

AUG 31 1993

THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

COUNTY CLERK

*Alan Dubois*

ORDINANCE No. 5-93

BOOK 153 PAGE 0932

- ) IN THE MATTER OF AMENDING LANE CODE
- ) CHAPTER 10 TO ADOPT AMENDMENTS TO THE
- ) SPRINGFIELD DEVELOPMENT CODE CONCERNING
- ) PARTITION STANDARDS FOR THE URBANIZABLE
- ) LANDS WITHIN THE SPRINGFIELD URBAN
- ) GROWTH BOUNDARY (LC 10.600-15); ADOPT-
- ) ING A SAVINGS AND SEVERABILITY CLAUSE;
- ) AND DECLARING AN EMERGENCY

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 the urban transition agreement with the City of Springfield; and

WHEREAS, that urban transition agreement provides for joint development and adoption of land use regulations applicable to urbanizable lands within the Springfield Urban Growth Boundary; and

WHEREAS, on July 6, 1993, the Springfield City Council adopted Ordinance 5704, establishing standards including minimum parcel sizes for land divisions in the urbanizable area of Springfield; and

WHEREAS, the City of Springfield has requested that Lane County adopt the changes contained in the Ordinance described above, for application on the urbanizable lands within the Springfield Urban Growth Boundary; and

WHEREAS, under authority of Article IV.A.3 of the urban transition agreement (Exhibit "C" to Ordinance No. 16-86), the City of Springfield Planning Commission held public hearings and recommended approval of the Ordinance described above; and

WHEREAS, Lane County Board of County Commissioners has conducted public hearings 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 Ordinance Nos. 5-89, 18-90, 9-91, 13-91 and 14-92, are hereby further amended as specified by the City of Springfield Ordinance 5704, attached as Exhibit "A". These amendments are adopted and incorporated herein by this reference for application on the urbanizable lands within the Springfield Urban Growth Boundary and shall not be codified into Lane Code.

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

1 - IN THE MATTER OF AMENDING LANE CODE CHAPTER 10 TO ADOPT AMENDMENTS TO THE SPRINGFIELD DEVELOPMENT CODE CONCERNING PARTITION STANDARDS FOR THE URBANIZABLE LANDS WITHIN THE SPRINGFIELD URBAN GROWTH BOUNDARY (LC 10.600-15); ADOPTING A SAVINGS AND SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY

bj/7374

**REMOVE THIS PAGE**

10.600-10 - 10.600-15(2)  
 i.e. 10-358  
 (a total of one page)

**INSERT THIS PAGE**

10.600-10 - 10.600-15(2)  
 i.e. 10-358  
 (a total of one page)

This page is attached hereto and incorporated herein by this reference. The purpose of this substitution is to include specific reference to this Board of County Commissioners action adopting amendments to partition standards in the land use regulations to be applied by the City of Springfield on urbanizable lands within the Springfield Urban Growth Boundary.

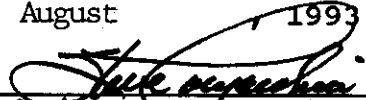
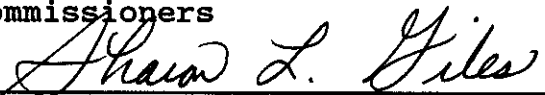
Section 3. Ordinances and regulations amended by this Ordinance shall remain in force to authorize a punishment, penalty or forfeiture incurred, or a suit, prosecution or proceeding pending when the amendment takes effect, for an offense or violation committed under the amended Ordinance or regulation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

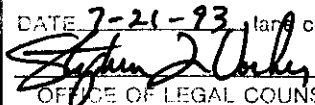
Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not effect the validity 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 attached as Exhibit "B" and incorporated herein by this reference are adopted in support of this decision.

ENACTED this 25th day of August 1993.

  
 \_\_\_\_\_  
 Chair, Lane County Board of  
 Commissioners  
  
 \_\_\_\_\_  
 Recording Secretary for this  
 Meeting of the Board

APPROVED AS TO FORM  
 DATE 7-21-93, Lane County  
  
 OFFICE OF LEGAL COUNSEL

2 - IN THE MATTER OF AMENDING LANE CODE CHAPTER 10 TO ADOPT AMENDMENTS TO THE SPRINGFIELD DEVELOPMENT CODE CONCERNING PARTITION STANDARDS FOR THE URBANIZABLE LANDS WITHIN THE SPRINGFIELD URBAN GROWTH BOUNDARY (LC 10.600-15); ADOPTING A SAVINGS AND SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY  
 bj/7374

ORDINANCE NO. 5704

AN ORDINANCE CONCERNING THE DIVISION OF LAND IN THE URBAN TRANSITION AREA, AND ESTABLISHING STANDARDS FOR SAID LAND DIVISIONS BY AMENDING ARTICLE 16 RESIDENTIAL ZONING DISTRICTS, ARTICLE 29 UF-10 URBANIZABLE FRINGE OVERLAY DISTRICT AND ARTICLE 34 PARTITION STANDARDS OF THE SPRINGFIELD DEVELOPMENT CODE.

THE CITY OF SPRINGFIELD DOES ORDAIN AS FOLLOWS:

Section 1: Section 16.030(3) is hereby amended by adding subsection (g) as described below:

(g) Parcel sizes in the urban transition area shall be in accordance with the provisions of Section 29.070 of this Code.

Section 2: Section 29.070(5) is hereby amended by adding subsection (d) as described below:

(d) In addition to meeting the standards of Subsections (5)(b) and (c) of this Section, a tract, lot or parcel of land 2.2 acres or larger that is designated LDR/UF-10 may be partitioned more than once, provided that the subsequent partition cannot be submitted sooner than the next calendar year following the recording of the preceding Final Plat, and provided that:

1. The minimum parcel size created through this approval shall be 24,000 square feet, however, in the event that required right of way dedication results in parcel size less than 24,000 square feet, the director shall have the authority to grant approval.
2. A Future Development Plan (FDP), showing urban density of at least 4 dwelling units per acre for the entire property within the urban growth boundary, shall be a condition of partition approval.
3. Dedication of public right of way for all streets shown on the FDP shall be a condition of partition approval.
4. Full city standard improvements, including curb, gutter, sidewalk, street lights and street trees, and sanitary sewer dry lines, shall be installed to serve parcels developed through this approval. These improvements may be phased, but no new dwelling, placed upon a parcel authorized through this approval, may be occupied prior to construction of these public improvements along the full frontage of that parcel.

5. The property owner shall enter into an annexation agreement with the city that may include any method authorized by ORS 199 and consistent with Metropolitan Plan policies and annexation policies adopted by the Springfield City Council as a condition of final approval.
6. The property owner shall record the following private deed restrictions for each parcel authorized through this approval:
  - a. all property owners shall pay for and connect to city sanitary sewer when that sewer becomes available (300 feet from property line);
  - b. full width, full-frontage street improvement shall be required prior to occupancy of the dwelling unit;
  - c. siting of dwelling units shall be consistent with the proposed re-division parcel lines shown on the FDP; and,
  - d. no accessory structures shall be permitted on future parcels unless it can be shown that the future dwelling unit also can be sited on that parcel.
7. The provisions of this Subsection shall apply only to real property in the urban transition area zoned LDR; that abuts public right-of-way; and that is more than 300 feet from existing city sanitary sewer. However, the property also must be in an area targeted for city sanitary sewer extension (300 feet from property line) within 5 years.
8. In addition to the foregoing provisions, this partition process shall comply with Oregon Subdivision and Series Partition Control Law as set forth in ORS 92.305 to 92.495.

Section 3: Section 34.040 is hereby amended as described below:

**Section 34.040 TENTATIVE PLAN SUBDIVISION DETERMINATION.**

When the parcels of a partition can be further divided, a Future Development Plan prepared by a Surveyor showing future proposed land division shall be required. If the Director determines that a property has been or is in the process of being divided into 4 or more parcels, full compliance with all subdivision regulations specified in this Code may be required, except that the Director may allow redivision of land as provided in Section 29.070(5)(d) of this Code.

Section 4: The recommendation of the Springfield Planning Commission, Order No. 93-05-72, 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 July, 1993.

APPROVED by the Mayor of the City of Springfield this 7th day of  
July, 1993.

ATTEST:

Bill Mansueti  
Mayor

Eileen Stein  
City Recorder

BEFORE THE PLANNING COMMISSION  
 OF THE  
 CITY OF SPRINGFIELD

REQUEST FOR AMENDMENT OF THE |  
 SPRINGFIELD DEVELOPMENT CODE TO |  
 AMEND ARTICLES 16, 29 AND 34 |

Jo. No. 93-05-72  
 RECOMMENDATION TO  
 THE CITY COUNCIL

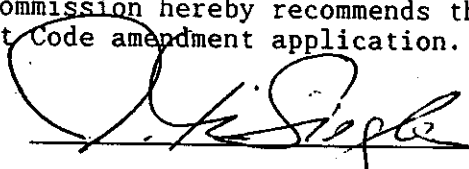
NATURE OF THE APPLICATION

The City is proposing to amend the following: Article 16 Residential Zoning Districts, Section 16.030(3), Article 29 UF-10 Urbanizable Fringe Overlay District, Section 29.070(5); and Article 34 Partition Standards, Section 34.040. These Code amendments are required as part of a Hearings Official decision of an appeal of a partition in the Urban Transition Area.

1. The following amendment application was accepted:  
 City of Springfield Jo. No. 93-05-72.
2. The application was initiated and submitted in accordance with Section 3.050 of the Springfield Development Code. Timely and sufficient notice of the public hearing, pursuant to Section 14.030 of the Springfield Development Code, has been provided.
3. On June 16, 1993, a public hearing to amend the Springfield Development Code was held. The Development Services Department staff notes and recommendation together with the testimony and submittals of the persons testifying at that hearing have been considered and are part of the record of this proceeding.

CONCLUSION AND RECOMMENDATION

On the basis of this record, the Planning Commission hereby recommends the City Council approve this Springfield Development Code amendment application.

  
 \_\_\_\_\_  
 Planning Commission Chairperson

ATTEST

AYES: 7  
 NOES: 0  
 ABSENT: 0  
 ABSTAIN: 0

-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, 18-90, 9-91, 13-91, 14-92 and 5-93.

(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  
18-90; 12.19.90  
9-91; 9.20.91  
13-91; 9.25.91  
14-92; 1.8.93

10-358

WP 1/co/00036/C  
REV: 1/cr/00202/T

**Findings in Support of Code Amendment**

Article 16 RESIDENTIAL ZONING DISTRICTS, Article 29 UF-10 URBANIZABLE FRINGE OVERLAY DISTRICT, AND Article 34 PARTITION STANDARDS of the Springfield Development Code

Establishes alternative partition standards in the urban transition area

Amendments to the Springfield Development Code must be based on conformance to the following criteria of SDC 8.030:

- (1) The Metro Plan
- (2) Applicable State statues; and,
- (3) Applicable State-wide Planning Goals and Administrative Rules.

**Conformance to the Metro Plan**

These amendments establish alternative partition standards for eligible sites in the urban transition area. This is a voluntary option that is available to property owners who want to create more than three parcels prior to annexation in areas targeted for city sewer extension within five years. In exchange for being allowed to submit series partitions, the owner must dedicate all right of way necessary to provide access to proposed and future lots, must create lots with a minimum area of 24,000 square feet, must improve all right of way to city standards prior to occupancy (including sanitary sewer dry lines), and must locate individual buildings on lots in a way that will enable future re-division upon annexation. Each parcel created through this process will include private recorded deed restrictions requiring annexation and connection to the sanitary sewer.

These amendments are consistent with and implement the following Metro Plan goals and policies:

**Growth Management and the Urban Service Area**

**Goals**

Use urban, urbanizable, and rural lands efficiently.

Encourage orderly and efficient conversion of land from rural to urban uses in response to urban needs, taking into account metropolitan and statewide goals.

Protect rural lands best suited for non-urban uses from incompatible urban encroachment.

These amendments apply only to land defined as urbanizable. A further qualification to eligibility requires the land to be within areas targeted by the city for sewer extension within 5 years. The majority of the city's urban transition area is not targeted for sewer extension within 5 years.

These amendments will provide orderly and efficient conversion of the urban transition area by achieving the following:

- \* Dedication of all right of way determined by the city and county to be necessary for the full future urbanization of the subject property.
- \* Improvements to public right of way will be completed to city standards and will occur prior to occupancy of dwellings parallel to the right of way.
- \* Deed restrictions will obligate all current and future owners to annexation and sewer connection.
- \* The 24,000 square foot minimum parcel size guarantees non-urban densities prior to annexation.
- \* A re-division plan showing additional parcels at urban densities is required for all land using this partition alternative. The siting of dwelling units must be consistent with the future division plan.
- \* Only those sites in areas targeted for city sewer extension within 5 years are eligible. All other areas are limited to a single partition prior to annexation.

### Residential Land Use and Housing

#### Goal

Provide viable residential communities so all residents can choose sound, affordable housing that meets individual needs.

This alternative requires the platting of parcels that are at least 24,000 square feet. No other article or provisions of the SDC approaches this standard. These amendments provide for a housing opportunity (upper end) that cannot be guaranteed in any other circumstance, whether inside the city or elsewhere.

#### Policies

6. Review residential land development regulations to ensure that they encourage a variety of housing densities and types. (III-A-5)
8. Continue to encourage the dispersal of housing for all income groups. (III-A-5)

### Economy

#### Goal

Broaden, improve, and diversify the metropolitan economy while maintaining or enhancing the environment.

The ability to create "estate lots" in areas where the market will accept them is a phenomenon that has been largely the domain of Eugene. A Springfield entry into this market will make this type of housing more

competitive and enhance the standing of existing dwellings. The larger lot size will provide more open or landscaped area within neighborhoods thereby enhancing the environment at the micro level.

#### Conformance to Applicable State Statutes

ORS 92, 197 and 227 confer planning, zoning and development approval authority to cities. These statutes require criteria of approval and zoning in conformance with the comprehensive plan. The proposed amendments carry out these requirements by specifying circumstances and standards for a particular use in a particular zoning district.

#### Conformance to Administrative Rules and State-wide Planning Goals

These amendments are consistent with Goal 2 LAND USE PLANNING in that it involves an "Ordinance controlling the use and construction on the land, such as building codes, sign ordinances, subdivision and zoning ordinances."

Under Goal 10 HOUSING, Planning Guideline #2 states: "Plans should be developed in a manner that insures the provision of appropriate types and amounts of land within urban growth boundaries. Such land should be necessary and suitable for housing that meets the housing needs of household of all income levels."

Under Goal 14 URBANIZATION, Implementation measures #1 and #4 state respectively: "The type, location and phasing of public facilities and services are factors which should be utilized to direct urban expansion." and, "Local land use controls and ordinances should be mutually supporting, adopted and enforced to integrate the type, timing and location of public facilities and services in a manner to accommodate increased public demands as urbanizable lands become more urbanized."

OAR 660-08-015 states: "Local approval standards, special conditions and procedures regulating the development of needed housing must be clear and objective, and must not have the effect, either of themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay."

These amendments provide residential opportunities that are intended to diversify local housing options. These amendments protect public investment by requiring installation of all city standard public facilities prior to occupancy and annexation. These amendments provide flexibility to property owners yet limit applicability to areas that will become incorporated within 5 years.

UNDERLINING \_\_\_\_\_ indicates material being added.

LEGISLATIVE FORMAT

BRACKETS [ ] indicate material being deleted.

10.600-10

Lane Code

BOOK 153 PAGE 0942 10.600-15(2)

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