts and developed these standards to implement the Goal 5 Natural Resources Study; and

WHEREAS, on October 18, 2005, the Springfield Planning Commission held a public hearing and after deliberation recommended approval of amendments to the Springfield Development Code to add provisions in Articles 31, 34, and 35; and

WHEREAS, on November 7, 2005, the Springfield City Council held a public hearing and adopted amendments to the Springfield Development Code, Articles 31, 34, and 35 and has requested adoption of the proposed changes by the Lane County Board of Commissioners for application to the urbanizable lands within the Springfield Urban Growth Area; and

WHEREAS, the Board of County Commissioners has conducted a public hearing on this matter, reviewed the public record, heard testimony, and is ready to take action.

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDAINS** as follows:

Section 1. The provisions of the Springfield Development Code, as adopted by Lane County Ordinance No. 16-86 and amended by Lane County Ordinance Nos. 5-89, 18-90, 9-91, 13-91, 14-92, 5-93, 13-94, 3-97, 7-99, 10-00, and 13-04 are hereby further amended to add Article 31 Minimum Development Standards and Site Plan Review Standards, Article 34 Partition Standards, and Article 35 Subdivision Standards provisions as specified in the Springfield Ordinance No. 6150 attached as Exhibit "A" and incorporated here by this reference.

These amendments are adopted and incorporated herein by this reference for application on the urbanizable lands within the Springfield Urban Growth Area and shall not be codified into Lane Code.

Section 2. Chapter 10 of Lane Code is hereby amended by removing and inserting the following sections:

DELETE THESE SECTION(S)

10.600-15
as located on page 10-814
(a total of 1 page)

INSERT THESE SECTION(S)

10.600-15
as located on page 10-814
(a total of 1 page)

Said section is attached hereto and incorporated herein by this reference. The purpose of this substitution and addition is to amend Lane Code Chapter 10 to include specific reference to this Board of County Commissioners action adopting amendments to the City of Springfield land use regulations to be applied by the City of Springfield on urbanizable lands within the Springfield Urban Growth Area.

Section 3. Ordinances and regulations amended by this Ordinance shall remain in force to authorize a punishment, penalty or forfeiture incurred, or a suit, prosecution or proceeding pending when the amendment takes effect, for an offense or violation committed under the amended Ordinance or regulation prior to the effective date of this Ordinance.

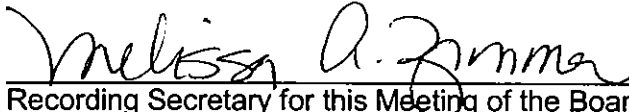
Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

While not part of this Ordinance, the findings attached as Exhibit "B" and incorporated herein by this reference are adopted in support of this decision.

ENACTED this 12th day of July, 2006.



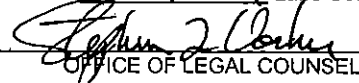
Chair, Lane County Board of Commissioners



Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 6-19-2006 Lane County


OFFICE OF LEGAL COUNSEL

SPRINGFIELD URBAN GROWTH BOUNDARY/EUGENE URBAN GROWTH BOUNDARY

10.600-10 Springfield Urban Growth Boundary.

The City of Springfield shall have the responsibility and the authority to administer its land use regulations on urbanizable land within the Springfield Urban Growth Boundary. For the purpose of this subsection, the following words and phrases shall mean:

(1) Springfield Urban Growth Boundary. All land within the Urban Growth Boundary, as defined by the Eugene-Springfield Metropolitan Area General Plan on November 21, 1989, or as amended thereafter on the effective date of any Plan amendment enacted by Lane County, east of I-5.

(2) Urbanizable Land. Urbanizable lands, as defined by the Eugene-Springfield Metropolitan Area Plan, are those unincorporated lands between the Springfield City Limits and the Springfield Urban Growth Boundary. *(Revised by Ordinance No. 16-86, 11.24.86; 11-89, 11.21.89; 3-99, 8.27.99)*

10.600-15 Applicable Land Use Regulations.

Lane County has adopted the following land use regulations to be applied by Springfield on urbanizable land within the Springfield Urban Growth Boundary.

(1) The Springfield Development Code adopted by the Lane County Board of Commissioners as part of Ordinance No. 16-86, and amended by Ordinance Nos. 5-89, 18-90, 9-91, 13-91, 14-92, 5-93, 13-94, 3-97, 7-99, 10-00, 13-04, 2-05, 2-06 and 4-06.

(2) Copies of these applicable land use regulations shall be on file at the Lane County Land Management Division. *(Revised by Ordinance No. 16-86, Effective 11.24.86; 5-89, 5.31.89; 11-89, 11.21.89; 18-90, 12.19.90; 9-91, 9.20.91; 13-91, 9.25.91; 14-92, 1.8.93; 5-93, 8.26.93; 13-94, 1.11.95; 3-97, 4.18.97; 7-99, 12.8.99; 10-00, 12.13.00; 13-04, 7.1.04; 2-05, 9.9.05; 2-06, 4.14.06)*

10.600-20 Eugene Urban Growth Boundary.

The City of Eugene shall have the responsibility and the authority to administer its land use regulations on urbanizable land within the Eugene Urban Growth Boundary. For the purpose of this subsection, the following words and phrases shall mean:

(1) Eugene Urban Growth Boundary. All urbanizable land within the urban growth boundary, as defined by the Eugene-Springfield Metropolitan Area General Plan, on November 21, 1989, or as amended thereafter on the effective date of any Plan amendment enacted by Lane County, which is west of I-5.

(2) Urbanizable Land. Urbanizable lands are those unincorporated lands between the Eugene City Limits and the Eugene Urban Growth Boundary. *(Revised by Ordinance No. 18-86, Effective 4.27.87; 21-87, 11.25.87; 11-89, 11.21.89; 3-99, 7.28.99)*

10.600-25 Applicable Land Use Regulations.

Lane County has adopted the following land use regulations to be applied by Eugene on urbanizable land within the Eugene Urban Growth Boundary.

(1) The Eugene Land Use regulations as adopted by the Lane County Board of Commissioners as part of Ordinance No. 18-86 as amended in Ordinance Nos. 16-87, 5-88, 6-88, 7-88, 1-89, 2-89, 13-89, 2-90, 2-91, 12-91, 14-91, 7-92, 10-00, 2-02 and 3-02.

(2) Copies of these applicable land use regulations shall be on file at the Lane County Land Management Division. *(Revised by Ordinance No. 18-86, Effective 4.27.87; 21-87, 11.25.87; 13-89, 1.12.90; 2-90, 7.20.90; 2-91, 3.29.91; 12-91, 9.20.91; 14-91, 9.25.91; 7-92, 8.28.92; 10-00, 12.13.00; 2-02, 2.13.02; 3-02, 2.13.02)*

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Bold indicates material being added

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10.600-10

Lane Code

LEGISLATIVE

FORMAT

10.600-25

SPRINGFIELD URBAN GROWTH BOUNDARY/EUGENE URBAN GROWTH BOUNDARY

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(2) Copies of these applicable land use regulations shall be on file at the Lane County Land Management Division. *(Revised by Ordinance No. 16-86, Effective 11.24.86; 5-89, 5.31.89; 11-89, 11.21.89; 18-90, 12.19.90; 9-91, 9.20.91; 13-91, 9.25.91; 14-92, 1.8.93; 5-93, 8.26.93; 13-94, 1.11.95; 3-97, 4.18.97; 7-99, 12.8.99; 10-00, 12.13.00; 13-04, 7.1.04; 2-05, 9.9.05; 2-06, 4.14.06)*

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(2) Urbanizable Land. Urbanizable lands are those unincorporated lands between the Eugene City Limits and the Eugene Urban Growth Boundary. *(Revised by Ordinance No. 18-86, Effective 4.27.87; 21-87, 11.25.87; 11-89, 11.21.89; 3-99, 7.28.99)*

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(2) Copies of these applicable land use regulations shall be on file at the Lane County Land Management Division. *(Revised by Ordinance No. 18-86, Effective 4.27.87; 21-87, 11.25.87; 13-89, 1.12.90; 2-90, 7.20.90; 2-91, 3.29.91; 12-91, 9.20.91; 14-91, 9.25.91; 7-92, 8.28.92; 10-00, 12.13.00; 2-02, 2.13.02; 3-02, 2.13.02)*

ORDINANCE

ORDINANCE NO. 6150 (General)

AN ORDINANCE ADOPTING THE SPRINGFIELD NATURAL RESOURCES STUDY; AMENDING THE SPRINGFIELD DEVELOPMENT CODE TO INCLUDE PROTECTION MEASURES FOR IDENTIFIED NATURAL RESOURCE AREAS (WETLANDS AND RIPARIAN) - ARTICLE 31 MINIMUM DEVELOPMENT STANDARDS AND SITE PLAN REVIEW STANDARDS, ARTICLE 34 PARTITION STANDARDS, AND ARTICLE 35 SUBDIVISION STANDARDS; AND ADOPTING A SEVERABILITY CLAUSE.

THE CITY COUNCIL OF THE CITY OF SPRINGFIELD FINDS THAT:

WHEREAS, in December 1994 the cities of Springfield and Eugene and Lane County adopted the Eugene-Springfield Metropolitan Area General Plan Periodic Review Work Program; and

WHEREAS, on May 25, 1995 the Department of Land Conservation and Development approved the Eugene-Springfield Metropolitan Area General Plan Periodic Review Work Program, which was revised on July 1, 2002 by DLCD under Periodic Review Order No. 1416, and which includes Task 5 and Task 7 bringing the Eugene Springfield Metro Area into compliance with Statewide Planning Goal 5 and its administrative rules; and

WHEREAS, the Springfield Inventory of Natural Resource Areas (NR Inventory) is an element of Periodic Review Task 7 and The Metropolitan Natural Resources Study was developed in compliance with the procedures and requirements of OAR 660-023-030, and includes an inventory of locally significant riparian corridors within the Springfield Urban Growth Boundary; and

WHEREAS, the Springfield Local Wetland Inventory (Wetland Inventory) is an element of Periodic Review Task 5 and The Springfield Wetland Conservation Plan were developed in compliance with OAR 660-023-030 and ORS 197.279(3)(b) and identifies "locally significant wetlands" within the Springfield Urban Growth Boundary; and

WHEREAS, the Springfield Natural Resources (NR) Study has been prepared to complete the ESEE Decision Process described in OAR 660-023-040 and includes implementing regulations to achieve Goal 5 protection measures; and

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 the SDC; and

WHEREAS, a public workshop was held on October 13, 2005 to present the Springfield Natural Resources Study, to explain the potential impact of proposed implementing regulations and to receive public comment; and

WHEREAS, the Springfield Planning Commission held a public hearing on the Springfield Natural Resources Study on October 18, 2005 and voted unanimously to recommend approval of the Study and its implementing regulations 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 by reference (Case Number 2005-00034), and based on the evidence and testimony in the record demonstrating that the Springfield Natural Resources Study and its implementing regulations comply with the requirements of Statewide Planning Goal 5 as it applies to natural resources and the evidence and testimony presented at the public hearing; and

WHEREAS, the Springfield City Council held a public hearing on the Springfield Natural Resources Study and its implementing regulations on November 7, 2005 and is now ready to take action on this matter based upon the above recommendation 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 hearing this Ordinance adopting the Springfield Natural Resources Study and its implementing regulations.

WHEREAS, In addition to the inventories of riparian, upland wildlife habitat and wetland sites referred to above, the following inventories make up the entire inventory of significant Goal 5 resources within the City of Springfield: the April 12, 1978 Sand and Gravel Working Paper, the April 12, 1978 Scenic Sites Working Paper, the April 12, 1978 Willamette River Greenway Working Paper, the April 12, 1978 Archeological Sites Working Paper, the December 1, 1976 list of historic land marks, and the Water-quality Limited Waterways Map.

NOW THEREFORE, THE CITY OF SPRINGFIELD ORDAINS AS FOLLOWS:

Section 1: The Springfield Natural Resources Study attached as Exhibit A is adopted as a completed product in fulfillment of Periodic Review Work Task 5 and Springfield's portion of Periodic Review Work Task 7 of the Eugene-Springfield Metropolitan Area General Plan Periodic Review Work Program and in conformance with Statewide Planning Goal 5.

Section 2: The Article 31 Title page is hereby amended to read as follows:

"ARTICLE 31

MINIMUM DEVELOPMENT STANDARDS AND SITE PLAN REVIEW STANDARDS

31.010 MINIMUM DEVELOPMENT STANDARDS

31.020 SITE PLAN REVIEW - PURPOSE AND APPLICABILITY

31.030 SITE PLAN REVIEW - REVIEW PROCESS

31.040 SITE PLAN REVIEW - PHASED DEVELOPMENT

- 31.050 SITE PLAN REVIEW - INFORMATION REQUIREMENTS
- 31.060 SITE PLAN REVIEW - CRITERIA
- 31.070 SITE PLAN REVIEW - CONDITIONS OF APPROVAL
- 31.080 SITE PLAN REVIEW - FINAL SITE PLAN/FINAL SITE PLAN EQUIVALENT MAP

- 31.090 SITE PLAN REVIEW - DEVELOPMENT AGREEMENT
- 31.100 SITE PLAN REVIEW - MODIFICATIONS
- 31.110 SITE PLAN REVIEW - SECURITY AND ASSURANCES
- 31.120 SITE PLAN REVIEW - MAINTAINING THE USE
- 31.130 SITE PLAN REVIEW - LANDSCAPING STANDARDS
- 31.140 SITE PLAN REVIEW - PLANTING STANDARDS
- 31.150 SITE PLAN REVIEW - PLANTING INSTALLATION STANDARDS
- 31.160 SITE PLAN REVIEW - SCREENING AND LIGHTING STANDARDS
- 31.170 SITE PLAN REVIEW - PARKING STANDARDS
- 31.180 SITE PLAN REVIEW - PARKING LOT DESIGN STANDARDS
- 31.190 SITE PLAN REVIEW - PARKING AREA IMPROVEMENT STANDARDS
- 31.200 SITE PLAN REVIEW - OFF-STREET LOADING STANDARDS
- 31.210 SITE PLAN REVIEW - BICYCLE PARKING STANDARDS
- 31.220 SITE PLAN REVIEW - MINIMUM REQUIRED BICYCLE PARKING SPACES
- 31.230 SITE PLAN REVIEW - BICYCLE COMMUTER FACILITIES
- 31.240 SITE PLAN REVIEW - WATER QUALITY PROTECTION
- 31.250 SITE PLAN REVIEW - NATURAL RESOURCE PROTECTION AREAS"

Section 3: Section 31.050 is hereby amended to read as follows:

"31.050 SITE PLAN REVIEW - INFORMATION REQUIREMENTS.

- (2) A Site Assessment of the entire development area. The Site Assessment shall be prepared by an Oregon licensed Landscape Architect or Engineer and drawn to scale with existing contours at 1-foot intervals and percent of slope that precisely maps and delineates the areas described below. Proposed modifications to physical features shall be clearly indicated. The Director may waive portions of this requirement if there is a finding that the proposed development will not have an adverse impact on physical features or water quality, either on the site or adjacent to the site. Adjacent properties include those within the distances specified in Section 31.020(2)(c) of this Article.

Information required for adjacent properties may be generalized to show the connections to physical features. A Site Assessment shall contain the following information:

- (a) The name, location, dimensions, direction of flow and top of bank of all watercourses that are shown on the Water Quality Limited Watercourse Map on file in the Development Services Department;
- (b) The 100-year floodplain and floodway boundaries on the site, as specified in the latest adopted FEMA Flood Insurance Rate Maps or FEMA approved Letter of Map Amendment or Letter of Map Revision;
- (c) The Time of Travel Zones, as specified in Article 17 of this Code and delineated on the Wellhead Protection Areas Map on file in the Development Services Department;
- (d) Physical features including, but not limited to significant clusters of trees and shrubs, watercourses shown on the Water Quality Limited Watercourse Map and their riparian areas, wetlands and rock outcroppings; and
- (e) Soil types and water table information as mapped and specified in the *Soils Survey of Lane County*.
- (f) Natural resource protection areas as specified in Section 31.250 of this Code.”

Section 4: Section 31.250 is hereby added as follows:

“31.250 SITE PLAN REVIEW - NATURAL RESOURCE PROTECTION AREAS

- (1) The purpose of this Section is to protect identified natural resources in order to:
 - (a) Implement the goals and policies of the Metro Plan;
 - (b) Satisfy the requirements of Statewide Planning Goal 5;
 - (c) Safeguard the City’s locally significant wetland and riparian areas, especially the hydrologic and ecologic functions these areas provide for the community;
 - (d) Safeguard fish and wildlife habitat;
 - (e) Safeguard water quality and natural hydrology, to control erosion and sedimentation, and to reduce the adverse effects of flooding;
 - (f) Safeguard the amenity values and educational opportunities for City’s wetlands and riparian areas for the community; and

- (g) Improve and promote coordination among federal, state, and local agencies regarding development activities near wetlands and riparian areas.
- (2) This Section shall apply to natural resource protection areas that include land within the wetland and/or the riparian resource boundary and the development setback area, specifically:
- (a) Locally significant protected wetlands, listed in the Springfield Local Wetland Inventory and shown on the Local Wetland Inventory Map.
 - 1. The City shall determine which wetlands are locally significant through application of the Oregon Freshwater Wetland Assessment Methodology to the Local Wetland Inventory.
 - 2. Inventoried wetlands which are not deemed to be locally significant shall not be subject to the development setbacks and other protections described in this Section, but shall continue to be protected under permitting authority of applicable federal and state agencies.
 - 3. During the application review process, if a property is found to contain a wetland that has not been inventoried, the applicable federal and state agencies shall be notified. Based upon the federal and state agency review, both the Springfield Local Wetland Inventory and the Local Wetland Inventory Map may require amendment.
 - (b) Locally significant protected riparian areas, listed in the Springfield Inventory of Natural Resource Sites and shown on the Natural Resources Inventory Map. The City has determined which riparian areas are significant in accordance with rules adopted by the Oregon Department of Land Conservation and Development (DLCD).
 - (c) **EXCEPTIONS:** The protections described in this Section shall not apply to:
 - 1. Properties that received development approval or were submitted for processing before the effective date of this Section.
 - 2. Properties with approved wetland or riparian fill and mitigation plans, permits or other approved actions issued by the Oregon Department of State Lands (DSL) and or the US Army Corps of Engineers (COE) or other approving authority with jurisdiction over wetland and riparian resources.
 - 3. Sites shown on the City's Water Quality Limited Watercourses (WQLW) Map that are already protected with 50-foot or 75-foot development setbacks in accordance with Section 31.240 of this Article.

- (d) **INVENTORY MAP CORRECTIONS:** The Director may correct the location of a wetland or riparian boundary shown on the Local Wetland Inventory Map and/or the Natural Resources Inventory Map when it has been demonstrated by a property owner or applicant that a mapping error has occurred and the error has been verified by DSL. Wetland delineations verified by DSL shall be used to automatically update and replace the City's Local Wetland Inventory mapping. No variance application shall be required for map corrections where approved delineations are provided.
- (3) Development setbacks for locally significant wetland and riparian areas.
- (a) Development setbacks are the primary element of the City's protection program for locally significant wetland and riparian areas. Development setbacks shall be determined as follows:
1. Locally significant wetlands on the Springfield Local Wetland Inventory which are not shown on the WQLW Map shall be protected by a 25 foot-wide development setback.
 2. Locally significant riparian areas identified on the Springfield Inventory of Natural Resource Sites which are not shown on the WQLW Map shall be protected by a 25 foot-wide development setback.
 3. Where a locally significant wetlands or riparian area is only partially shown on the WQLW Map, that portion which is not protected by the City's Stormwater Quality Management Program shall be protected by a 25 foot-wide development setback.
 4. Development setbacks from locally significant wetland areas shall be measured from the delineated edge of the wetland as acknowledged by DSL.
 5. Development setbacks from locally significant riparian areas shall be measured from the "top of bank" as defined in Article 2 of this Code.
 6. Where locally significant wetlands and riparian areas overlap, the development setback area shall be measured from the edge of the delineated wetland.
- (b) The Springfield Local Inventory Map and the Springfield Inventory of Natural Resource Sites Map shall be used to provide a visual reference for locating known wetland and riparian areas, but shall not be relied upon as the final authority for locating the actual boundaries of these areas. The final authority shall be a delineation required as specified in Section 31.050(2) of this Article

in order to locate the boundaries of the resource for the purpose of applying development setbacks or other protections described in this Section.

- (4) Site Plan Review as specified in Section 31.020 of this Article shall be required for commercial, industrial and multi-unit residential developments which are proposed within 150-feet of a locally significant wetland or riparian area.

EXCEPTIONS: Site Plan Review shall not be required for:

- (a) Single-family homes and duplexes in the Low Density Residential District as of the effective date of this Section. However, the natural resource protection standards of this Section shall apply to these single-family homes and duplexes; and/or
- (b) Partitions as specified in Sections 34.065 of this Code and Subdivisions as specified in Section 35.057 of this Code.
- (5) Permitted uses within locally significant wetland and riparian natural resource protection areas.
- (a) The following uses and activities shall be permitted within a locally significant wetland or riparian natural resource protection area, including the development setback area, with no additional state or federal permits:
1. Any use, building or structure that lawfully existed as of the effective date of this Section shall be allowed to continue and required maintenance may occur.
 2. The maintenance and alteration of pre-existing ornamental landscaping shall be permitted as long as no additional native vegetation is disturbed.
 3. These uses permitted in Subsection (5)(a)1. and 2. of this Subsection shall not be affected by any change in ownership of property.
- (b) The following uses and activities shall be permitted within a locally significant wetland or riparian natural resource protection area, including the development setback area, provided that any applicable federal, state or local permits are secured:
1. Wetland and or riparian restoration and rehabilitation activities.
 2. Restoration and enhancement of native vegetation, including the addition of canopy trees.

3. Cutting and removal of trees that pose a hazard to life or property due to threat of falling.
4. Perimeter mowing and other cutting necessary for hazard prevention.
5. Removal of non-native vegetation, if replaced with native plant species at a density that prevents soil erosion and encourages the future dominance of the native vegetation.
6. Normal farm practices such as grazing, plowing, planting, cultivating and harvesting, that meet the following criteria and limitations:
 - a. The farm practices were in existence or occurring on the property as of the effective date of this Section;
 - b. The farm practices are of no greater scope or intensity than the operations that were in existence as of the date effective date of this Section; and
 - c. Normal farm practices shall not include new or expanded structures, roads, or other facilities involving placement of fill material, excavation, or new drainage measures.
7. Maintenance of existing drainage ways, ditches, or other structures to maintain flows at original design capacity and mitigate upstream flooding, provided that management practices avoid sedimentation and impact to native vegetation and any spoils are placed in uplands.
8. Waterway restoration and rehabilitation activities such as channel widening, realignment to add meanders, bank grading, terracing, reconstruction of road crossings, or water flow improvements.
9. Maintenance and expansion of existing public drinking water facilities and the establishment of new public drinking water facilities. This includes essential and ancillary infrastructure and services needed for the operation of these drinking water facilities.
10. Replacement of a permanent, legal, non-conforming building or structure in existence as of the effective date of this Section with a building or structure on the same building footprint, if it does not disturb additional area, in accordance with the provisions of Article 5, Non-Conforming Use. Access to and around the building footprint shall be allowed as needed for the delivery of building materials and reconstruction, but this access shall not cause unnecessary disturbance to vegetation within the resource protection area. Land within the

resource protection area that is disturbed by reconstruction shall be restored to its original condition.

11. Expansion of a permanent, legal, non-conforming building or structure in existence on the effective date of this Section, if the expansion area is not within and does not disturb the locally significant wetland or riparian resource boundary, in accordance with the provisions of Article 5, Non-Conforming Use.
12. Emergency stream bank stabilization to remedy immediate threats to life or property (federal, state or local emergency authorization may be needed for in-stream work).
13. Maintenance and repair of existing streets, including repaving and repair of existing bridges, and culverts, provided that these practices avoid sedimentation and other discharges into the locally significant wetland or riparian resource boundary.
14. Public multi-use paths, access ways, trails, boardwalks, picnic areas, or interpretive and educational displays and overlooks, including benches and outdoor furniture;
15. Construction of public and private transportation facilities, sewers, drainage ways, utilities, and other infrastructure which cannot be feasibly located outside of the locally significant wetland or riparian resource boundary, as determined by the Public Works Director. These facilities shall be subject to the development standards specified in Subsections (11) and (12) of this Section.
16. New fencing may be permitted by the Director where the applicant demonstrates that the following criteria can be satisfied:
 - a. The fencing shall not affect the hydrology of the natural resource protection area;
 - b. The fencing shall not present an obstruction that would increase flood velocity or intensity;
 - c. Fish habitat shall not be adversely affected by the fencing;
 - d. The fencing shall be the minimum necessary to achieve the applicant's purpose; and
 - e. Applications for new fencing within a locally significant wetland or riparian resource boundary shall contain a scale

drawing that clearly depicts the resource boundary and the development area setback, where applicable.

- (6) The following uses and activities shall be permitted within the development setback area, only provided all required federal, state or local permits are secured:
 - (a) Docks, boat shelters, piers, boat ramps, and similar water dependent uses;
 - (b) Utilities including but not limited to water, wastewater, stormwater, electrical facilities, natural gas facilities, telecommunications or other public improvements;
 - (c) Streets or bridges where necessary for access or crossings;
 - (d) Bioswales or similar water quality improvement projects;
 - (e) Public multi-use paths, access ways, trails, picnic areas, or interpretive and educational displays and overlooks, including benches and outdoor furniture; and
 - (f) Wetland and riparian restoration.
- (7) The following uses and activities shall be prohibited within a locally significant wetland or riparian natural resource protection area, including the development setback area, unless permitted elsewhere in this Code:
 - (a) Placement of new structures or impervious surfaces;
 - (b) Excavation, drainage, grading, fill, or removal of vegetation except for fire protection purposes or removing hazard trees;
 - (c) Expansion of areas of landscaping with non-native species, such as a lawn or garden, into the protected areas;
 - (d) Disposal or temporary storage of refuse, yard debris, or other material;
 - (e) Discharge or direct runoff of untreated stormwater; and
 - (f) Uses not allowed in the list of permitted uses for the underlying zone.
- (8) Conservation and maintenance of locally significant wetland and riparian areas and development area setbacks. When approving applications for Land Divisions, Site Plans, Master Plans, Discretionary Use Permits, Variances, and Land and Drainage Alteration Permits or for development permits for properties containing all or a portion of a wetland or riparian area, the City shall assure long term conservation and

maintenance of the wetland or riparian area through one or more of the following methods:

- (a) The area shall be protected in perpetuity by a conservation easement recorded on deeds and plats prescribing the conditions and restrictions specified in Subsections (5) through (7) of this Section, and any conditions imposed by state or federal permits; or
 - (b) The area shall be protected in perpetuity through ownership and maintenance by a private nonprofit association through a conservation easement or through conditions, covenants, or restrictions (CC&Rs), prescribing the conditions and restrictions specified in Subsections (5) through (7) of this Section, and any conditions imposed by state or federal permits; or
 - (c) The area shall be transferred by deed to a willing public agency or private conservation organization with a recorded conservation easement prescribing the conditions and restrictions specified in Subsections (5) through (7) of this Section, and any conditions imposed by state or federal permits.
 - (d) Other mechanisms for long-term protection and maintenance as deemed appropriate and acceptable by the Director. These mechanisms shall be consistent with the purposes and requirements of this Section.
- (9) Notification and Coordination with State Agencies. The Director shall notify DSL in writing of all applications to the City for development activities, including development applications, building permits, and other development proposals, that may affect any wetland or riparian areas identified in the Springfield Local Wetlands Inventory or the Springfield Inventory of Natural Resources Map. This applies to both locally significant and non-significant wetlands and riparian areas.
- (10) Development setback area variances.
- (a) Variance applications for development setback areas shall require compliance with either the Major Variance criteria specified in Section 11.033 of this Code or the Minor Variance criteria specified in Section 11.030(3) of this Code; and
 - (b) In the case of loss of use of the property, the following additional criteria shall apply:
 - 1. The application of the standards of this Section renders the property unbuildable;
 - 2. The applicant has exhausted all other options available under mapping errors specified in Subsection (2)(d) of this Section and the

development area setback variance specified in Subsection (10)(b)3. of this Section;

3. There shall be no significant adverse impacts on water quality, erosion, or slope stability, or these impacts have been mitigated to the greatest extent possible; and
4. The loss of native vegetative cover shall be minimized.

(c) In the case of varying the development setback area, such as averaging the setback area width, the applicant shall submit a plan demonstrating compliance with the additional criteria:

1. There shall be equal or better protection of the wetland or riparian area to be ensured through restoration, enhancement, or similar means;
2. In the case of setback averaging; the required plan shall show the proposed average setback width with measurements made at no greater than 50 foot intervals over the distance the property involved in the setback averaging; and
3. In no case shall the activities prohibited in Subsection (7)(a)-(c) of this Section occupy the locally significant riparian area or wetland or more than 50 percent of the development setback area.

(11) Transportation Facilities and Structures Development Standards. The following standards shall apply to transportation facilities and structures within wetland protection areas, including streets and driveways, bridges, bridge crossing support structures, culverts, and pedestrian and bike paths:

- (a) Wetland and riparian protection areas shall be crossed only where there are no practicable alternatives to avoid the resource;
- (b) Transportation facilities and structures crossing wetland and riparian protection areas shall be no wider than necessary to serve their intended purposes; and
- (c) Within buffer areas, new roads, driveways, and pedestrian and bike paths shall be located or constructed so as not to alter the hydrology of the adjacent wetland or riparian corridor.

(12) Utility Development Standards. The following standards shall apply to permitted crossing, trenching, or boring for the purpose of developing a corridor for communication, energy, or other utility lines within or crossing properties within wetland or riparian protection areas:

- (a) Utility maintenance roads in or crossing protected resources shall meet applicable standards for transportation facilities and structures in protected resources as specified in Subsection (11) of this Section; and
 - (b) For underground utilities, the following additional standards shall apply:
 - 1. Boring under the waterway, directional drilling, or aerial crossing is preferable to trenching. If trenching is the only alternative, it shall be conducted in a dry or dewatered area with stream flow diverted around the construction area to prevent turbidity;
 - 2. Common trenches, to the extent allowed by the building code, shall be required in order to minimize disturbance of the protected resource;
 - 3. Materials removed or excavated during trenching, boring, or drilling shall be deposited away from the protected resource, and either returned to the trench as back-fill, or if other material is to be used as back-fill in the trench, excess materials shall be immediately removed from the protected resource and its associated buffer. Side-casting of removed material into a protected resource shall not be permitted;
 - 4. Backfilling of trenches shall utilize excavated soils from the site whenever possible. If other materials are used for backfill, they shall not be of a pervious nature that would cause the trench to become a conduit for runoff or change the original hydrology of the protected wetland or riparian site;
 - 5. The ground elevation of a protected resource shall not be altered as a result of utility trench construction or maintenance. Finish elevation shall be the same as starting elevation; and
 - 6. Topsoil and sod shall be conserved during trench construction or maintenance, and replaced on top of the trench.
 - (c) Hydraulic impacts on protected resources and removal of native vegetation shall be minimized; and
 - (d) Where feasible, crossings of wetland and riparian protection areas shall be perpendicular to minimize the impact area.
- (13) Vegetation Management Standards. The following standards shall apply to vegetation in wetland and riparian protection areas:
- (a) Vegetation removal, pruning, or mowing in a locally significant wetland or riparian boundary shall be the minimum necessary and in no case shall substantially impair any resource functions and values. Vegetation removal,

pruning, or mowing in the development area setback shall be the minimum necessary. Removal, pruning, or mowing of vegetation shall be allowed if the applicant demonstrates one of the following:

1. The action is necessary for the placement of a structure or other allowed use for which a building permit has been issued;
2. The action is necessary for maintenance of an existing structure or transportation facility;
3. The action is necessary for correction or prevention of a hazardous situation;
4. The action is necessary for completion of a land survey;
5. The action involves the maintenance of a landscaped area that existed prior to the effective date of this Section;
6. The action is part of an approved restoration, enhancement, mitigation, or erosion control plan, including, but not limited to, invasive or noxious species removal and replacement with native species, and wetland area restoration, mitigation, or enhancement; or
7. The action is part of a landscape plan approved by the City, and any other appropriate agencies, in conjunction with a building permit that minimizes adverse impacts on protected resources.

(b) Planting shall be permitted in accordance with the following standards:

1. The planting is part of an approved restoration, enhancement, mitigation, or erosion control plan;
2. The planting is part of a landscape plan using appropriate native plant species, and the plan is approved by the City in conjunction with approval of a building permit; or
3. The planting is to replace dead or damaged plants that were either part of a maintained landscape or part of the existing native plant community.”

Section 5: The Article 34 Title page is hereby amended to read as follows:

“ARTICLE 34

PARTITION STANDARDS

34.010 PURPOSE AND APPLICABILITY

34.020 TENTATIVE PLAN REVIEW

34.030 TENTATIVE PLAN SUBMITTAL REQUIREMENTS

34.040 SUBDIVISION DETERMINATION

34.050 TENTATIVE PLAN CRITERIA OF APPROVAL

34.060 TENTATIVE PLAN WATER QUALITY PROTECTION

34.065 TENTATIVE PLAN – NATURAL RESOURCE PROTECTION AREAS

34.070 TENTATIVE PLAN CONDITIONS OF APPROVAL

34.080 PARTITION PLAT REVIEW

34.090 PARTITION PLAT SUBMITTAL REQUIREMENTS

34.100 PARTITION PLAT CRITERIA OF CITY APPROVAL

34.110 RECORDING THE PARTITION PLAT AT LANE COUNTY AND CITY
DEVELOPMENT APPROVAL”

Section 6: Section 34.030 is hereby amended to read as follows:

“34.030 TENTATIVE PLAN SUBMITTAL REQUIREMENTS.

(2) A Site Assessment of the entire development area. The Site Assessment shall be prepared by an Oregon Licensed Landscape Architect or Engineer and drawn to scale with existing contours at 1-foot intervals and percent of slope that precisely maps and delineates the areas described below. Proposed modifications to physical features shall be clearly indicated. The Director may waive portions of this requirement if there is a finding that the proposed development will not have an adverse impact on physical features or water quality, either on the site or adjacent to the site. Adjacent properties include those within the distances specified in Section 31.020(2)(c) of this Code. Information required for adjacent properties may be generalized to show the connections to physical features. A Site Assessment shall contain the following information.

(a) The name, location, dimensions, direction of flow and top of bank of all watercourses that are shown on the Water Quality Limited Watercourses (WQLW) Map on file in the Development Services Department;

- (b) The 100-year floodplain and floodway boundaries on the site, as specified in the latest adopted FEMA Flood Insurance Maps or FEMA approved Letter of Map Amendment or Letter of Map Revision;
- (c) The Time of Travel Zones, as specified in Article 17 of this Code and delineated on the Wellhead Protection Areas Map on file in the Development Service Department;
- (d) Physical features including, but not limited to significant clusters of trees and shrubs, watercourses shown on the (WQLW) Map and their riparian areas, wetlands and rock outcroppings; and
- (e) Soil types and water table information as mapped and specified in the *Soils Survey of Lane County*.
- (f) Natural resource protection areas as specified in Section 31.250 of this Code.”

Section 7: Section 34.065 is hereby added as follows:

“34.065 TENTATIVE PLAN –NATURAL RESOURCE PROTECTION. The standards specified in Section 31.250 of this Code shall also apply to natural resource protection during the Partition Tentative Plan review process whether or not a Site Plan Review application is required.”

Section 8: The Article 35 Title page is hereby amended to read as follows:

“ARTICLE 35

SUBDIVISION STANDARDS

35.010 PURPOSE AND APPLICABILITY

35.020 TENTATIVE PLAN REVIEW

35.030 TENTATIVE PLAN - GENERAL

35.040 TENTATIVE PLAN SUBMITTAL REQUIREMENTS

35.050 TENTATIVE PLAN CRITERIA OF APPROVAL

35.055 TENTATIVE PLAN – WATER QUALITY PROTECTION

35.057 TENTATIVE PLAN –NATURAL RESOURCE PROTECTION AREAS

35.060 TENTATIVE PLAN - CONDITIONS OF APPROVAL

35.070 RESERVED FOR FUTURE USE

35.080 SUBDIVISION PLAT REVIEW

35.090 SUBDIVISION PLAT SUBMITTAL REQUIREMENTS

35.100 SUBDIVISION PLAT CRITERIA OF CITY APPROVAL

35.110 RECORDING THE SUBDIVISION PLAT AT LANE COUNTY AND CITY
DEVELOPMENT APPROVAL”

Section 9: Section 35.040 is hereby amended to read as follows:

“35.040 SUBDIVISION STANDARDS TENTATIVE PLAN SUBMITTAL
REQUIREMENTS

- (2) Site Assessment of the entire development area. The Site Assessment shall be prepared by an Oregon Licensed Landscape Architect or Engineer and drawn to scale with existing contours at 1-foot intervals and percent of slope that precisely maps and delineated the areas described below. Proposed modifications to physical features shall be clearly indicated. The Director may waive portions of this requirement if there is a finding that the proposed development will not have an adverse impact on physical features or water quality, either on the site or adjacent to the site. Adjacent properties include those within the distances specified in Section 31.020(2)(c) of this Code. Information required for adjacent properties may be generalized to show the connections to physical features. A site Assessment shall contain the following information:
 - (a) The name, location, dimensions, direction of flow and top of bank of all watercourses that are shown on the Water Quality Limited Watercourse Map on file in the Development Services Department;
 - (b) The 100-year floodplain and floodway boundaries on the site, as specified in the latest adopted FEMA Flood Insurance Rate Maps or FEMA approved letter of Map Amendment or Letter of Map Revisions;
 - (c) The Time of Travel Zones, as specified in Article 7 of this Code and delineated on the Wellhead Protection Areas Map on file in the Development Services Department.
 - (d) Physical features including, but not limited to significant clusters of trees and shrubs, watercourses shown on the Water Quality Limited Watercourse (WQLW) Map and their riparian areas, wetlands and rock outcroppings; and

- (e) Soil types and water table information as mapped and specified in the *Soils Survey of Lane County*.
- (f) Natural resource protection areas as specified in Section 31.250 of this Code.”

Section 10: Section 35.057 is hereby added as follows:

“35.057 TENTATIVE PLAN – NATURAL RESOURCE PROTECTION. The standards specified in Section 31.250 of this Code shall also apply to natural resource protection during the Subdivision Tentative Plan review process whether or not a Site Plan Review application is required.”

Section 11: Although not part of this Ordinance, the City Council adopts the Legislative Findings set forth in the Staff Report attached as Exhibit B in support of this action.

Section 12: 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 portion thereof.

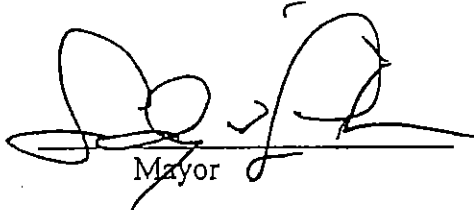
Section 13: Notwithstanding the effective date of Ordinances as provided in Section 2.110 of the Springfield Municipal Code, this Ordinance shall become effective upon the date that all of the following have occurred: (a) the Ordinance has been acknowledged, and/or at least 30 days have passed since the date the Ordinance was approved.

ADOPTED by the Common Council of the City of Springfield by a vote of 5 for and 0 against, this 28th day of November, 2005.
(1 absent)

APPROVED by the Mayor of the City of Springfield, this 29th day of November, 2005.

ATTEST:

Amy Iowa
City Recorder


Mayor

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REVIEWED & APPROVED
AS TO FORM
[Signature]
DATE: 11/28/05
OFFICE OF CITY ATTORNEY

FINDINGS OF COMPLIANCE

Procedural Requirements

The City of Springfield initiated this Plan amendment as allowed under Lane Code 12.210 (1) (b) (ii) and SDC Section 7.040 (1) (b). Because the request is city initiated, the timing of the request is not an issue.

Metro Plan amendments that are applicable outside the city limits require participation by the Lane County Board of Commissioners. The Natural Resources Study includes sites within the city limits as well as sites that are outside the city limits and within the Springfield Urban Growth Boundary (UGB). The Study also includes implementing policy that will be inserted into the Springfield Development Code and referenced in Lane Code Chapter 10 for application within the UGB .

Mailed Notice of the public hearings were sent to property owners with resource sites on their land, as well as to residents within 300 ft. of the inventoried resource sites. Legal Notice of the public hearings were also published in widely circulated local papers, providing information about the legislative action, and the time, place and location of the hearings.

Findings:

1. The City Planning Director initiated this amendment of the SDC to add subsections to Article 31—Minimum Development Standards and Site Plan Review Standards for the purpose of implementing a program for protection of riparian areas listed on the Springfield Inventory of Natural Resource Sites and locally significant wetlands on the Springfield Local Wetlands Inventory. Additional amendments to subsections of Articles 34 and 35 were included to apply the protection provisions described in Section 31.250 to land partitions and subdivisions.
2. The Springfield Natural Resources Study is the product of two periodic review work tasks (5 and 7) that will be submitted for acknowledgement to the Department of Land Conservation and Development (DLCD) when the Study has been adopted. The “Notice of Proposed Amendment” which is normally sent to the DLCD to alert them of proposed amendments does not apply to periodic review tasks.
3. Mailed notice of the public hearings before the City Planning Commission and the City Council hearings on October 18 and November 7, 2005 respectively were sent to affected property owners and residents within 300 feet of the wetland and riparian corridors proposed for protection.
4. A public workshop advertised in the mailed notice was held on October 13, 2005 between 5:00pm and 8:00pm in the Library Meeting Room at the Springfield City Hall. Staff was present to answer questions and to receive comments from the public.

5. On October 18, 2005, the Planning Commission held a public hearing on the Springfield Natural Resources Study and the implementing protection measures. After receiving the staff report, and considering the public testimony that was submitted, the Commission voted unanimously to recommend approval of the Study and implementation measures with the amendments recommended by staff.
6. Notice of the public hearing before the City Council on November 7, 2005 was published on October 21, 2005 in the Springfield News. The content of the notice complies with Section 14.030 (2) of the SDC for legislative actions.
7. On November 7, 2005, the City Council held a public hearing on the Study and implementing protection measures. After considering the planning commission recommendation, the public record, staff recommendations, and the testimony provided at the hearing, the City Council voted to adopt the Study and implementation measures.
8. Mailed notice of the public hearing before the Lane County Board of Commissioners on July 12, 2006 was sent to affected property owners in the urbanizable area of Springfield on June 20, 2006. The notice mailing included property within 300 feet of the wetland and riparian corridors proposed for protection.
9. Notice in the form of a Legal Ad announcing the public hearing to consider adoption of the Study for application within the urbanizable area of Springfield conducted before the Lane County Board of Commissioners was published on June 21, 2006 in the Register Guard, newspaper of record for the Board.
10. On July 12, 2006 The Board of Commissioners held a public hearing on the implementation of the *Springfield Goal 5 Natural Resources Study* and SDC Development Regulation amendments for application within the urbanizable area of Springfield. After reviewing the staff report, findings, analysis of impacts, and consideration of the public testimony submitted at the hearing, the Board voted to adopt the Study and SDC amendments for application within the Springfield Urban Growth Area.

Conclusion:

Procedural requirements described in Lane Code Chapter 14 and Article 8 and Article 14 of the SDC have been followed. Notice requirements established by DLCDC for periodic review work tasks and amendments to the Development Code have also been followed.

Decision Criteria and Findings

Lane Code Chapter 12 (LC12.225) describes the criteria to be used in approving an amendment to the Metro Plan. In order to reach a decision, the Board of Commissioners must adopt findings which demonstrate that:

- (a) *The amendment must be consistent with the relevant statewide planning goals adopted by the Land Conservation and Development Commission; and*

(b) Adoption of the amendment must not make the Metro Plan internally inconsistent.

Findings

Goal 1 – Citizen Involvement: “To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.”

11. The County and City have acknowledged provisions for citizen involvement that ensure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The action taken did not amend the citizen involvement program. The process for adopting these amendments complied with Goal 1 since it complied with, and surpassed the requirements of, the citizen involvement provisions.

Lane Code and the City of Springfield Development Code implements Statewide Planning Goal 1 by requiring that notice of the proposed amendments be given and public hearings be held prior to adoption.

A public involvement plan for the Goal 5 process was reviewed and approved by the Joint Planning Commission Committee in May 2000. In June 2000, two public workshops were held to provide an overview of the Goal 5 process for Springfield, Eugene and Lane County within the Metro Plan boundary. In April 2001, a public workshop was held to review the draft inventory and significance criteria for Springfield, Eugene and Lane County within the Metro Plan boundary.

12. A Citizen Involvement Plan was approved by the Joint Planning Commission Committee on October 17, 2002. The plan called for review of the NR Study by local stakeholders and by the public in an open house session. Individual meetings were held with various stakeholder groups and agencies and a public workshop was held on October 13, 2005.
13. The proposed Springfield Inventory of Natural Resource Sites was the subject of a public hearing by the City Planning Commission on October 18, 2005. A hearing before the City Council was held on November 7, 2005. Mailed notice was sent to approximately 7,000 affected land owners and residents within 300 feet of the wetlands and riparian corridors that are included in the NR Study. The notice included an advertisement for the October 13, 2005 workshop.
14. A public hearing was held by the Lane County Board of Commissioners on July 12, 2006, after publishing a legal advertisement announcing the hearing and mailing notices to the affected property owners and owners within 300 feet of the wetlands and riparian corridors within the urbanizable area of Springfield that are included in the NR Study. The legal ad was published and notice was sent out on June 21, 2006, twenty days prior to that hearing.

The process for adopting these amendments complies with Goal 1 since it complies with, and surpasses the requirements of the state’s citizen involvement provisions.

Goal 2 – Land Use Planning: *“To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.”* Land use decisions are to be made in accordance with a comprehensive plan and suitable “implementation ordinances” to put the plan's provisions into effect must be adopted.

15. The Eugene-Springfield Metropolitan Area General Plan (Metro Plan) is the acknowledged comprehensive plan that guides land use planning in Springfield. The Metro Plan was acknowledged by the State in 1982 to be in compliance with statewide planning goals. These findings and records show that there is an adequate factual base for decisions to be made concerning the proposed amendments. Goal 2 requires that plans be coordinated with the plans of affected governmental units and that opportunities be provided for review and comment by affected governmental units. To comply with the Goal 2 coordination requirement, the City coordinated the adoption of these amendments with all affected governmental units. Lane County participated in the decision as it applies within the urbanizable area of Springfield. Specifically, notice was mailed to all owners of property that would be affected by the proposed new land use regulations. There are no Goal 2 exceptions required for this ordinance.

16. In 1995, a periodic review work program was approved by the Land Conservation and Development Commission for the Eugene-Springfield Metropolitan area. Task #7 committed the cities to update and complete their Goal 5 planning responsibilities to protect riparian corridors and wildlife habitat. Task #5 committed the City of Springfield to complete a Wetlands Conservation Plan. The NR Study documents the analysis required under statewide Goal 5 for preparing a program for protecting riparian and wetland resources. The NR Study recommends an implementing ordinance to achieve that protection. The Board of Commissioners adopted the NR Study and implementing regulations for application within the urban transition area of Springfield.

Goal 3 – Agricultural Land: *“To preserve and maintain agricultural lands.”*

17. 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 affect properties 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. The ordinance does not affect the area’s compliance with statewide Planning Goal 3.

Goal 4 – Forest Land: *“To conserve forest lands for forest uses.”*

18. 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 affect properties 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.

Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources: “*To conserve open space and protect natural and scenic 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.*

19. In 1998, the City of Springfield adopted, and the Oregon Division of State Lands (DSL) acknowledged the Springfield Local Wetland Inventory (LWI). For purposes of the Goal 5 inventory, local governments are to apply specific criteria adopted by DSL to those wetland sites included on the LWI. DSL funded the application of the Oregon Freshwater Wetlands Methodology (OFWAM) to the Wetland Inventory and identified those wetland sites that qualified as locally significant wetlands. Identifying the locally significant wetlands completed the first step in the Goal 5 planning process for wetlands.
20. In 2004 the City of Springfield and Lane County adopted the Springfield Inventory of Natural Resource Sites (NR Inventory). The NR Inventory was the first step in the Goal 5 planning process.
21. The *Springfield Natural Resources Study* continues the Goal 5 planning process for both riparian and wetland areas identified on the NR Inventory and the Wetland Inventory. Many of the riparian and wetland sites overlap and are thus included on both inventories. Both the ESEE analysis and the development of a program for protecting riparian and wetland resources are combined in the NR Study. The combined approach coordinates the protections recommended for those resources that overlap. In many instances the statistical information for wetlands and riparian areas are broken out separately in order to include information specific to each resource type.

The Goal 5 rules require that local governments conduct an analysis of the economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use. OAR 660-023-0040 (and OAR 660-023-0090(7) with respect to riparian corridors) describes the four steps to be followed in conducting an ESEE analysis. The NR Study includes the analysis and conclusions required by the process prescribed in the administrative rule. The rule states:

“(1) Local governments shall develop a program to achieve Goal 5 for all significant resource sites based on an analysis of the economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use. This rule describes four steps to be followed in conducting an ESEE analysis, as set out in detail in sections (2) through (5) of this rule. Local governments are not required to follow these steps sequentially, and some steps anticipate a return to a previous step. However, findings shall demonstrate that requirements under each of the steps have been met, regardless of the sequence followed by the local

government. The ESEE analysis need not be lengthy or complex, but should enable reviewers to gain a clear understanding of the conflicts and the consequences to be expected. The steps in the standard ESEE process are as follows:

- (a) Identify conflicting uses;*
- (b) Determine the impact area;*
- (c) Analyze the ESEE consequences; and*
- (d) Develop a program to achieve Goal 5.”*

Identify Conflicting Uses

22. The NR Study documents the steps listed above and provides sufficient information to support a protection program for each resource site on the NR Inventory and Wetland Inventory. The “Conflicting Use Analysis” assesses the potential development conflicts that exist with each of the resource sites. An overall conflicting use analysis describes the common conflicts that residential, commercial and industrial land uses may have with wetland and/or riparian resources. The NR Study also provides a specific breakdown of the potential conflicting land uses that affect each specific site. (See Section 6.0 “Identifying Conflicting Uses” on page 31 and following of the Springfield Natural Resources Study.) The total acreage of conflicting uses by zoning type is shown on page 49 of the NR Study.

Determine the Impact Area

23. The NR Study establishes the foundation for recommending the 150-foot impact area that was used in the conflicting use analysis. (See Section 7.0 “Defining Impact Areas for Resource Sites” on page 42 and following of the Springfield Natural Resources Study.)

Analyze the ESEE Consequences

24. The ESEE analysis, like the conflicting use analysis, includes both an overall analysis and a site-specific analysis. The analysis considered the economic, social, environmental and energy consequences of prohibiting, limiting and allowing conflicting land uses to impact wetland and riparian resource sites. A general analysis of the ESEE impacts of conflicting uses is found in Section 8.0 of the Springfield Natural Resources Study, beginning on page 53. A site specific ESEE analysis is found in Section 9.0 beginning on page 111 of the Study.

Develop a Program to Achieve Goal 5

25. The NR Study concludes each site-specific analysis with a recommendation for protection. In each case, a recommendation to limit conflicting uses was chosen, based on the information developed by the ESEE analysis. A specific set of protection provisions are recommended in this Study for adoption as an implementing ordinance. The provisions are based on the model ordinance that is included in the Wetland Planning

Guidebook published by the Oregon Department of State Lands. A summary of the program to achieve Goal 5 for each site is found within the site-specific ESEE analysis (Section 9.0 beginning on page 111) of the NR Study.

26. The details of the program to achieve Goal 5 protection of Springfield's wetland and riparian resources are found on Section 10.0 "Program Decision and Program for Protection" beginning on page 263 of the Springfield Natural Resources Study. The protection measures and programs in the NR Study comply with Goal 5.

Goal 6 – Air, Water and Land Resources Quality: *"To maintain and improve the quality of the air, water, and land resources of the state."* This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations aimed at protecting air, water and land from waste and process discharges from development.

27. Compliance with Statewide Planning Goal 5 processes for wetlands, and riparian corridors includes consideration of state and federal regulations for addressing clean air, clean water, safe drinking water, endangered species and other environmental policies. The ESEE analysis and recommended protections support and enhance provisions of the Springfield Development Code that address the requirements of state and federal regulations including the Clean Water Act, Endangered Species Act, the Magnuson-Stevens Fishery Conservation and Management Act, the Oregon Forest Practices Act, Oregon Endangered Species Rules, and the Oregon Wetlands Regulatory Program. These established state and federal policies for environmental protection provided the regulatory framework within which the NR Study was developed. Therefore, the ordinance is consistent with Goal 6.
28. The Springfield Development Code has already been amended to respond to National Pollutant Discharge Elimination System (NPDES) Phase II, the Clean Water Act, the Drinking Water Protection Act. These amendments included the adoption of the Water Quality Limited Waterways map and Storm Water Quality Management Program. The City is in the process of devising a response to the Endangered Species Act for listed species in our area.

Goal 7 – Areas Subject to Natural Disasters and Hazards: *"To protect life and property from 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 within these areas.

29. All sites within Springfield and the urban transition area that are subject to flooding, erosion, landslides, earthquakes, and weak foundation soils are inventoried through a variety of sources. This Study does not remove or exempt compliance with other Code standards that may apply to development.

Goal 8 – Recreational Needs: *“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.”* 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.

30. 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 NR Study used Willamalane’s Park and Recreation Plan (March 2004) to inform the ESEE process and in particular the analysis of the social impacts of allowing conflicting uses to impact wetlands and riparian areas that were identified by the comprehensive plan as future park facilities. Some decisions to limit conflicting uses were based on the desire to preserve the ability of Willamalane to establish low impact recreational facilities near protected resource sites that were part of the Study. Therefore, this ordinance is consistent with Goal 8.

Goal 9 – Economic Development: *“To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.”* 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.

OAR 660-23-070 requires communities to conduct a buildable lands inventory that assesses the impact of protection provisions applied to sites on the inventory of buildable land. Where there is a demonstrable impact, the rule requires the City to make adjustments to recover the buildable land that is lost. Section 11.0 of the Springfield Natural Resources Study evaluates the impact of the Goal 5 protection program on the residential, commercial and industrial buildable lands inventories. Site specific impacts are provided in the site-specific ESEE analysis in Section 9.0 of the NR Study.

31. The recommended protection measures in the Study will affect the inventory of commercial and industrial lands. At the conclusion of each site-specific ESEE analysis, GIS mapping and analysis was used to estimate the amount of land that will be removed from the commercial and industrial lands inventories. The estimate was based on vacant commercial and industrially zoned lands. The amount of acreage protected from development by the protections recommended by the Study were subtracted from the surplus of buildable land cited in the Springfield Commercial Lands Study (2000) and the Metropolitan Industrial Lands Special Study (March 1991).
32. The Study indicated that about 11.56 acres will be removed from the commercial land supply. That supply is already estimated to be 158 acres short of the estimated demand for commercial land through 2015 within the City.
33. The Study estimates that about 71.40 acres will be removed from the industrial land supply by the proposed protection program. There will be a remaining surplus of between 1,583 and 2,105 acres of industrial land in the Eugene-Springfield Metro area after the protections are implemented.

The NR Study includes an assessment of the impact of the protection measures on the commercial and industrial lands. There is already a shortage of buildable commercial lands. The addition of 11.56 acres to the existing deficit is not significant. There is an existing surplus of industrial land of not less than 1,583 acres. The reduction of that surplus by 71.4 acres is not significant. Therefore, the ordinance is consistent with Goal 9.

Goal 10 – Housing: *“To provide for the housing needs of the citizens of the state.”* This goal specifies that each city must plan for and accommodate needed housing types, including multifamily and manufactured housing.

OAR 660-23-070 requires communities to conduct a buildable lands inventory that assesses the impact of protection provisions applied to sites on the inventory of buildable land. Where the impact causes the inventories to be out of compliance with Goals 9, 10 and/or 14, the rule requires the City to make adjustments to recover the buildable land that is lost. Section 11.0 of the Springfield Natural Resources Study evaluates the impact of the Goal 5 protection program on the residential, commercial and industrial buildable lands inventories. Site specific impacts are provided in the site-specific ESEE analysis in Section 9.0 of the Study.

34. The recommended protections impact on the inventory of residential lands is not significant. The NR Study estimates that about 14.18 acres will be removed from the residential land supply. The May 2004 Residential Lands Monitoring Report estimated that at the end of 2003, 1,361 acres of buildable residential land remained in Springfield. The amount of land that will be removed from the residential inventory by this NR Study is less than 1% of the remaining buildable acreage. Therefore, the ordinance is consistent with Goal 10.

Goal 11 – Public Facilities and Services: *“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.”* Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection.

35. 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. Some of the inventoried riparian and wetland resource sites are also public stormwater facilities (e.g. Q Street Ditch, SCS Channel #6, Gray Creek, Irving Slough, Millrace) listed in the PFSP. The recommended protection provisions preserve and support existing stormwater protections that are applied to riparian and wetland sites that are on the Water Quality Limited Watercourse list. In addition, wetlands and riparian areas that are not protected under the stormwater provisions will receive protection with the proposed code amendments.
36. The proposed protection measures allow for the development and maintenance of public infrastructure. As such the protection provisions will not have a negative affect on Goal 11 public facilities and services. Other public services such as police and fire protection

will not be impacted by the protection provisions. Therefore, the proposed amendments are consistent with Goal 11.

Goal 12 – Transportation: *“To provide and encourage a safe, convenient and economic transportation system.”* The goal aims to provide “a safe, convenient and economic transportation system.”

37. The protection provisions recommended by the NR Study do not directly impact TransPlan, the approved transportation system plan for the Eugene-Springfield Metro area. Development standards that may be approved in the future as part of a Low Impact Development Design Handbook recommended by the NR Study may have an impact on street design standards.
38. Adoption of the ordinance will not change the functional classification of any existing or planned transportation facilities. Nor will it change standards implementing a functional classification system. Further, it will not allow types or levels of land uses which would result in levels of travel or access which are consistent with the functional classification of a transportation facility or reduce the performance standards of any facility. Therefore, Goal 12 is not impacted by this ordinance.

Goal 13 – Energy Conservation: *“To conserve energy.”* Goal 13 states 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.”

39. The ESEE analysis considered the likely energy consequences of allowing conflicting uses to impact resource areas. Approval of the recommended protection measures will not have a direct impact on efforts to conserve energy. As such this goal is not applicable to evaluation of this Study.

Goal 14 – Urbanization: *“To provide for an orderly and efficient transition from rural to urban land use.”* This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs.

For resources within the City limits, this ordinance does not affect the transition from rural to urban land use. The study does apply to resources located on lands within the urban transition area, and these protection measures are designed to provide for a process that will consider environmental impacts when development of urban uses on these properties is proposed in the future.

40. The protection measures will not have a significant effect on the orderly and efficient transition from rural to urban land use. The effect on the inventory of buildable lands is minimal. The estimated impact in terms of acres lost from the residential, commercial and industrial inventories is discussed above under Goals 9 and 10. The findings of the NR Study indicate that the impact on residential and industrial lands will not exceed the available surplus. The supply of commercial lands is already insufficient to meet projected demands, and the findings of this study indicate that the protections will only slightly increase the existing shortage.

Goal 15 – Willamette River Greenway: *“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.”* Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.

41. That portion of the Willamette River that flows through the Springfield area is an inventoried resource site (site WA/WB). The Willamette is already protected under the provisions of Springfield’s Stormwater Quality Management Program and as such is not recommended for further protection by the Study. Adoption of the ordinance does not change the City’s existing standards for development with respect to the Willamette River Greenway. The Willamette River Greenway in the urban transition area is protected under the Safe Harbor provisions, which provide for analysis of impacts at the time of proposed development. Adoption of this study complies with Goal 15.

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

42. There are no coastal, ocean, estuarine, or beach and dune resources within the City’s jurisdiction. These goals do not apply to the Eugene-Springfield Metro Area.

Conclusion

The above findings demonstrate adoption of the *Springfield Natural Resources Study* and the recommended protection provisions to achieve Goal 5 compliance by the City Council and Board of Commissioners is in substantial conformance with Oregon’s Statewide Planning Goals.

Criterion ‘b’ Adoption of the amendment must not make the Metro Plan internally inconsistent.

Findings

43. The Metro Plan states that it was “developed in accordance with the statewide planning goals adopted by the State Land Conservation and Development Commission (LCDC) and published in April 1977, as amended through June 1997. The Metro Plan addresses each of the LCDC goals and contains objectives and provisions aimed at compliance with LCDC Goals” (Metro Plan, pg. I-6).

44. As part of its periodic review work program, approved by LCDC, the Eugene-Springfield area committed the metro area jurisdictions to completing a Natural Resources Study (NR Study) (Task 5) that is meant to comply with Goal 5 planning requirements. In addition, Springfield committed itself to completing a wetlands conservation plan (Task 7) as a separate periodic review task from the Natural Resources Study. Adoption of the Ordinance completes these two work tasks.

ORS 197.175(2)(a) states that, “ each city and county in this state shall: (a) Prepare, adopt, amend and revise comprehensive plans in compliance with goals approved by the commission; (b) Enact land use regulations to implement their comprehensive plans.”

45. The NR Study was prepared in response to Statewide Planning Goal 5. The Study contains analysis that supports a program for protecting riparian and wetland resource sites in Springfield and the urban transition area as well as specific protection measures to be adopted into Springfield’s Development Code to implement that decision. Adoption of the NR Study by the Board of Commissioners will ensure consistency throughout the Springfield urbanizable area for protecting applicable Goal 5 resources.

ORS 197.628 (1) states: “It is the policy of the State of Oregon to require the periodic review of comprehensive plans and land use regulations in order to respond to changes in local, regional and state conditions to ensure that the plans and regulations remain in compliance with the statewide planning goals adopted pursuant to ORS 197.230, and to ensure that the plans and regulations make adequate provision for needed housing, employment, transportation and public facilities and services.”

46. The NR Study combines two periodic review tasks (Nos. 5 and 7) that were approved by the Land Conservation and Development Commission in 1995 for the Eugene-Springfield Metropolitan Area General Plan. The purpose of the tasks is to bring the Metro Plan into compliance with Statewide Planning Goal 5. The proposed protection measures included in the NR Study achieve Goal 5 compliance for local wetland and riparian resources in Springfield and the urbanizable area within the UGB.

47. The *Springfield Natural Resources Study* and the protection program recommended in the Study, respond to and comply with the Goal 5 requirements set out in OAR 660-23-090 and 100 for wetlands and riparian resources.

Metro Plan Environmental Resources Element Policy 18: “*Local governments shall develop plans and programs which carefully manage development on hillsides and in water bodies, and restrict development in wetlands in order to protect the scenic quality, surface water and groundwater quality, forest values, vegetation, and wildlife values of those areas.*”

48. The *Springfield Natural Resources Study* sets forth a plan for protecting wetlands and riparian areas that is consistent with Statewide Planning Goal 5 and with Policy 18.

Metro Plan Environmental Resources Element Policy 19: *“Local governments shall develop policies and local controls for protection and management of wetland areas by completion of the next Metro Plan update.”*

49. The NR Study includes specific protection measures that are adopted into the Springfield Development Code. The Study and the implementing provisions complete Periodic Review Work Tasks #5 and #7, the last remaining tasks in the Metro periodic review work program. Adoption of the NR Study and SDC regulations by the Board ensures consistency for the local controls are applicable within the urbanizable area of Springfield.

OAR 227.350 requires cities to provide notice to the Department of State Lands of any complete land use application for activities that are wholly or partially within areas identified as wetlands on the Statewide Wetlands Inventory:

50. The proposed protection measures require the City of Springfield to provide notice to the Department of State Lands and or the Corps of Engineers when a proposed development impacts any wetland on Springfield’s Local Wetland Inventory. Development would occur after annexation.

Metro Plan Environmental Resources Element Policy 27: *“Local governments shall protect endangered and threatened plant and wildlife species, as recognized on a legally adopted statewide list, after notice and opportunity for public input.”*

51. Appropriate protections for threatened and endangered species vary and require consultation with knowledgeable resources and agencies. The NR Study includes provisions that require consultation with the Oregon Department of Fish and Wildlife, the Oregon Department of State Lands and other 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.

Conclusion

The Springfield Natural Resources Study and the recommended protection measures referenced and incorporated into Lane Code Chapter 10 are consistent with the Metro Plan. Based on these findings, the proposed amendments to the regulations found in the Springfield Development Code meet the criteria for amending the Metro Plan for consistency with policies contained in the Metro Plan and are fully consistent with the applicable Statewide Planning Goals.