

ORDINANCE No. 13-94

FILED

JAN 31 1995

COUNTY CLERK

BY *[Signature]*

) IN THE MATTER OF AMENDING LANE CODE CHAP-
) TER 10 TO ADOPT AMENDMENTS TO THE SPRING-
) FIELD DEVELOPMENT CODE WHICH ADD ARTICLE
) 37 MASTER PLANS PROVISIONS AND AMEND ARTI-
) CLE 26 HILLSIDE DEVELOPMENT OVERLAY DIS-
) TRICT STANDARDS FOR THE URBANIZABLE LANDS
) WITHIN THE SPRINGFIELD URBAN GROWTH BOUND-
) ARY (LC 10.600-15); ADOPTING 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 November 7, 1994, the Common Council of the City of Springfield adopted Ordinance Nos. 5763 and 5764, establishing standards for master plans and hillside development in the urbanizable area of Springfield; and

WHEREAS, the City of Springfield has requested that Lane County adopt the changes contained in the Ordinances 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 Ordinances 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, 14-92 and 5-93, are hereby further amended as specified by the City of Springfield Ordinance Nos. 5763 and 5764, attached as Exhibits "A" and "B" respectively. 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.

1 - IN THE MATTER OF AMENDING LANE CODE CHAPTER 10 TO ADOPT AMENDMENTS TO THE SPRINGFIELD DEVELOPMENT CODE WHICH ADD ARTICLE 37 MASTER PLANS PROVISIONS AND AMEND ARTICLE 26 HILLSIDE DEVELOPMENT OVERLAY DISTRICT 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

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

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 master plan provisions and amendments to hillside development 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 supporting the City Ordinances included in the attached Exhibits "A" and "B" and incorporated herein by this reference are adopted in support of this decision.

ENACTED this 11th day of January, 1995.

Mike Sundt

Chair, Lane County Board of Commissioners

Sharon L. Giles

Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM
DATE 12-15-94
Stephen J. Lakey
OFFICE OF LEGAL COUNSEL

ORDINANCE NO. 5763 (GENERAL)

AN ORDINANCE REVISING THE SPRINGFIELD DEVELOPMENT CODE BY AMENDING ARTICLE 26 HD HILLSIDE DEVELOPMENT OVERLAY DISTRICT AND DECLARING AN EMERGENCY.

THE CITY OF SPRINGFIELD DOES ORDAIN AS FOLLOWS:

Section 1: Section 26.030 APPLICABILITY is hereby amended by adding the following language:-

The HD Overlay District shall apply to all areas of the City and its urbanizable area above 670 feet elevation or where the average slope of the land is 15 percent or greater in the residential development area.

Section 2: Section 26.050 DEVELOPMENT DENSITY OPTIONS is hereby amended by adding the following language:

(1)(c) Table 26-1

<u>Average Slope of Lot</u>	<u>Minimum Lot Size per Dwelling Unit</u>	<u>Minimum Frontage per Lot*</u>
less than 15%**	10,000 sq. ft.	60 feet
15% - 24%	10,000 sq. ft.	90 feet
25% - 35%	20,000 sq. ft.	150 feet
over 35%	40,000 sq. ft.	200 feet

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

** Wooded lots only

Section 3: Section 26.070 REPORTS REQUIRED is hereby amended by adding the following language:

^{car}
(5) Development Plan Report. A proposed development plan shall be submitted, depicting building envelopes for each lot including driveway approaches and all other associated impervious surface areas. The plan shall be based upon the findings of the required reports in this section and the lot coverage standards of Section 16.040. Building envelopes shall be specified in Covenants, Conditions and Restrictions recorded with the subdivision plat.

Section 4: Section 26.090 FIRE PROTECTION REQUIREMENTS is hereby added to Article 26 as follows:

Ordinance No. 5763
Page 1

BEFORE THE PLANNING COMMISSION
OF THE
CITY OF SPRINGFIELD, OREGON

REQUEST FOR AMENDMENT TO
ARTICLE 26 HD HILLSIDE
DEVELOPMENT OVERLAY DISTRICT

} JO. NO. 94-09-186
} FINDINGS,
} C O N C L U S I O N S
AND RECOMMENDATION

NATURE OF THE REQUEST

The request is for recommendation by the Planning Commission to the City Council for amendments to Article 26 to establish a minimum lot size in wooded hillside lots and require certain fire protection measures.

RELEVANT FACTS, CRITERIA AND FINDINGS

1. The application was initiated and submitted in accordance with Section 3.050 of the Springfield Development Code. Timely and sufficient notice of the Public Meeting, pursuant to Section 14.030 of the Springfield Development Code, has been provided.
2. On October 19, 1994 a public hearing on the request was held by the Springfield Planning Commission. The proposed amendments, staff notes and recommendations together with previous testimony and submittals have been considered and are part of the record of this proceeding.

CONCLUSIONS

On the basis of this record, the request is consistent with the applicable criteria set forth in Section 8.030 (1)-(3) of the Springfield Development Code. This general finding is supported by the specific findings of fact and conclusions set out in the findings of fact adopted and attached hereto as Exhibit A.

DEVELOPMENT CODE AMENDMENT
JO. NO. 94-09-186EXHIBIT A
STAFF REPORT AND FINDINGS

I. APPLICANT

The applicant is the City of Springfield.

II. REQUEST

The applicant requests approval of amendments to Springfield Development Code (SDC) Article 26 HILLSIDE DEVELOPMENT OVERLAY DISTRICT that will specifically describe the area affected by the overlay district, modify the lot sizes, require a development plan report, and add provisions for fire protection.

III. APPLICATION

For residential developments processed under the Hillside Development Overlay District, the amendments would establish a minimum lot size for new lots created above 670 feet of elevation, modify the slope-lot size-frontage relationship, and require that all dwellings be constructed with fire resistant roofing material and establish fuel safe zones around structures. A report depicting building envelopes and driveway approaches would be required. 670 feet of elevation is used as a descriptor for the area affected by the hillside regulations because it encompasses most of the land prone to wildfires and where forested slopes are greater than 15%. If a development area below that elevation has an average slope of 15% then development would be governed by the overlay district.

IV. BACKGROUND

After considering public testimony at the September 21 Planning Commission public hearing, the Commission instructed staff to bring proposed amendments to Article 26 HILLSIDE DEVELOPMENT OVERLAY DISTRICT as soon as possible. Testimony at the hearing suggested that the lot sizes in the forested areas were too small, causing most of the trees on the lots to be removed for home construction. Staff concurred with the testimony, confirming that problems related to small lot sizes were often an issue when reviewing subdivisions in the south hills. Related problems were fire protection, stormwater, erosion, geologic stability and hazards from remaining trees.

Attachment C

Page 1

will concentrate traffic at certain intersections. Many residents will be required to travel circuitous routes on local streets to arrive at the signals because the street circulation pattern in the south hills is not interconnected, with many deadend east-west streets and long sloping north-south streets that do not connect to each other. Lower density may have the effect of reducing the ultimate number of vehicle trips per day in the south hills thereby alleviating some future traffic problems.

PLAN ELEMENTS, A. "Residential Land Use and Housing Element, Policy 5, page III-A-5: Establish specific density ranges within zoning ordinances that are consistent with the broad density categories of this plan. Translation to an equivalent or persons per acre corresponding to the density categories in this plan may be substituted for dwelling units per acre by local governments. Eugene and Springfield shall establish standards for allowing a waiver of the specific density ranges in this plan to increase the supply of low- and moderately-priced housing.

- a. Low density--Through ten dwelling units per gross acre
- b. Medium density--Over 10 through 20 dwellings units per gross acre
- c. High density--Over 20 dwelling units per acre"

The City of Springfield has minimum density requirements for Medium Density Residential (10 dwelling units acre) and High Density Residential (20 dwelling units per acre). In the urbanizing area the Springfield Development Code requires all future development plans for land divisions in the Low Density Residential District to depict a density of 4 dwelling units per acre. The proposed minimum lot size of 10,000 square feet translates into a density of 3.25 dwelling units per acre. However, in the hillside areas, the Metro Plan buildable lands inventory assumes a density of 3 dwelling units per acre. When 10,000 square foot lots are mixed with larger lots in hillside developments the resulting density will be closer to 3 dwelling units per acre.

"Residential Land Use and Housing Element, Policy 6, page III-A-5: Review residential land development regulations to ensure that they encourage a variety of housing densities and types."

The Metro Plan is clear that its policies are not intended to create a uniform density throughout the urban growth boundary but rather to achieve an average density of 6 dwelling units per acre. Therefore, density may be higher in some locations and lower in others. Residential Policy 6 directs the local governments to provide a balance in the housing market via density and type allocations.

Recent City Council policy has encouraged the development of lower density higher valued housing to balance Springfield's housing supply. The table below depicts the current imbalance in that supply which is heavily weighted toward low and moderately priced housing units.

Attachment C

measures to be taken to offset the soil and geologic constraints present, to protect life and property, and to protect environmentally-sensitive areas."

The existing provisions of Article 26 require reports for soils and geology, grading, re-vegetation and verification of slope and grade percentages. These reports are required because of the physical problems associated with constructing dwellings in hillside areas. The information in these reports helps the City evaluate the special design and construction measures needed to prevent soil erosion, landslides and building and street foundation failures. Higher density in the hillside areas only serves to increase the potential for problems resulting from building, driveway and street excavation, tree removal and alteration of the natural drainage system. Staff finds that amending the SDC to establish a minimum lot size of 10,000 square feet will protect more trees and reduce potential erosion problems for the City and property owners.

"Policy 18, page III-C-9: 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."

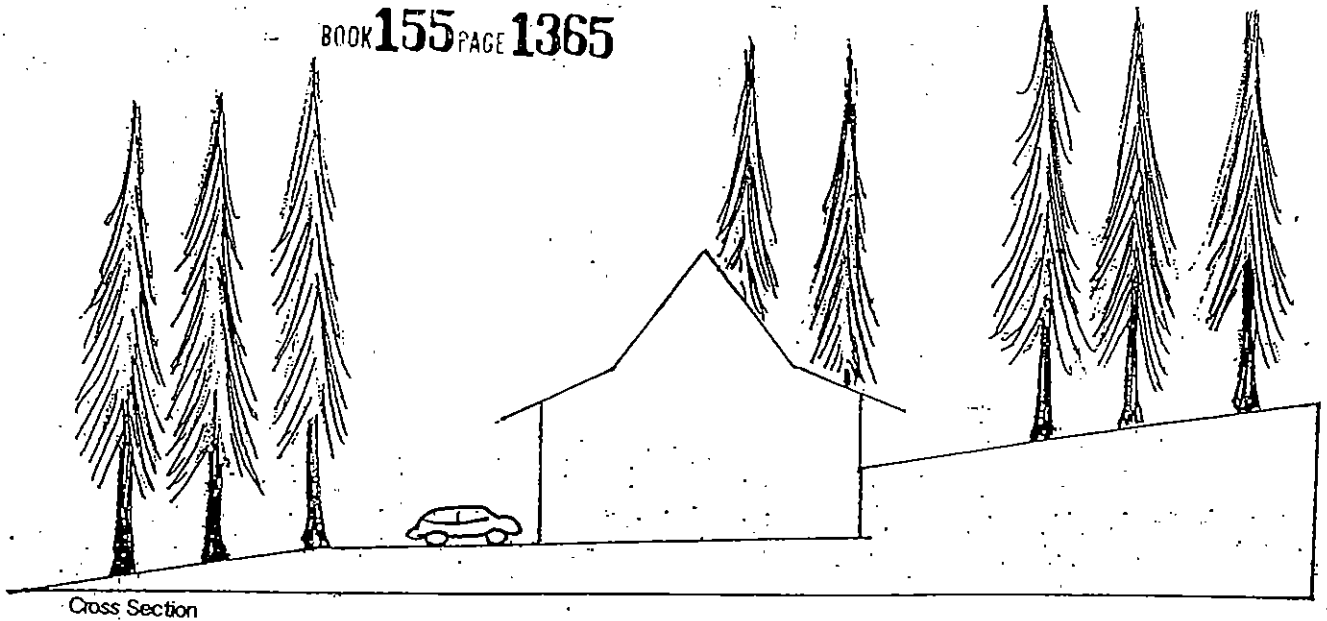
This is one of the parent policies of Article 26 HILLSIDE DEVELOPMENT OVERLAY DISTRICT. Section 26.020 of the SDC specifically calls for the retention of natural vegetation, natural water features and drainageways, scenic quality and open space in hillside developments.

Based on the public testimony and Planning Commission direction, staff examined the potential harm to these values from small lots. The drawings below compare the site impacts for a 8,000 square foot lot, 10,000 square foot lot and 20,000 square foot lot when building a 2,000 square foot home. The depictions graphically show the potential for removal of 74% of the trees on a 8,000 square foot lot. By comparison, 59% of the trees on a 10,000 square foot lot are potentially lost. And development of a 20,000 square foot lot would remove 35% of the trees.

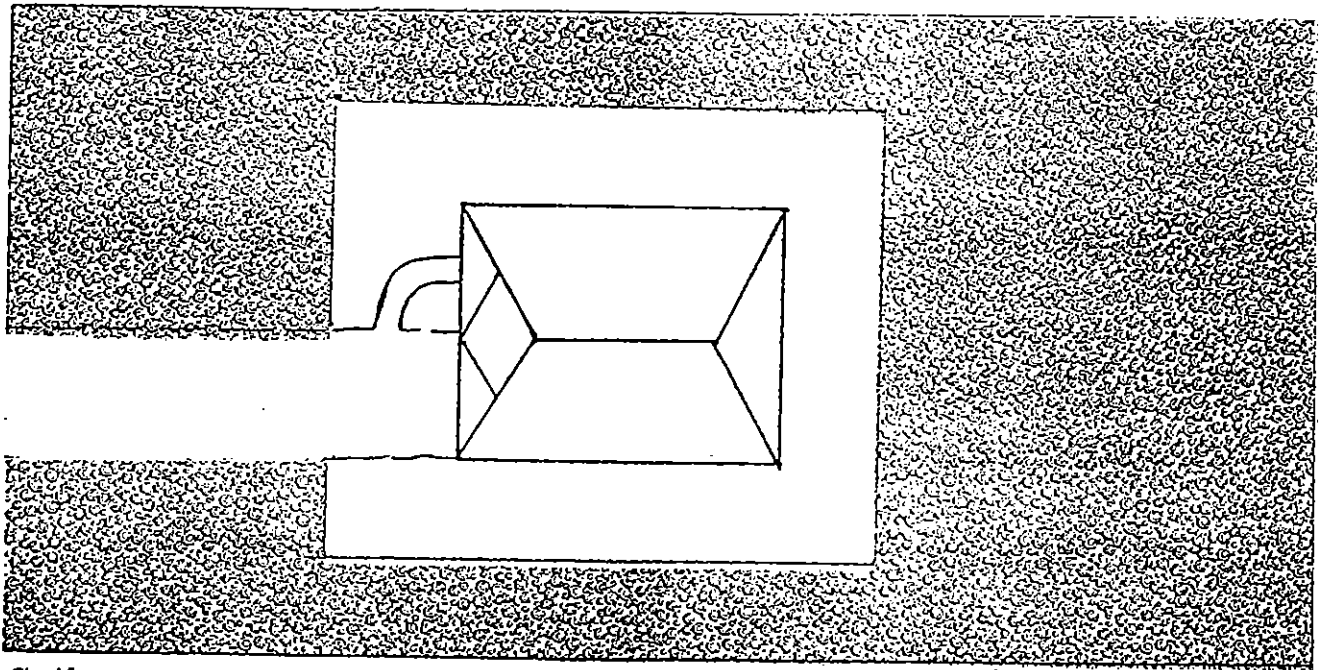
Staff has had discussions with professional foresters related to specific developments in the south hills. They often tell us that the current development pattern is creating hazardous conditions for property owners. The development on small lots result in only a few trees remaining after construction. These few trees are usually scattered along property lines creating a windthrow hazard that in turn can create an erosion problem. Foresters contend that it is healthier for the forest and safer for residents if trees are retained in larger groupings with fully leafed edge trees to protect against windthrow and wind damage.

Property owners and builders are usually unaware of these hazards. Even if they were, the small size of the lots created by the land division process establish a situation where most of the trees on the site must be removed or thinned in order to build even a moderately sized house. A larger minimum lot size would allow more of the lot to remain intact and ultimately provide greater protection to the private and public investment. The diagrams below illustrate the relationship between lot size and the removal of trees.

Attachment C



Cross Section



Plan View

Diagram 3

Scale 1:30

20,000 square foot lot
35% of the trees removed during construction.

The large area not impacted by construction allows 65% of the natural vegetation to remain on the lot. All yards will have trees retained after construction.

Attachment C

The citizens of Springfield have a long history of protecting the beauty of their community as reflected in the provisions of this code. Subsection 26.020 of the Hillside Development Overlay District requires the retention of natural vegetation, natural water features and drainageways, scenic quality and open spaces to the maximum extent possible in hillside developments. The proposed amendments to Article 26 further the intent of this section of Springfield's development regulations.

"GOAL 7. AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS: To protect life and property from natural disasters and hazards.

Developments subject to damage or that could result in loss of life shall not be planned nor located in known areas of natural disasters and hazards without appropriate safe guards. Plans shall be based on an inventory of known areas of natural disaster and hazards.

GUIDELINES A. PLANNING 1. Areas subject to natural hazards should be evaluated as to the degree of hazard present. Proposed developments should be keyed to the degree of hazard and to the limitations on use imposed by such hazard.

GUIDELINES B. IMPLEMENTATION 2. When locating developments in areas of know natural hazards, the density or intensity of the development should be limited by the degree of the natural hazard."

The degree of hazard in the hillside areas is constantly being re-evaluated as a result of new knowledge and experience. The Public Works Department has conducted a hillside pavement distress study for street construction and stormwater drainage in the hillsides. This study is predicated on street failures and erosion problems in earlier developments. The findings of the study indicate that the soils and bedrock of the Springfield south hills contain a substantial amount of subsurface water and some soils and rock are creeping slowly downhill. Soil and water disturbance must be regulated to a greater degree than in the past. New regulations will eventually be incorporated into the street construction standards and stormwater conveyance requirements of the Public Works Department specifically for hillside developments. Larger lots in the hillside areas will result in less total excavation and impervious surface area.

Wildfires in urbanized hillside areas are usually human-made disasters, often accidentally, but can be caused by natural lightening. Regardless of the cause, wildfires have a clear and present danger that can damage development or result in loss of life. Proposed developments in Springfield's hillside areas should be keyed to the degree of hazard and to the limitations on use imposed by such hazard. Forested hillside areas are high danger locations for wildfires and precautions against catastrophic loss of property or life should be adopted into the development code. (Please see Environmental Design Element, Policy 6 found on page 8 of this report for additional findings.)

Attachment C

AN ORDINANCE ADDING ARTICLE 37 MASTER PLANS TO THE SPRINGFIELD DEVELOPMENT CODE SETTING FORTH PROVISIONS, STANDARDS AND PROCESSES TO ALLOW PHASED DEVELOPMENT OF PUBLIC, COMMERCIAL, INDUSTRIAL OR RESIDENTIAL LAND FIVE ACRES OR LARGER AND DECLARING AN EMERGENCY.

THE CITY OF SPRINGFIELD DOES ORDAIN AS FOLLOWS:

Section 1. Article 37 Master Plans is hereby added to the Springfield Development Code as described below:

37.010 GENERAL.

- (1) A Master Plan is a comprehensive development plan that allows phased development of a specific development area over several years in accordance with the provisions of this Code for public, commercial, industrial or residential development. By addressing public service impacts and development requirements at the time of approval of a Master Plan, such impacts and requirements need not be readdressed at subsequent phases and the developer may rely on the Master Plan approval in implementing the development.
- (2) The purpose of a Master Plan is to:
 - (a) Provide preliminary approval for the entire development area in relation to land uses, a range of minimum to maximum potential intensities and densities, arrangement of uses, and the location of public facilities and transportation systems when a development area is proposed to be developed in phases;
 - (b) Assure that individual phases of a development will be coordinated with each other;
 - (c) Provide the applicant an assurance of the City's expectation for the overall development as a basis for detailed planning and investment by the developer.
- (3) The Planning Commission or Lane County Hearings Officer shall approve the Master Plan prior to City approval of a related subdivision or site plan application, however the Master Plan may be reviewed concurrently with a zone change application, discretionary use application, variance application and any other application or approval sought by the applicant related to the Master Plan.
- (4) Subject to prior approval of a Master Plan, a separate subdivision or site plan application shall be approved for each phase. The Master Plan shall be the basis for the evaluation of all phases of development on any issues that it addresses. Phases may be combined for consideration.

relevant natural and man-made features.

- (5) A site plan showing location and type of all land uses proposed, approximate acreage and approximate number of units or square footage of uses, adjacent property uses and relevant features.
- (6) The density or intensity of proposed uses.
- (7) The maximum height and size of proposed structures.
- (8) A public facilities plan showing existing and proposed streets, utilities, sanitary sewer, natural and piped storm drainage system, water service, bike and pedestrian ways and transit locations.
- (9) Maps and narrative showing off-site public improvements necessary to serve the proposed development and/or to mitigate impacts to adjacent property or public facilities.
- (10) The Director may require additional information necessary to evaluate the proposed development including but not limited to an ESEE analysis, geology, soils, stormwater, sanitary, tree preservation, historical, archaeological, and traffic impact. All related maps except vicinity and detail maps shall be at the same scale.
- (11) Provisions, if any, for reservation, dedication, or use of land for public purposes, including rights of way, easements, parks, open spaces, and school sites.
- (12) An overall schedule or description of phasing; and the development to occur in each phase. If phasing alternatives are contemplated, these alternatives should be described.
- (13) Where off-site or other infrastructure improvements are required, the applicant shall specify the timing and method of securing the improvement, including bond, letter of credit, joint deposit or other security satisfactory for said improvement construction.
- (14) Designation of responsibility for providing infrastructure and services.
- (15) A general schedule of annexation consistent with the phasing plan if applicable.

37.040 CRITERIA

A Master Plan may be approved if the Planning Commission or Hearings Officer finds that the proposal conforms with all of the following criteria. In the event of a conflict with criteria in this subsection, the more specific requirements shall apply.

assumptions of the approved Master Plan shall be processed under a Type II procedure. The changes include:

- (a) Request by the applicant for a change of density allocation within the density range allowed in the applicable zoning district;
- (b) Request by the applicant for a change to the alignment or right of way requirements of local streets;
- (c) Request by the City or applicant for a change to the sizes or location of public facilities;
- (d) Request by the applicant for a change of scheduled phasing beyond the approved time limit for the phased development when the proposed change affects the construction of scheduled public improvements;
- (e) Requests for Master Plan amendments initiated by the City based on the requirement to implement newly adopted state or federal regulations;
- (f) A request by the applicant for a one time extension of the approved time limit for up to 3 years. Such extensions shall be granted provided the applicant has made reasonable progress in the implementation of the Master Plan and public services and facilities remain available;
- (g) A request by the applicant to alter significant natural resources, wetlands, open space areas, archaeological and historic features beyond the scope of the approved Master Plan; or
- (h) Other changes to the final approved Master Plan as requested by the applicant that the Director determines to be similar to the modifications set forth in this subsection.

(3) ^{ent.} Those modifications which affect the underlying basic assumptions of the approved Master Plan or that prohibit, restrict or significantly affect its implementation shall be processed under the Type III procedure, and include:

- (a) Zone Change or Discretionary Use applications initiated by the applicant;
- (b) Requests for re-alignment or re-designation of arterial or collector streets initiated by the applicant;
- (c) Inability of the City or the applicant to provide essential public infrastructure;
- (d) Requests for Master Plan amendments initiated by the City based on the requirement to implement newly adopted state or federal regulations;
- (e) A request by the applicant for extension of the time limit of the Master

Section 2: The recommendation of the Springfield Planning Commission, Order No. 94-09-161, has been reviewed and is hereby adopted in support of the adoption of these amendments as Attachment C.

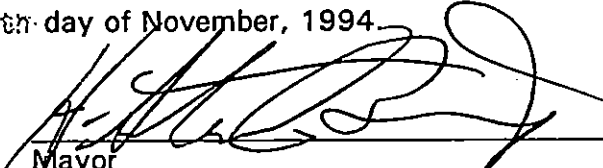
Section 3: While not just a part of this Ordinance, Findings in Attachment D are adopted in support of this decision.

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

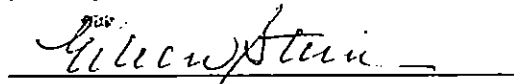
Section 5: It is hereby found that matters effecting standards and processes to allow phased development of public, commercial, industrial or residential land five acres or greater are matters affecting the public health, safety and welfare of the City of Springfield, and this ordinance shall take effect immediately upon its passage by the Council and approval by the Mayor.

ADOPTED by the Common Council of the City of Springfield this 7th day of November, 1994 by a vote of 6 for and 0 against.

APPROVED by the Mayor this 7th day of November, 1994.


Mayor

ATTEST:



THE PLANNING COMMISSION
 OF THE
 CITY OF SPRINGFIELD, OREGON

REQUEST FOR CODE TEXT }
 AMENDMENT APPROVAL }

JO. NO. 94-08-161
 FINDINGS, CONCLUSION
 AND RECOMMENDATION

NATURE OF THE APPLICATION

The application is for approval of an amendment to the Springfield Development Code adding Article 37 Master Plan and establishing a fee of \$750.00 for master plan applications.

RELEVANT FACTS, CRITERIA AND FINDINGS

1. The application was initiated and submitted in accordance with Section 3.050 of the Springfield Development Code. Timely and sufficient notice of the Public Meeting, pursuant to Section 14.030 of the Springfield Development Code, has been provided.
2. On September 21, 1994 a public hearing on the Code Text Amendment request was held. The Development Services Department staff notes and recommendations together with the testimony and submittal of the applicant and other persons testifying at the hearing have been considered and are part of the record of this proceeding.

CONCLUSIONS

On the basis of this record, the Code Text Amendment request is consistent with the applicable criteria set forth in Section 8.030 (1)-(3) of the Springfield Development Code. This general finding is supported by the specific findings of fact and conclusions set out in the findings of fact adopted September 21, 1994 (Exhibit A) and attached hereto.

RECOMMENDATION

It is RECOMMENDED by the Planning Commission of Springfield, that Journal Number 94-08-161, Code Text Amendment for Article 37 Master Plans and Fee, be forwarded to the City Council for APPROVAL.

DEVELOPMENT CODE AMENDMENT
JO. NO. 94-08-161EXHIBIT A
STAFF REPORT AND FINDINGS

I. APPLICANT

The applicant is the City of Springfield.

II. REQUEST

The applicant requests approval of amendments to the Springfield Development Code (SDC) to add provisions for review of master plans and an application fee of \$750.00.

III. APPLICATION

The provisions of Article 37 Master Plans would apply to any large residential, commercial, industrial or public development when initiated by the applicants or Director under certain conditions.

IV. BACKGROUND

In 1993 the Oregon Legislature enacted HB3045 authorizing a city or county to enter into a long term development agreement with any person having legal or equitable interest in real property for development of that property. The development agreement must be approved in a public hearing and the duration of the development agreement is seven years (7) years. The agreement specifies project phasing, approvals necessary to complete construction, specify the underlying assumptions related to the approval, and specify the City's ability to serve the development.

Concurrently, the City was presented two large phased developments: MountainGate and Sony. These developments are large single owner projects involving long term commitments to develop the land in phases over many years. The owners submitted "master plans" for review in conjunction with their first phases. MountainGate Company desired master plan approval, however, the City had no process for reviewing and approving master plans for any large development.

Using the recently enacted provisions of HB3045 in conjunction with master plan ordinances from Lake Oswego and Washington County, Oregon, staff drafted Article 37, Master Plans.

(2) Applicable State Statutes

Chapter 780 of the Oregon Revised Statutes relates to development agreements. Section 3.(1) allows cities or counties to adopt by ordinance agreement provisions which establish procedures and requirements for the consideration of phased developments. The statute specifies that an agreement must be approved in a noticed public hearing. Section 1.(1) sets forth the criteria for an agreement including the duration (seven years), responsibilities for provision of services, permitted uses, density, compliance schedule and the extent to which the approval is assignable.

The City has used this statute as the basis for developing the master plan review and approval process. However, the City is not proposing that master plan approval be in the form of a development agreement. The City already utilizes development agreements in a more limited manner to implement site plan approvals. The proposed master plan process is a quasi-judicially approved land use decision approved by the Planning Commission or Hearings Officer and is more akin to a zone change approval than a development agreement. The proposed amendment does not conflict with any state statute, and in fact, uses a related state statute as a basis for developing the structure of the amendment. Staff finds the proposed amendment conforms to applicable state statutes.

(3) Applicable Statewide Goals and Guidelines

This amendment does not rise to the level of statewide goal significance. It is merely an enhancement of the existing subdivision and site plan review processes to allow for a more comprehensive review of large phased developments. Staff finds that no statewide goals or guidelines apply.

IX. DISCUSSION

All the applicable requirements of the Metro Plan, State statutes, Statewide Goals and Guidelines, and the Springfield Development Code will be met and applied during implementation of the proposed master plan approval process.

IV. RECOMMENDATION

The proposal is consistent with the criteria for approval pursuant to Article 8, ADOPTION OR AMENDMENT OF REFINEMENT PLAN TEXT OR REFINEMENT PLAN DIAGRAMS AND DEVELOPMENT CODE TEXT, of the Springfield Development Code. Staff recommends that the Planning Commission consider recommending approval of this proposal to the City Council at their October 17, 1994 meeting.

-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, 5-93 and 13-94.

(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
5-93; 8.26.93

10-358

WP 1/co/00036/C
WP 1/cr/00013/T