

FILED

BOOK 145 PAGE 2368

JAN 04 1991

COUNTY CLERK
OF LANE COUNTY OR
BY *Gene Dubois*
IN THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE 18-90

-) IN THE MATTER OF AMENDING LANE CODE
-) CHAPTER 10 TO ADOPT AMENDMENTS TO THE
-) SPRINGFIELD DEVELOPMENT CODE, SECTIONS
-) 16.100(11)(e), 18.010(1), 21.020(1),
-) 21.030(1)-(5) AND 32.120(4) FOR APPLICATION
-) TO URBANIZABLE LAND WITHIN THE SPRINGFIELD
-) URBAN GROWTH BOUNDARY, APPLYING A SAVINGS
-) AND SEVERABILITY CLAUSE AND DECLARING AN
-) EMERGENCY.

WHEREAS, Lane County and the cities of Eugene and Springfield adopted agreements regarding the transfer of building and land use regulations from Lane County to the cities of Eugene and Springfield within the urbanizable portion of the Eugene and the Springfield urban growth boundaries; and

WHEREAS, the Lane County Board of Commissioners amended Lane Code Chapter 10 to codify the transfer of the administration building and land use regulations from Lane County to the cities of Eugene and Springfield within the urbanizable portion of the Eugene and the Springfield urban growth boundaries; and

WHEREAS, a public hearing for these proposed changes to Lane Code Chapter 10 was held by the Lane County Planning Commission on November 13, 1990, and the Board of Commissioners has received a recommendation from the Lane County Planning Commission on the proposed changes; and

WHEREAS, the Board is prepared to revise Lane Code Chapter 10 for the purpose of including amendments to Articles 16, 18, 21 and 32 of the Springfield Development Code applicable to urbanizable lands within the Springfield Urban Growth Boundary;

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

Section 1. The provisions of Section 16.100(11)(e) of the Springfield Development Code, as adopted by Lane County Ordinance No. 16-86 and amended by Ordinance No. 5-89, are hereby amended to expand the use list in the Residential-Professional category for activities with minimal traffic impact, and for uses which may be elements or divisions within a larger business as indicated on Exhibit "A" attached and incorporated herein by this reference. The regulations shall not be codified into Lane Code.

1 - IN THE MATTER OF AMENDING LANE CODE CHAPTER 10 TO ADOPT AMENDMENTS TO THE THE SPRINGFIELD DEVELOPMENT CODE, SECTIONS 16.100(11)(e), 18.010(1), 21.020(1), 21.030(1)-(5) AND 32.120(4) FOR APPLICATION TO URBANIZABLE LAND WITHIN THE SPRINGFIELD URBAN GROWTH BOUNDARY, APPLYING A SAVINGS AND SEVERABILITY CLAUSE AND DECLARING AN EMERGENCY.

Section 2. The provisions of Section 18.010(1) of the Springfield Development Code, as adopted by Lane County Ordinance No. 16-86 and amended by Ordinance No. 5-89, are hereby amended to increase the size of Neighborhood Commercial development areas from 3 acres to 5 acres, and delete the size limitations for buildings as indicated on Exhibit "A" and incorporated herein by this reference. The regulations shall not be codified into Lane Code.

Section 3. The provisions of Section 21.020(1) of the Springfield Development Code, as adopted by Lane County Ordinance No. 16-86 and amended by Ordinance No. 5-89, are hereby amended to reduce the size of development areas within approved Conceptual Development Plan boundaries from 10 acres to 5 acres as indicated on Exhibit "A" attached and incorporated herein by this reference. The regulations shall not be codified into Lane Code.

Section 4. The provisions of Section 21.030(1)-(5) of the Springfield Development Code, as adopted by Lane County Ordinance No. 16-86 and amended by Ordinance No. 5-89, are hereby amended to allow Conceptual Development Plans for Special Light Industrial Sites to be initiated by private citizens, the City of Springfield or through the refinement planning process, exempt Conceptual Development Plan applications from inclusion of owner signature of all property included in the Conceptual Development Plan, and require a quasi-judicial review of all Conceptual Development Plans as indicated on Exhibit "A" attached and incorporated herein by this reference. The regulations shall not be codified into Lane Code.

Section 5. The provisions of Section 32.120(4) of the Springfield Development Code, as adopted by Lane County Ordinance No. 16-86 and amended by Ordinance No. 5-89, are hereby amended to limit the location of major electrical power transmission lines to those routes shown on the Auxiliary Map Number I dated 1982 of the Metropolitan Area General Plan unless a Plan Amendment is approved, to exempt applications for siting major electrical power transmission lines from inclusion of owner signature of all property included in the proposal, and requires a quasi-judicial review of all proposed major electrical power transmission lines as indicated on Exhibit "A" attached and incorporated herein by this reference. The regulations shall not be codified into Lane Code.

Section 6. Chapter 10 of Lane Code is hereby amended by removing and substituting the following page:

REMOVE THIS PAGE

10.600-10 - 10.600-15(2)
i.e. 10-339
(a total of one page)

INSERT THIS PAGE

10.600-10 - 10.600-15(2)
i.e. 10-339
(a total of one page)

2 - IN THE MATTER OF AMENDING LANE CODE CHAPTER 10 TO ADOPT AMENDMENT TO THE SPRINGFIELD DEVELOPMENT CODE, SECTIONS 16.100(11)(e), 18.010(1), 21.020(1), 21.030(1)-(5) AND 32.120(4) FOR APPLICATION TO URBANIZABLE LAND WITHIN THE SPRINGFIELD URBAN GROWTH BOUNDARY, APPLYING A SAVINGS AND SEVERABILITY CLAUSE AND DECLARING AN EMERGENCY.

This page is attached hereto and incorporated herein by this reference. The purpose of this substitution is to include specific references to this and previous Board of County Commissioner actions amending the Springfield Development Code to be applied by Springfield on urbanizable land within the Springfield Urban Growth Boundary. (LC 10.600-15 (1)).

Ordinances amended by this Ordinance shall remain in force to authorize a punishment, penalty or forfeiture incurred before this amendment takes effect, or a suite, prosecution or proceeding pending when the amendment takes effect, for an offense or violation committed under the amended Ordinance.

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 effect the validity of the remaining portions hereof.

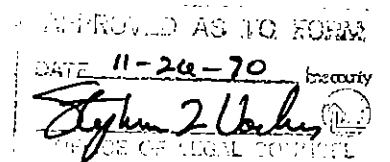
An emergency is hereby declared to exist and this Ordinance, being enacted by the Board in the exercise of its police power for the purpose of meeting such emergency and for the immediate preservation of the public peace, health and safety, shall take effect immediately upon adoption.

While not part of this Ordinance, findings in attached Exhibit "B" are adopted in support of this decision.

ENACTED this 19th day of December, 1990.

Bill Rogers
Chair, Lane County Board
of Commissioners

Judy Waldeman
Recording Secretary for this Meeting
of the Board



3 - IN THE MATTER OF AMENDING LANE CODE CHAPTER 10 TO ADOPT AMENDMENTS TO THE SPRINGFIELD DEVELOPMENT CODE, SECTIONS 16.100(11)(e), 18.010(1), 21.020(1), 21.030(1)-(5), AND 32.120(4) FOR APPLICATION TO URBANIZABLE LAND WITHIN THE SPRINGFIELD URBAN GROWTH BOUNDARY, APPLYING A SAVINGS AND SEVERABILITY CLAUSE
DECLARING AN EMERGENCY.

10.600-10

Lane Code

10.600-15(2)

-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 1-5, excluding the area known as Glenwood (bounded on the north and east by the Willamette River and the west and south by 1-5).

(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.

-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 and 18-90.

(2) Copies of these applicable land use regulations shall be on file at the Lane County Land Management Division.

16-86, 11.24.86
5-89; 5.31.89
11-89; 11.21.89

10-339

WP 1/co/00036/C
REV: 1/cr/00082/C

ORDINANCE NO. 5522 (GENERAL)

AN ORDINANCE AMENDING THE SPRINGFIELD DEVELOPMENT CODE BY AMENDING PORTIONS OF ARTICLE 16 RESIDENTIAL DISTRICTS, ARTICLE 18 COMMERCIAL DISTRICTS, ARTICLE 21 SPECIAL LIGHT INDUSTRIAL DISTRICT, AND ARTICLE 32 PUBLIC AND PRIVATE IMPROVEMENTS.

THE CITY OF SPRINGFIELD DOES ORDAIN AS FOLLOWS:

Section 1: Section 16.100(11)(e) is hereby amended as described below:

(11) Professional Offices.

(e) Professional offices permitted are limited to: accountants, architects, attorneys, computer programmers, designers, engineers, insurance agencies, investment counselors, licensed real estate agents, medical and dental practitioners, counselors, planners, and studios for artists, interior decorators and photographers, and similar general office uses engaged in support services to other businesses and/or their parent companies.

Section 2: Section 18.010(1) is hereby amended as described below:

(1) NC NEIGHBORHOOD COMMERCIAL DISTRICT. The NC District is intended to implement Metro Plan Text addressing Neighborhood Commercial facilities. This district designates sites to provide day to day commercial needs of the neighborhood and may include individual convenience stores. Neighborhood commercial centers typically include a convenience store or market and several personal service establishments. This district shall be no more than 5 acres in size.

Section 3: Section 21.020(1) is hereby amended as described below:

(1) The minimum lot size for tracts of unincorporated SLI land that do not have Conceptual Development Plan approval shall be 50 acres. The minimum development area for the SLI district with Conceptual Development Plan approval shall be 5 acres. Office complexes shall have a minimum development area of 2 acres.

Section 4: Section 21.030 is hereby amended as described below:

(1) Approval of a Conceptual Development Plan for a special light industrial site shall occur prior to the development of the site. The plan may be prepared and submitted by the initial developer of a portion of the site covered by the Conceptual Development Plan, the City, or as part of a refinement plan or amendment of the Metropolitan Area General Plan.

- (c) Notwithstanding (a) and (b) above, a utility provider may locate major electrical transmission lines along routes identified on Auxiliary Map Number I dated 1982 of the Metropolitan Area General Plan.
- (d) Applications for siting of new major electrical power transmission lines are exempt from the requirements of Section 3.050(2)(b) of this Code.

Section 6: The recommendation of the Springfield Planning Commission, Order No. 90-06-98, has been reviewed and is hereby adopted in support of the adoption of these amendments. (See Attachment A attached hereto and incorporated herein by reference).

ADOPTED by the Common Council of the City of Springfield by a vote of 6 for and 0 against this 6th day of August, 1990.

APPROVED by the Mayor of the City of Springfield this 6th day of August, 1990.

ATTEST:

Bill Mondetto
Mayor

[Signature]
City Recorder

Ordinance 5522 Page 3

REVIEWED & APPROVED
AS TO FORM

JOSEPH J LEAH

DATE: AUG 2, 1990
OFFICE OF CITY ATTORNEY
CITY OF SPRINGFIELD

SPRINGFIELD DEVELOPMENT CODE TEXT AMENDMENT REQUEST

STAFF REPORT

APPLICANT

City of Springfield - Jo. No. 90-06-98.

PROPOSAL

Amend portions of ARTICLE 16 RESIDENTIAL DISTRICTS, ARTICLE 18 COMMERCIAL DISTRICTS, ARTICLE 21 SLI SPECIAL LIGHT INDUSTRIAL DISTRICT, and ARTICLE 32 PUBLIC AND PRIVATE IMPROVEMENTS of the Springfield Development Code. See EXHIBIT 1.

DISCUSSION

1. ARTICLE 16 is being amended to permit additional uses which have minimal traffic impact to allow those uses which may be elements or divisions within a larger business to become an RP use.
2. Article 18 is being amended to increase the size of Neighborhood Commercial development areas from 3 acres to 5 acres and to delete the size limitations for buildings.
3. ARTICLE 21 is being amended to decrease the size of minimum development areas from 10 acres to 5 acres and to revise the Conceptual Development Plan (CDP) process by:
 - a. providing for citizen or City initiated CDP submittal.
 - b. specifying design elements for inclusion in the CDP.
 - c. exempting citizen initiated applications from the provisions of Section 3.050(2)(b) of the SDC.
 - d. establishing a Type III or Type IV review process for CDP approval. Exemption of the consent requirement in SDC 3.050(2)(b) prevents individuals, without basis, from blocking the application submittal. This change does not affect the public hearing process or the right of appeal.
4. ARTICLE 32 is being amended to revise the review process and siting of major electrical transmission lines.

CRITERIA OF APPROVAL

SDC, Section 8.030 states: "In reaching a decision on these actions, the Planning Commission and the City Council shall adopt findings which demonstrate conformance to the following":

1. THE METRO PLAN;

REF. - AMENDMENT TO ARTICLE 16 - RP STANDARDS.

"Land Use Designations

1. Residential

This category is expressed in gross acre density ranges. Using gross acres, approximately 30 percent of the area is available for auxiliary uses, such as streets, elementary and junior high schools, neighborhood parks, other public facilities, neighborhood commercial services, and churches not actually shown on the diagram. Such auxiliary uses shall be allowed within residential, designations if compatible with refinement plans, zoning ordinances, and other local controls for allowed uses in residential neighborhoods." P. II-E-2

Residential Professional (RP) uses are a buffer between residential and more intensive commercial uses. RP uses are allowed in residential districts upon meeting the standards of Section 16.100(11) of the Springfield Development Code. The Springfield Development Code has been found to be in compliance with the Metro Plan by DLCDC.

"12. Promote compatibility between residentially zoned land and adjacent areas."
P. III-A-5.

The language proposed to be added to the Code will allow additional uses which have the same or less impact than uses already permitted. RP uses require Site Plan Review approval which considers compatibility issues.

"16. Encourage location of nonresidential uses, such as neighborhood commercial and small scale light industry, within residential designated areas when those auxiliary uses are compatible with refinement plans, zoning ordinances, and other local controls for allowed uses in residential neighborhoods."

The proposed amendment allows lesser uses than may be permitted by the Metro Plan, i.e., general office uses, not retail or industrial uses.

REF. - AMENDMENT TO ARTICLE 18 - NEIGHBORHOOD COMMERCIAL.

"1. Residential

This category is expressed in gross acre density ranges. Using gross acres, approximately 30 percent of the area is available for auxiliary uses, such as streets, elementary and junior high schools, neighborhood parks, other public facilities, neighborhood commercial services, and churches not actually shown on the diagram. Such auxiliary uses shall be allowed within residential, designations if compatible with refinement plans, zoning ordinances, and other local controls for allowed uses in residential neighborhoods." P. II-E-2

Neighborhood commercial services are part of the approximately 30 percent of residential designation which may be used for auxiliary uses. Neighborhood Commercial uses are permitted as specified in Article 18 of the Springfield Development Code. The Springfield Development Code has been found to be in compliance with the Metro Plan by DLCD.

"2. Commercial

e. Neighborhood Commercial Facilities (Not shown on the Plan Diagram)

Oriented to the day-to-day needs of the neighborhood served, these facilities are usually centered on a supermarket as the principal tenant. They are also characterized by convenience goods outlets (small grocery, variety, and hardware stores); personal services (medical and dental offices, barber shops); Laundromats; dry cleaners (not plants); and taverns and small restaurants. The determination of the appropriateness of specific sites and uses or additional standards is left to the local jurisdiction. Minimum location standards and site criteria include:

- (1) Within convenient walking or bicycling distance of an adequate support population. For a full-service neighborhood commercial center at the high end of the size criteria, an adequate support population would be about 4,000 persons (existing or anticipated) within an area conveniently accessible to the site. For smaller sites or more limited services, a smaller support population or service area may be sufficient.
- (2) Adequate area to accommodate off-street parking and loading needs and landscaping, particularly between the center and adjacent residential property, as well as along street frontages next door to outdoor parking areas.
- (3) Sufficient frontage to ensure safe and efficient automobile, pedestrian and bicycle access without conflict with moving traffic at intersections and along adjacent streets.
- (4) The site shall be no more than five acres, including existing commercial development. The exact size shall depend on the numbers of establishments associated with the center and the population to be served.

Neighborhood commercial facilities may include community commercial centers when the latter meets applicable location and site criteria as listed above, even though community commercial centers are generally larger than five acres in size.

In certain circumstances, convenience grocery stores or similar retail operations play an important role in providing services to existing neighborhoods. These types of operations which currently exist can be recognized and allowed to continue through such actions as rezoning." P. II-E-6.

The Springfield Development Code is more restrictive than the Metro Plan in terms of development area size and square footage requirements for convenience stores and markets. The intent of this amendment is to change the current 3 acre development area to 5 acres to be consistent with Metro Plan language cited above. In addition, as written, the Neighborhood commercial District effectively precludes markets larger than 3,000 square feet. When the SDC was adopted, it applied only within Springfield's City Limits. The only neighborhood commercial businesses within the City were "Mom and Pop" or convenience stores. Once the City took over administration of the urbanizable area, this situation changed. There is an existing market zoned Neighborhood Commercial in a 3 acre site located at 20th and Yolanda that has become a non-conforming use. Deletion of the 3,000 square foot limitation cited above will allow the existing market to be conforming. The Metro Plan does not place a limitation on the square footage of a structure. Each development area is restricted only by the required parking, loading, landscape and setback standards. Therefore the 2,000 square foot building standard is also proposed to be deleted.

REF. - ARTICLE 21 - SLI DEVELOPMENT AREAS AND CONCEPTUAL DEVELOPMENT PLANS.

Land Use Designations

"e. Special Light Industrial

...Local governments shall take actions to protect the identified sites from premature or piecemeal development and subdivision." P. II-E-8.

The protection afforded by the Springfield Development Code is the Conceptual Development Plan (CDP). The CDP process is being amended to exempt the developer from the current requirement of obtaining the consent of all property owners in the SLI before submitting a CDP and to make all CDP submittals subject to Type III procedure to ensure public input in this process. In order to encourage development in the SLI, the minimum development area is proposed to be reduced from 10 acres to 5 acres subject to CDP review and approval.

REF. - ARTICLE 32 - REVIEW AND LOCATION OF MAJOR ELECTRICAL POWER LINES.

"G. Public Utilities, Services and Facilities Element

19. Additions to or deletions from the project list or significant change to project location requires amending the Public Facilities Plan." P. III-G-7.

The text of the Springfield Development Code has been amended to comply with the Metro Plan Policy cited above.

2. APPLICABLE STATE STATUTES.

There are no applicable State Statutes.

3. APPLICABLE STATE-WIDE PLANNING GOALS AND ADMINISTRATIVE RULES.

There are no applicable State-wide Planning Goals or Administrative Rules. Goals 1 and 2 process requirements are being followed through the Springfield Development Code's public notice and public hearing processes.

There no other applicable Metro Plan Issues, State Statutes, State-wide Planning Goals or Administrative Rules applicable to this request. This request is in conformance with the above.

UNDERLINING _____ indicates material being added.

LEGISLATIVE FORMAT

BRACKETS [] indicate material being deleted.

10.600-10

Lane Code

10.600-15(2)

BOOK 145 PAGE 2380

-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 1-5, excluding the area known as Glenwood (bounded on the north and east by the Willamette River and the west and south by 1-5).

(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.

-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 [in effect on December 1, 1986 and as amended through March 6, 1989] adopted by the Lane County Board of Commissioners as part of Ordinance No. 16-86, and amended by Ordinance Nos. 5-89 and 18-90.

(2) Copies of these applicable land use regulations shall be on file at the Lane County Land Management Division.

16-86, 11.24.86
5-89; 5.31.89
11-89; 11.21.89

10-339

WP 1/co/00036/C
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