

**5.3-125 Appeals of the Hearings Official's and City Council's Final Action**

A decision of the Hearings Official or the City Council may be appealed to the Oregon Land Use Board of Appeals as specified in ORS Chapter 197.

## Section 5.4-100 Development Applications

**Table 5.4-1 Development Applications**

<i>Type of Application</i>	<i>Decision Type</i>	<i>Applicable SDC Sections</i>
Accessory Dwelling Unit	Type I	5.5-100
Amendment of Development Code Text	Type IV	5.6-100
Amendment of Refinement Plan Text or Diagram	Type IV	5.6-100
Annexation, including extraterritorial extensions	Type IV	5.7-100
Appeal of a Type II Director's Decision	Type III	5.3-100
Appeal of Type III Decision to City Council	Type IV	5.3-100
Appeal of an Expedited Land Division	Type III	5.3-125
Conceptual Development Plan	Type III	Applicable Section
Conceptual Development Plan Amendment	Type III	Applicable Section
Demolition of Historic Landmark	Type III	3.3-900
Determination of Non-Conforming Use Status	Type I	5.8-100
Development Issues Meeting	Type I	5.1-100
Discretionary Use	Type III	5.9-100
Drinking Water Protection Overlay District Development	Type I	3.3-200
Establishment of Historic Landmark Inventory	Type III	3.3-900
Expansion/Modification of a Non-Conforming Use	Type II	5.8-100
Expedited Land Division	Type II	5.1-145
Final Site Plan Equivalent	Type I	5.17-100
Final Site Plan Review/Development Agreement	Type I	5.17-100
Floodplain Development	Type I	3.3-400
Hillside Development Overlay District	Type II	3.3-500
Historic Commission Review – Major Alteration	Type II	3.3-900
Historic Commission Review – Minor Alterations	Type I	3.3-900
Home Occupations	Type I	4.7-165
HS Hospital Support Overlay District	Type II	3.3-1100
Interpretation involving policy	Type IV	5.11-100
Interpretation not involving policy	Type II	5.11-100
Land Use and Zoning Compatibility Statement	Type I	3.1-100
Major Variance	Type III	5.21-100
Emergency Medical Hardship	Type II	5.10-100
Manufactured Dwelling Park	Type II	3.2-235
Manufactured Dwelling Park Space Line Adjustment	Type I	3.2-235
Manufactured Home – Temporary Residential Use	Type I	3.2-235
Master Plan	Type III	5.13-100
Master Plan Amendment	Various	5.13-100
Metro Plan Amendment Type I (text) or Type II (diagram)	Type IV	5.14-100
Minimum Development Standards	Type I	5.15-100
Minor Variance	Type II	5.21-100
Partition Replat Tentative Plan	Type II	5.12-100
Partition Tentative Plan	Type II	5.12-100
Pre-Application Report	Type I	5.1-100
Property Line Adjustment – Single	Type I	5.16-100
Property Line Adjustment – Serial	Type II	5.16-100
Site Plan Modification – Minor	Type I	5.17-100

Site Plan Review Modification - Major	Type II	5.17-100
Site Plan Review	Type II	5.17-100
Solar Access Protection	Type II	5.18-100
Subdivision Replat Tentative Plan	Type II	5.12-100
Subdivision Tentative Plan	Type II	5.12-100
Subdivision/Replat Plat	Type I	5.12-100
Tree Felling Permit	Type II	5.19-100
Vacation of Plats, Public Right-of-Way, or Other Public Property	Type IV	5.20-100
Vacation of Public Easements	Type II	5.20-100
Willamette Greenway Overlay District Development	Type III	3.3-300
Wireless Telecommunications Systems Facilities	Type I, II, or III	4.3-145
Zoning Map Amendment	Type III	5.22-100

**5.4-105 Basic Application Submittal Requirements and Completeness Time Lines**

The burden of proof is upon the applicant for that particular application, based upon specific criteria found in this Code and in other applicable planning documents.

- A. All applications required by this Code shall be submitted to the Development Services Department on a City application form.
- B. An application shall consist of items required by this Code and the following:
  - 1. An explanation of the proposal and any additional information that may have a bearing in determining the action to be taken, including findings demonstrating compliance with applicable approval criteria;
  - 2. Evidence that the property affected by the application is in the exclusive ownership or control of the applicant, or that the applicant has the consent of all owners of the affected property to act on their behalf;
  - 3. The legal description and assessor map and tax lot number of the property affected by the application;
  - 4. Additional information including maps, site plans, sketches and calculations as required by applicable Sections of this Code or in information packets provided by the Development Services Department;
  - 5. The required number of copies of the application; and
  - 6. Payment of the applicable application fee at the time of application submittal (No application will be accepted without payment of the appropriate fee in full, unless the applicant qualifies for a fee waiver).
- C. Application completeness is determined by the Director within 30 days of receipt based on the requirements specified in Subsection B., above and are considered complete for review.

**EXCEPTION:** Applications that require a mandatory Pre-Submittal Meeting as specified in Section 5.1-120C. shall follow the application completeness requirements of that Section.

- D.** When the Director determines that an application is incomplete, a written list of items will be provided to the applicant describing the omitted information. For those incomplete applications that require a Pre-Submittal Meeting, the application is deemed complete by the Director upon receipt of the revised submittal that provides the missing information. For those incomplete applications that do not require a Pre-Submittal Meeting, the completeness regulations specified in ORS 227.178 apply.
- E.** A final decision on an application, including any local appeal, will be granted within 120 calendar days of the Director's acceptance of a completed application as specified in ORS 227.178, unless specified elsewhere in this Code. The 120 days may be extended for a reasonable period of time at the request of the applicant.
- F.** Where a proposal involves more than one application for the same property, the applicant may submit concurrent applications.
- G.** When an application has been denied, no new application for the same development proposal may be filed within one year of the date of the previous denial, unless the Approval Authority, for good cause, grants permission to file a new application.

## Section 5.5-100 Accessory Dwelling Units

### 5.5-105 Purpose

- A. A single-family accessory dwelling unit:
1. Is a secondary, self-contained dwelling that may be allowed only in conjunction with a detached single-family dwelling;
  2. Is subordinate in size, location, and appearance to the primary detached single-family dwelling
  3. Generally has its own outside entrance and always has a separate kitchen, bathroom and sleeping area; and
  4. May be located within, attached to or detached from the primary single-family dwelling.
- B. An accessory dwelling unit is intended to:
1. Add affordable units to existing housing stock;
  2. Provide flexibility for changes in household size over the course of time;
  3. Protect neighborhood stability, property values, and the single-family residential appearance of the neighborhood by ensuring that Accessory Dwelling Units are constructed under the provisions of this Section.
- C. An accessory dwelling may be established by:
1. Conversion of an attic, basement or garage or any other portion of the primary dwelling;
  2. Adding floor area to the primary dwelling, including a second story; or
  3. Construction of a detached accessory dwelling unit on a lot/parcel with a primary single family dwelling.

### 5.5-110 Applicability

Accessory dwelling units are permitted on LDR properties with an existing primary dwelling, within the City Limits.

**EXCEPTION:** Accessory dwelling Units are prohibited on lots/parcels within the Washburne Historic District.

### 5.5-115 Review

An accessory dwelling unit is reviewed under Type I procedure.

### **5.5-120 Submittal Requirements**

A plan drawn to scale showing the proposed accessory dwelling unit and its relation to the primary dwelling; existing and proposed trees and landscaping, lot/parcel area and dimensions, percent of lot/parcel coverage, building height, entrance locations, location of utilities and meters, off-street parking area; a detailed floor plan of the accessory dwelling unit, drawn to scale with labels on rooms indicating uses or proposed uses; and a separate written response demonstrating how the required development standards listed in Section 5.5-125 can be met.

### **5.5-125 Development Standards**

Accessory dwelling units shall meet the following standards:

- A. The accessory dwelling unit shall meet all applicable standards in this Code including, but not limited to; setbacks, height, lot/parcel coverage, solar access and building codes in effect at the time of construction.
- B. The minimum lot/parcel size to construct an accessory dwelling unit is as specified in Section 3.2-215.
- C. The accessory dwelling unit shall contain a kitchen, bathroom, living, and sleeping area that are completely independent from the primary dwelling.
- D. The square footage of the accessory dwelling unit shall not exceed 40 percent of the primary dwelling exclusive of the garage. Within this standard, the minimum area shall not be less than 300 square feet. The maximum area shall not exceed 750 square feet.

**EXCEPTION:** The 40 percent requirement will not apply when the primary structure is less than 750 square feet in size, in order to ensure a 300 square foot minimum accessory dwelling unit. The minimum and maximum square footage shall be 300 square feet when the existing primary structure is less than 750 square feet in size.

- E. When separate entrances to the accessory dwelling unit are proposed:
  - 1. Only one entrance may be located on the front or street side of each residence.
  - 2. A hard surface walkway, a minimum of 3-feet wide, shall be required from the primary entrance of the accessory dwelling unit to the street or walkway serving the primary dwelling.
- F. Each dwelling shall have its own address.
- G. One, paved, off-street parking space 9'x18' in size, in addition to that which is required by Section 4.6-100 is required.
- H. The accessory dwelling unit may not be occupied prior to occupancy of the primary dwelling.

- I. Before final occupancy of the accessory dwelling unit, the property owner shall record a deed restriction that states the property owner shall reside on the property and the accessory dwelling unit shall not be sold separately from the primary dwelling, unless lawfully partitioned.

#### **5.5-130 Design Standards**

An accessory dwelling unit shall comply with the following standards, where practicable the:

- A. Exterior finish materials shall be the same or essentially the same in terms of type, size, placement and finish as the primary dwelling.
- B. Roof pitch shall match the roof pitch of the primary dwelling.
- C. Trim shall be the same in type, location and finish as the primary dwelling.
- D. Windows shall match those of the primary dwelling in terms of proportion (height and width ratio) and orientation (vertical vs. horizontal).
- E. Eaves shall project from the accessory dwelling unit addition the same distance as the eaves on the primary dwelling.

#### **5.5-135 Prior Uses**

The Director shall approve any accessory dwelling unit existing at the time of the adoption of this amendment if the following conditions can be met:

- A. The accessory dwelling unit complies with the provisions of Sections 5.5-105 through 5.5-130; and
- B. A building permit was issued when the accessory dwelling unit was constructed or remodeled. The burden of proof is the responsibility on the property owner to show proof of building permits.

#### **5.5-140 Non-conforming Lot/Parcel Sizes**

Accessory dwelling units shall not be permitted on lots/parcels that do not meet the minimum lot/parcel size stated in Section 3.2-215.

#### **5.5-145 Prohibited Use**

Mobile homes, manufactured homes, recreational vehicles, motor vehicles, travel trailers and all other forms of towable or manufactured structures shall not be used as an accessory dwelling unit.

## **Section 5.6-100 Refinement Plans, Plan Districts and the Development Code – Adoption or Amendment**

### **5.6-105 Initiation**

Adoption or amendment of refinement plan text, refinement plan diagrams and this Code's text may be initiated by the Director, the Planning Commission, the City Council or citizen initiated. Citizen initiated amendments allowed only twice a year on or before January 5th or July 5th of each year.

### **5.6-110 Review**

Adoption or amendment of refinement plan text, refinement plan diagrams and this Code's text are reviewed under Type IV procedure.

### **5.6-115 Criteria**

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

- A. The Metro Plan;
- B. Applicable State statutes; and
- C. Applicable State-wide Planning Goals and Administrative Rules.



## Section 5.7-100 Annexations

### 5.7-105 Purpose

These regulations:

- A. Clearly define the process for Annexation of territory to the City; and
- B. Provide a process for the withdrawal of territory from special service districts.

### 5.7-110 Applicability

This Section applies to any Annexation of territory to the City that is within the City's urbanizable area.

### 5.7-115 Review

- A. Annexation applications are reviewed under Type IV procedure, without Planning Commission consideration.
- B. The Annexation of all territory to the City requires final action by the Lane County Local Government Boundary Commission (LCLGBC) as specified in ORS 199.425.

### 5.7-120 Development Issues Meeting

The applicant shall schedule a Development Issues Meeting prior to filing an Annexation application where staff will inform the applicant of the Annexation application submittal requirements specified in this Section, unless waived by the Director.

### 5.7-125 Annexation Initiation and Application Submittal

- A. Annexation of territory to the City may be citizen initiated or initiated by the City Council.
- B. All Annexation applications shall include information to address the approval criteria specified in Section 5.7-140.

### 5.7-130 Notice

Newspaper notice shall be required as specified in Section 5.2-115.

### 5.7-135 Fiscal Impact and Annexation Agreement

- A. The Director shall utilize information submitted by the applicant to determine the fiscal impact of the proposed Annexation on the City and whether the applicant has addressed the approval criteria in Section 5.7-140.
- B. Fiscal impacts may be resolved by using an Annexation Agreement. The Annexation Agreement shall address, at a minimum, connection to and extension

of public facilities and services. Connection to public facilities and services shall be at the discretion of the City. Where public facilities and services are available and can be extended, the applicant shall be required to do so.

#### **5.7-140 Criteria**

The City Council shall approve, modify or deny any Annexation application based upon the following approval criteria:

- A. The territory proposed to be annexed is within the City's urbanizable area;
- B. Key urban services and facilities can be provided to the area in an orderly and efficient manner;
- C. There will be a logical area and time within which to deliver urban services and facilities; and
- D. Where applicable, fiscal impacts to the City have been mitigated through an Annexation Agreement or other mechanism approved by the City Council.

#### **5.7-145 Submittal of the Council's Resolution to the LCLGBC**

The City Council shall adopt by Resolution any Annexation recommendation. The Director shall forward all City Annexation recommendations to the LCLGBC.

#### **5.7-150 Zoning**

Currently, all Lane County land within the City's urbanizable area is zoned in compliance with the zoning districts listed in this Code and is designated in compliance with the Metro Plan. Land within the urbanizable area is distinguished from land within the city limits by the addition of the Urban Fringe (UF-10) Overlay District established in Section 3.3-800. Upon approval of the Annexation by the LCLGBC:

- A. The UF-10 Overlay District designation shall cease to apply automatically; and
- B. The current zoning shall apply, unless a zoning map amendment has been submitted and approved by the City.

#### **5.7-155 Notification of Utilities**

The City Recorder shall provide notice by certified mail to all public utility providers operating in the City within 10 days of receipt of the LCLGBC action approving the Annexation. The notice shall contain each site address as recorded on the Lane County assessment and tax rolls, a legal description, a map of the boundary change and a copy of the LCLGBC action.

#### **5.7-160 Withdrawal from Special Service Districts**

Withdrawal from a special service district is not automatic when annexed territory remains within that district. The Director shall instruct the City Council to consider withdrawal from a special

service district as specified in ORS 222 upon receipt of the LCLGBC action approving the Annexation, and after the effective date of the Annexation.

## **Section 5.8-100 Non-Conforming Uses – Determination, Continuance, Expansion or Modification**

### **5.8-105 Purpose**

- A. This Section:**
  - 1. Provides for the regulation of legally created: non-conforming uses; buildings and/or structures; and lots of record; and**
  - 2. Specifies those circumstances and conditions under which a non-conforming situation may be permitted to continue and/or expand.**
- B. Approval of a Variance as specified in Section 5.21-100 shall not be considered to make a use, building or structure, or lot of record non-conforming.**

### **5.8-110 Review**

- A. A request for non-conforming use status is reviewed under Type I procedure.**
- B. A request for an expansion or modification of a non-conforming use and/or the expansion of a non-conforming building or structure is reviewed under Type II procedure, unless the Director determines that the application should be reviewed as a Type III decision by the Planning Commission or Hearings Official due to the complexity of the application or the need for discretionary review.**

### **5.8-115 Determination of Non-Conforming Use Status**

A non-conforming use is an activity involving land, buildings, and/or structures for purposes which were legally established prior to the May 5, 1986, but which do not fully comply with the current development regulations, or subsequent amendments to this Code. These activities would not be permitted by this Code as a new use in the zone in which it is currently located. The Director shall make a determination regarding the legal status of a non-conforming use using the following approval criteria. The burden of proof is upon the property owner.

- A. The applicant shall submit any of the following items as proof that the use was permitted by this Code at the time it was adopted or amended:**
  - 1. Copies of building and/or land use permits issued at the time the use was established; and/or**
  - 2. Copies of zoning code provisions and/or zoning maps.**
- B. The applicant shall submit any of the following as proof that the use has been in operation over time and has not been abandoned as specified in Section 5.8-130:**
  - 1. Utility bills;**
  - 2. Income/property tax records;**

3. Business licenses;
4. Listings in telephone, business directories;
5. Advertisements in dated publications, e.g., trade magazines;
6. Building, land use or development permits and/or
7. Any other information which the applicant believes is relevant.

#### **5.8-120 Continuance**

A non-conforming building, structure or use may continue so long as it remains otherwise lawful as specified below:

- A. A non-conforming building or structure, which:
  1. Requires routine maintenance and repairs may be repaired in compliance with the Building Safety Codes;
  2. Is determined to be substandard by the Building Official may be restored to a safe condition in compliance with the Building Safety Codes; or
  3. Suffers any damage may be restored to its original condition, provided development approval is obtained, where applicable, and a Building Permit is issued within the time line specified in Section 5.8-130.
- B. A non-conforming use within a building or structure discussed in Subsection A., above may continue until abandoned as specified in Section 5.8-130.
- C. Existing single-wide manufactured dwellings on individual lots/parcels in Glenwood and in the Adams Plat area may be replaced with a single-wide manufactured dwelling of approximately the same size within the time line specified in Section 5.8-130.
- D. Agriculture and agricultural uses and structures on land in Glenwood permitted under Section 9.384 of the Eugene Code prior to the adoption of the Glenwood Refinement Plan by the City on November 8, 1999, may continue until the land is annexed to the City at the request of the property owner.

#### **5.8-125 Expansion or Modification**

An expansion or modification of a non-conforming use and/or the expansion of a non-conforming building or structure resulting in an increased impact upon adjacent properties is considered an expansion of a non-conforming use. Approval may be granted only when the Director determines that there will be no significant impact of the expansion upon adjacent properties. The Director may require approval conditions to mitigate a significant impact. The applicant shall demonstrate all of the following applicable approval criteria have been met:

- A. For residential zones, the expansion shall not lessen the residential character of the residential zone taking into account factors, including but not limited to:

1. Building scale, placement, and facade;
  2. On-site parking placement;
  3. Vehicle trips to the site and impact on surrounding on-street parking;
  4. Buffering and the potential loss of privacy to abutting residential uses; and
  5. On-site lighting.
- B.** For zones other than residential, there shall be no significant impact compared to the current use or building or structure on the surrounding area taking into account factors, including but not limited to:
1. The hours of operation;
  2. An increase in building size or height;
  3. On-site parking placement;
  4. Vehicle trips to the site and impact on surrounding on-street parking;
  5. Noise, vibration, dust, odor, fumes, glare, smoke and on-site lighting; and
  6. The amount, location, and nature of any outside displays, storage, or activities.
- C. EXCEPTIONS:** The following situations shall not be considered to be an expansion or modification of a non-conforming use:
1. An existing building or structure conforming to use, but non-conforming as to height, setback and other dimensional standards, may be expanded or modified, provided the expansion or modification does not result in an increased violation of this Code.
  2. The replacement of a single-wide manufactured dwelling as may be permitted in Section 5.8-120C.

#### **5.8-130 Abandonment**

- A.** Any non-conforming use which is discontinued for 6 months or more, or any non-conforming building or structure which is not occupied or used for 6 months or more, shall be deemed abandoned and lose its status as a non-conforming use, building or structure on:
1. The date the building or structure is vacated; and/or
  2. The date the use ceases.

- B. Any subsequent use or development shall be in compliance with the provisions of this Code.

#### **5.8-135 Lots of Record**

A lot of record is any legally approved lot/parcel which, at the time it was created, fully complied with all applicable laws and Ordinances of the City, or Lane County for those lots/parcels within the City's urbanizable area, but which is now non-conforming because the lot/parcel does not fully comply with the current provisions of this Code or any amendment to this Code.

- A. Any lot of record that is non-conforming due to area, width and/or depth is a buildable lot/parcel, provided that the development standards of this Code can be met. For example, if a setback standard cannot be met due to lot/parcel area, a Variance to the setback standards of the applicable zoning district as specified in Section 5.21-100 is required prior to the issuance of a Building Permit.
- B. Any lot of record that is non-conforming due to a public facility deficiency, including but not limited to, unimproved streets, lack of sidewalks, sanitary sewers or storm water facilities may be further developed as specified in this Code. However, the public facility deficiency shall be addressed at the time of development.
- C. The dedication of right-of-way during the development review process shall not be considered to create a non-conforming lot/parcel due to lot/parcel size or dimension.

#### **5.8-140 Exemptions**

- A. Residential buildings and uses existing and legally permitted, or permitted under Discretionary Use approval in the LMI zoning district or LMI plan designation in Glenwood as of January 27, 1982 shall be exempt from Sections 5.8-115, 5.8-120 and 5.8-125. Commercial and industrial buildings and uses existing and legally permitted or permitted under Discretionary Use approval in the LMI zoning district or LMI plan designation in Glenwood as of December 7, 1998 shall be exempt from Sections 5.8-115, 5.8-120 and 5.8-125.
- B. Any proposed expansion on property zoned or designated LMI that has a use listed under HI, as specified in Section 3.2-410, and abuts any residential use shall require Site Plan Review approval. The exemption shall apply as follows: to expansions, regardless of the direction, of buildings or land or both; and expansions onto contiguous properties under the same ownership.

#### **5.8-145 Vested Rights – Completion of a Non-Conforming Building or Structure**

- A. A building or structure that has received a valid Building Permit prior to the adoption of this Code or subsequent amendments to it may be completed in accordance with the terms of that Building Permit and used for the purpose for which it was permitted. The structure and its use shall then be considered non-conforming. The burden of proof is on the applicant to demonstrate that the structure has received a valid Building Permit.

- B.** If a Building Permit is revoked by the Building Official or for any reason becomes void, all rights granted by this Section are terminated and the project shall then be required to conform to all the provisions of this Code.

**5.8-150 Ballot Measure 37 Demands**

Notwithstanding the foregoing provisions and regulations of this Section, any waivers to the provisions of this Code granted by the City Council in response to a Demand for compensation, as may be permitted as specified in the Springfield Municipal Code, 1997, shall supersede the provisions and regulations of this Section and is transferable to a future purchaser of the property to the extent required by ORS 197.352.



## Section 5.9-100 Discretionary Uses

### 5.9-105 Purpose

There are certain uses which, due to the nature of their impact on nearby uses and public facilities, require a case-by-case review and analysis at the Planning Commission or Hearings Official level. These impacts, include but are not limited to, the size of the area required for the full development of a proposed use, the nature of the traffic problems incidental to operation of a use, and the effect the use may have on any nearby existing uses. To mitigate these and other possible impacts, conditions may be applied to address potential adverse effects associated with the proposed use. This Section provides standards and procedures under which a Discretionary Use may be permitted, expanded or altered.

### 5.9-110 Siting of Schools

Schools are identified in the Metro Plan as key urban services, which shall be provided in an efficient and logical manner to keep pace with demand. Schools may be located in any zone that permits schools. The siting of public and private elementary, middle and high schools shall require Discretionary Use approval, unless exempted elsewhere in this Code. The criteria for the siting of schools shall be as specified in Section 4.7-195, rather than the criteria in Section 5.9-120.

### 5.9-115 Review

- A. New Discretionary Uses are reviewed under Type III procedure. Typically, a Discretionary Use application is reviewed concurrently with a Site Plan application. However, upon request from the applicant, the Director may allow the Discretionary Use application to be processed first.
- B. Expansions and alterations are reviewed under:
  - 1. Type I or Type II Site Plan Modification procedures as specified in Section 5.17-145, if the Director determines that there will be no adverse impact on adjoining land uses; or
  - 2. Type III Discretionary review, if the Director determines that there may be an adverse impact on adjoining land uses.

### 5.9-120 Criteria

A Discretionary Use may be approved only if the Planning Commission or Hearings Official finds that the proposal conforms with the Site Plan Review approval criteria specified in Section 5.17-125, where applicable, and the following approval criteria:

- A. The proposed use conforms with applicable:
  - 1. Provisions of the Metro Plan;
  - 2. Refinement plans;

3. Plan District standards;
  4. Conceptual Development Plans or
  5. Specific Development Standards in this Code;
- B.** The site under consideration is suitable for the proposed use, considering:
1. The location, size, design and operating characteristics of the use (operating characteristics include but are not limited to parking, traffic, noise, vibration, emissions, light, glare, odor, dust, visibility, safety, and aesthetic considerations, where applicable);
  2. Adequate and safe circulation exists for vehicular access to and from the proposed site, and on-site circulation and emergency response as well as pedestrian, bicycle and transit circulation;
  3. The natural and physical features of the site, including but not limited to, riparian areas, regulated wetlands, natural stormwater management/drainage areas and wooded areas shall be adequately considered in the project design; and
  4. Adequate public facilities and services are available, including but not limited to, utilities, streets, storm drainage facilities, sanitary sewer and other public infrastructure.
- C.** Any adverse effects of the proposed use on adjacent properties and on the public can be mitigated through the:
1. Application of other Code standards (including, but not limited to: buffering from less intensive uses and increased setbacks);
  2. Site Plan Review approval conditions, where applicable;
  3. Other approval conditions that may be required by the Approval Authority; and/or
  4. A proposal by the applicant that meets or exceeds the cited Code standards and/or approval conditions.
- D.** Applicable Discretionary Use criteria in other Sections of this Code:
1. Wireless telecommunications systems facilities requiring Discretionary Use approval are exempt from Subsections A.-C., above but shall comply with the approval criteria specified in Section 4.3-145.
  2. Alternative design standards for multi-family development are exempt from Subsections A.-C., above but shall comply with the approval criteria specified in Section 3.2-245.

3. Fences requiring Discretionary Use approval are exempt from Subsections A.-C., above but shall comply with the approval criteria specified in Section 4.4-115C.
4. The siting of public elementary, middle and high schools requiring Discretionary Use approval is exempt from Subsections A.-C., above but shall comply with the approval criteria specified in Section 4.7-195.

#### **5.9-125 Conditions**

The Approval Authority may attach conditions as may be reasonably necessary in order to allow the Discretionary Use approval to be granted.

## Section 5.10-100 Emergency Medical Hardship

### 5.10-105 General

#### A. Purpose.

1. The Emergency Medical Hardship allows the placement of temporary living quarters, on a lot/parcel with a habitable primary dwelling, for a person who is determined by a licensed physician, as specified in Subsection D.2.a, below to be either:
  - a. Terminally ill; or
  - b. Recuperating from an illness, surgery or injury; and
  - c. The person is not physically or mentally capable of self maintenance and is dependent upon a care provider being on site for assistance.
2. Temporary means a period of 24 months, unless otherwise permitted in Subsection G., below. The 24 month period includes an approval time line of 12 months with an opportunity to obtain up to two 6 month time line extensions at the staff level.
3. Temporary living quarters means a road worthy, licensed and insured recreational vehicle (RV) as defined in Chapter 6.

**EXCEPTION:** Tent trailers shall not be permitted as a temporary living quarters.

4. The temporary living quarters shall be occupied only by the person requiring medical assistance, or the care provider.
5. The care provider shall be a person who lives on-site, either in the primary dwelling, or the temporary living quarters, and provides necessary medical procedures, monitoring and attention to the person requiring that care on a 24-hour basis.

**B. Applicability.** The Emergency Medical Hardship process is permitted only on lots/parcels designated Low Density Residential (LDR) and zoned LDR within the city limits or LDR/UF-10 within the City's urban service area.

**C. Review.** The initial application and any time line extensions are reviewed under Type II procedure.

**D. Submittal Requirements.**

1. The application shall include a plot plan, drawn to scale, showing:

- a. Existing structures on the lot/parcel and their setbacks from property lines;
  - b. The proposed location of the temporary living quarters and its setback from property lines and other structures on the lot/parcel;
  - c. The required utility connections for the temporary living quarters; and
  - d. The location of proposed fences to screen the temporary living quarters that face public rights-of-way.
  - e. For those applications within the City's urban service area, the plot plan shall also show the location of any wells, septic tanks and drain fields.
2. The application shall also include:
- a. A written medical report from a licensed physician on official letterhead that includes:
    - i. The nature of the patient's medical condition and whether the patient is terminally ill or recuperating from an illness, surgery or injury;
    - ii. A statement explaining why the patient is not physically or mentally capable of self-maintenance and is, therefore, dependent upon a care provider being on-site for assistance; and
    - iii. Additional supporting documentation from other medical practitioners who may be treating the patient, when applicable.
  - b. A statement from the applicant addressing:
    - i. Whether the person requiring medical assistance or the care provider will reside in the temporary living quarters;
    - ii. The type of temporary living quarters proposed, either: a motor home, residential trailer, a travel trailer, truck camper or other RV as defined in Chapter 6 unless exempted in this Section;
    - iii. Proof that the temporary living quarters is licensed and insured; and
    - iv. A statement explaining why the circumstances are temporary in nature (estimated at 12 months or less) and what steps are being undertaken to address the

circumstances prior to the elapsing of 12 months, or any extension thereof.

**E. Criteria.** The Director shall grant approval of the emergency medical hardship application if all of the following criteria are met, including any conditions imposed in accordance with Subsection F., below.

- 1.** The licensed physician's written medical report shall address the information required in Subsection D.2.a., above.
- 2.** The temporary living quarters shall house either the person requiring medical assistance or the care provider.
- 3.** The temporary living quarters shall be located on the same legal lot/parcel as the primary dwelling. Only one temporary living structure is allowed on a lot/parcel.
- 4.** The temporary living quarters shall not be permitted within the front yard or street side yard setback.
- 5.** All residential trailers and other similar units used as temporary living quarters shall be connected to sewer, water and electrical services as proscribed by the Oregon State Building Code as adopted by the City.
- 6.** All travel trailers and other similar units used as temporary living quarters shall have utility connections consistent with State law requirements for these units as in RV parks.

**F. Conditions.**

- 1.** The Director shall impose the following conditions of approval for all medical hardship applications:
  - a.** There shall be no change in occupancy of the temporary living quarters under the permit; either the person requiring care or the care provider shall reside within the temporary living quarters.
  - b.** The temporary living quarters use is limited to the use permitted in this Section and is not transferable to other persons or property. Under no circumstance shall temporary living quarters be used as a rental unit.
  - c.** The temporary living quarters use shall cease upon the occurrence of the first of the following events:
    - i.** The medical hardship no longer exists; in this case, the temporary living quarters shall be removed within 30 calendar days of cessation of the provision of care; or

- ii. Within 12 months of the date of application approval, unless there is an approved extension as specified in Subsection G., below.

2. The Director may impose additional conditions of approval to the extent necessary to satisfy the criteria of Subsection E., above, to comply with all applicable standards of this Code and to mitigate identified negative impacts to surrounding properties.

**G. Time line extensions.** A request for an extension will not require a new application; however, a written request shall be submitted to the Director 30 days prior to the expiration of the initial 12 month approval time line. The request shall include written verification from a licensed physician stating that the person requiring care as specified in Subsection D.2.a., above continues to need care. Staff shall review the request to ensure that the applicant remains compliant with the approval criteria specified in Subsection E., above and any conditions of approval required under Subsection F., above. Upon expiration of the initial 12 month approval time line, the temporary living unit may be extended as follows:

1. Staff approved time line extensions. The applicant may obtain no more than two 6 month time line extensions from staff.

**EXCEPTION:** Temporary living quarters approved prior to the date of this amended Section may continue beyond the original approval time line on a yearly basis until the need no longer exists.

2. Criteria of approval for time line extensions. Staff approval of any time line extension request is based upon:
  - a. The physician's verification of condition that the patient still requires care; and
  - b. Staff's verification that the temporary living quarters is still in compliance with the initial conditions of approval.

**H. Compliance.** The temporary living quarters shall maintain compliance with all conditions of approval. Violation of the provisions of this Section, or determination that the need can no longer be verified, is the basis for termination of approval.

## Section 5.11-100 Interpretations

### 5.11-105 Purpose

The purpose of an Interpretation is to:

- A. Consider the applicability of new uses within each zoning district that are not specifically identified in this Code;
- B. Clarify the meaning of terms or phrases found in this Code; or
- C. Clarify planning policy contained in this Code, adopted refinement plans or the Metro Plan, or other policy documents.

### 5.11-110 Authority

The Director shall have the initial authority and responsibility to interpret the appropriateness of new uses and the meaning of all terms and phrases in this Code. The City Council shall have the authority to interpret planning policy contained in this Code, adopted refinement plans or the Metro Plan, or other policy documents.

### 5.11-115 Review

A request for an Interpretation of this Code concerning new uses and terms and phrases is reviewed under Type II procedure, unless the Director determines that the application should be reviewed as a Type III decision by the Planning Commission or Hearings Official due to the complexity of the application or the need for discretionary review. Planning policy issues that include, but are not limited to this Code, adopted refinement plans or the Metro Plan is reviewed under Type IV procedure.

### 5.11-120 Interpretation of New Uses

- A. Application Submittal. The request shall include information on the following characteristics of the new use:
  - 1. A description of proposed structures and the operational characteristics of the new use.
  - 2. Where commercial and industrial uses are involved, the following topics are considered:
    - a. Emission of smoke, dust, fumes, vapors, odors, and gases;
    - b. Use, storage and/or disposal of flammable or explosive materials;
    - c. Glare;
    - d. Use of hazardous materials that may impact groundwater quality;
    - e. Noise;



- f. The potential for ground vibration; and
  - g. The amount and type of traffic to be generated, parking required and hours of operation.
3. Where residential uses are involved, the following topics are considered:
- a. Density; and
  - b. The amount and type of traffic to be generated and parking required.
- B. Criteria.** A new use may be considered to be a permitted use when, after consultation with the City Attorney or other City staff, the Director determines that the new use:
- 1. Has the characteristics of one or more use categories currently listed in the applicable zoning district;
  - 2. Is similar to other permitted uses in operational characteristics, including but not limited to, traffic generation, parking or density; and
  - 3. Is consistent with all land use policies in this Code which are applicable to the particular zoning district.

#### **5.11-125 Interpretation of Terms or Phrases**

- A. Application Submittal.** The request shall include:
- 1. The particular term or phrase requiring Interpretation; and
  - 2. The applicant's statement describing what the particular term or phrase means.
- B. Criteria.** The Director shall interpret a term or phrase, after consultation with the City Attorney and City staff. The meaning of any term or phrase:
- 1. Shall be consistent with the purpose and intent of this Code, including any Chapter or Section to which the term or phrase is related;
  - 2. May be determined by legislative history, including staff reports and public hearing tapes and minutes; and
  - 3. Shall be consistent with any dictionary of common usage, if criteria 1. and/or 2., above cannot be applied.

#### **5.11-130 Interpretations Reviewed Under Type III and Type IV Procedure**

- A.** Interpretations that the Director may elevate from a Type II to a Type III review shall follow the approval criteria specified in either Section 5.11-120 or 5.11-125 depending upon the nature of the interpretation requested. In addition, the Planning Commission or Hearings Official shall consider the Metro Plan and any refinement plans or other policy documents of the City, where applicable.
- B.** The Planning Commission or Hearings Official, upon a finding in support of a particular interpretation, shall make a decision and may impose reasonable conditions to ensure compliance with the approval criteria.
- C.** Where there is an interpretation of planning policy, the matter is forwarded to the City Council:
  - 1.** For consideration on the record;
  - 2.** To consider appropriate revisions to this Code to resolve the question; or
  - 3.** To revise or supplement a policy issue.

#### **5.11-135 Effect of a Decision**

An approved interpretation is effective on the date of approval, unless appealed. An approved interpretation may be superseded by a subsequent interpretation or a Code amendment.

## Section 5.12-100 Land Divisions - Partitions and Subdivisions

### 5.12-105 Purpose and Applicability

- A. Purpose.** The purpose of the Partition and Subdivision process is to: Facilitate and enhance the value of development; Maintain the integrity of the City's watercourses by promoting bank stability, assisting in flood protection and flow control, protecting riparian functions, minimizing erosion, and preserving water quality and significant fish and wildlife areas; Minimize adverse effects on surrounding property owners and the general public through specific approval conditions; Ensure the provision of public facilities and services; Provide for connectivity between different uses; Utilize alternative transportation modes including walking, bicycling and mass transit facilities; Implement the Metro Plan, applicable refinement plans, specific area plans and specific development plans; Minimize adverse effects on surrounding property owners and the general public through specific approval conditions; and Otherwise protect the public health and safety.
- B.** The Partition process regulates land divisions that create two or three parcels within a calendar year. If the Director determines that a property proposed to be partitioned has been, or is in the process of being divided into four or more lots, full compliance with the Subdivision regulations specified in this Code may be required.
- C.** The Subdivision process regulates land divisions that create four or more lots within a calendar year.
- D. Applicability.**
1. The Partition process applies within the city limits and the City's urbanizable area. Generally, no more than 3 parcels may be created from one tract of land in the City's urbanizable area until annexation, as specified in Section 5.12-125I.2.b.iii.
  2. The Subdivision process applies only within the city limits.
  3. No lot/parcel may be created without being divided as specified in this Code.
  4. No development permit will be issued by the City prior to approval of the Partition or Subdivision Tentative Plan application.

**EXCEPTION:** As may be permitted in the Springfield Municipal Code, 1997 and/or by Resolution No. 03-40, the Director may issue a Land and Drainage Alteration Permit prior to approval of the Partition or Subdivision Tentative Plan.

### 5.12-110 Tentative Plan Review

Tentative Plans are reviewed under Type II procedure.

#### **5.12-115 Tentative Plan – General**

Any residential land division shall conform to the following standards:

- A.** The lot/parcel dimensions shall conform to the minimum standards of this Code. When lots/parcels are more than double the minimum area permitted by the zoning district, the Director shall require that these lots/parcels be arranged:
  - 1.** To allow redivision; and
  - 2.** To allow for the extension of streets to serve future lots/parcels.
  - 3.** Placement of structures on the larger lots/parcels shall be subject to approval by the Director upon a determination that the potential maximum density of the larger lot/parcel is not impaired. In order to make this determination, the Director may require a Future Development Plan as specified in Section 5.12-120E.
- B.** Double frontage lots/parcels shall be avoided, unless necessary to prevent access to residential development from collector and arterial streets or to overcome specific topographic situations.
- C.** Panhandle lots/parcels shall comply with the standards specified in Sections 3.2-215 and 4.2-120A. In the case of multiple panhandles in Subdivisions, construction of necessary utilities to serve all approved panhandle lots/parcels shall occur prior to recording the Plat.
- D.** Block length for local streets is as specified in Section 4.2-115.

#### **5.12-120 Tentative Plan Submittal Requirements**

A Tentative Plan application shall contain the elements necessary to demonstrate that the provisions of this Code are being fulfilled.

**EXCEPTION:** In the case of Partition applications with the sole intent to donate land to a public agency, the Director, during the Pre-Submittal Meeting, may waive any submittal requirements that can be addressed as part of a future development application.

- A.** General Requirements.
  - 1.** The Tentative Plan, including any required Future Development Plan, shall be prepared by an Oregon Licensed Land Surveyor on standard sheets of 18" x 24". The services of an Oregon registered Engineer may also be required by the City in order to resolve utility issues (especially stormwater management, street design and transportation issues), and site constraint and/or water quality issues.
  - 2.** The scale of the Tentative Plan shall be appropriate to the area involved and the amount of detail and data, normally 1" = 50', 1" = 100', or 1" = 200'.

3. A north arrow and the date the Tentative Plan was prepared.
  4. The name and address of the owner, applicant, if different, and the Land Surveyor and/or Engineer who prepared the Partition Tentative Plan.
  5. A drawing of the boundaries of the entire area owned by the partitioner or subdivider of which the proposed land division is a part.
  6. City boundaries, the Urban Growth Boundary (UGB) and any special service district boundaries or railroad right-of-way, which cross or abut the proposed land division.
  7. Applicable zoning districts and the Metro Plan designation of the proposed land division and of properties within 100 feet of the boundary of the subject property.
  8. The dimensions (in feet) and size (either in square feet or acres) of each lot/parcel and the approximate dimensions of each building site, where applicable, and the top and toe of cut and fill slopes to scale.
  9. The location, outline to scale and present use of all existing structures to remain on the property after platting and their required setbacks from the proposed new property lines.
  10. The location and size of existing and proposed utilities and necessary easements and dedications on and adjacent to the site, including but not limited to sanitary sewer mains, stormwater management systems, water mains, power, gas, telephone, and cable TV. Indicate the proposed connection points.
  11. The locations widths and purpose of all existing or proposed easements on and abutting the proposed land division; the location of any existing or proposed reserve strips.
  12. The locations of all areas to be dedicated or reserved for public use, with the purpose, condition or limitations of the reservations clearly indicated.
- B. 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 one-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. Information required for adjacent properties may be generalized to show the connections to physical features. A Site Assessment shall contain the following information.**
1. The name, location, dimensions, direction of flow and top of bank of all watercourses that are shown on the Water Quality Limited Watercourses (WLQW) Map on file in the Development Services Department;

2. 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;
  3. The Time of Travel Zones, as specified in Section 3.3-200 and delineated on the Wellhead Protection Areas Map on file in the Development Service Department;
  4. Physical features including, but not limited to significant clusters of trees and shrubs, watercourses shown on the (WLQW) Map and their riparian areas, wetlands, and rock outcroppings; and
  5. Soil types and water table information as mapped and specified in the *Soils Survey of Lane County*.
- C. A Stormwater Management Plan drawn to scale with existing contours at one-foot intervals and percent of slope that precisely maps and addresses the information described below. In areas where the percent of slope is 10 percent or more, contours may be shown at five-foot intervals. This plan shall show the stormwater management system for the entire development area. Unless exempt by the Public Works Director, the City shall require that an Oregon licensed Civil Engineer prepare the plan. Where plants are proposed as part of the stormwater management system, an Oregon Licensed Landscape Architect may also be required. The plan shall include the following components:
1. Roof drainage patterns and discharge locations;
  2. Pervious and impervious area drainage patterns;
  3. The size and location of stormwater management systems components, including but not limited to: drain lines, catch basins, dry wells and/or detention ponds; stormwater quality measures; and natural drainageways to be retained;
  4. Existing and proposed site elevations, grades and contours; and
  5. A stormwater management system plan with supporting calculations and documentation as required in Section 4.3-110 shall be submitted supporting the proposed system. The plan, calculations and documentation shall be consistent with the *Engineering Designs Standards and Procedures Manual* to allow staff to determine if the proposed stormwater management system will accomplish its purposes.
- D. A Response to Transportation issues complying with the provisions of this Code.
1. The locations, condition, e.g., fully improved with curb, gutter and sidewalk, AC mat, or gravel, widths and names of all existing streets, alleys, or other rights-of-way within or adjacent to the proposed land division;

2. The locations, widths and names of all proposed streets and other rights-of-way to include the approximate radius of curves and grades. The relationship of all proposed streets to any projected streets as shown on the Metro Plan, including the TransPlan, any approved Conceptual Development Plan and the latest version of the Conceptual Local Street Map;
  3. The locations and widths of all existing and proposed sidewalks, pedestrian trails and accessways, including the location, size and type of plantings and street trees in any required planter strip;
  4. The location of existing and proposed traffic control devices, fire hydrants, power poles, transformers, neighborhood mailbox units and similar public facilities, where applicable;
  5. The location and dimensions of existing and proposed driveways, where applicable;
  6. The location of existing and proposed street lighting: including the type, height and area if illumination;
  7. The location of existing and proposed transit facilities;
  8. A copy of a Right-of-Way Approach Permit application where the property has frontage on an Oregon Department of Transportation (ODOT) facility; and
  9. A Traffic Impact Study prepared by a Traffic Engineer, where necessary, as specified in Section 4.2-105A.4.
- E. A Future Development Plan. Where phasing or large lots/parcels are proposed, the Tentative Plan shall include a Future Development Plan that:
1. Indicates the proposed redivision, including the boundaries and sequencing of each proposed redivision at minimum urban density for proposed phasing, any lot/parcel that is large enough to further divide, or a plot plan showing building foot prints for MDR and HDR minimum densities;
  2. Addresses street connectivity between the various phases of the proposed development based upon compliance with TransPlan, the Regional Transportation Plan (RTP), applicable Refinement Plans, Plan Districts, Master Plans, Conceptual Development Plans, or the Conceptual Local Street Map and this Code;
  3. Accommodates other required public improvements, including but not limited to, sanitary sewer stormwater management, water and electricity;
  4. Addresses physical features, including but not limited to, significant clusters of trees and shrubs, watercourses shown on the Water Quality

Limited Watercourse Map and their associated riparian areas, wetlands, rock outcroppings and historic features; and

5. Discusses the timing and financial provisions relating to phasing.
- F. Additional information and/or applications required at the time of Tentative Plan application submittal shall include the following items, where applicable:
1. A brief narrative explaining the purpose of the proposed land division and the existing use of the property.
  2. If the applicant is not the property owner, written permission from the property owner is required.
  3. A Vicinity Map drawn to scale showing bus stops, streets, driveways, pedestrian connections, fire hydrants and other transportation/fire access issues within 200 feet of the proposed land division and all existing Partitions or Subdivisions immediately adjacent to the proposed land division.
  4. How the Tentative Plan addresses the standards of any applicable overlay District.
  5. How the Tentative Plan addresses Discretionary Use criteria, where applicable.
  6. A Tree Felling Permit as specified in Section 5.19-100.
  7. A Geotechnical Report for slopes of 15 percent or greater and as specified in Section 3.3-500, and/or if the required Site Assessment Section 5.12-120 indicates the proposed development area has unstable soils and/or high water table as specified in the *Soils Survey of Lane County*.
  8. An Annexation application as specified in Section 5.7-100 where a development is proposed outside of the city limits but within City's urban service area and can be serviced by sanitary sewer.
  9. A wetland delineation approved by the Department of State Lands shall be submitted concurrently where there is a wetland on the property.
  10. Evidence that any required Federal or State permit has been applied for or approved shall be submitted concurrently.
  11. All public improvements proposed to be installed and to include the approximate time of installation, and method of financing.
  12. A title report prepared within one month of the date of submittal.
  13. Proposed deed restrictions and a draft of a Homeowner's Association Agreement, where appropriate.



- 14.** If the land division is to be phased, a Future Development Plan for the remainder of the property shall be provided, including timing and financial provisions.
- G.** The locations and widths of all existing and proposed sidewalks, pedestrian trails and accessways, including the location, size and type of plantings and street trees in any required planter strip.
- H.** The approximate lot/parcel layout and the approximate dimensions of each building site, where applicable, and the top and toe of cut and fill slopes to scale.
- I.** The locations and size of all existing and proposed utilities, including but not limited to, sanitary sewer mains, storm drains, water lines, electric, telephone, TV cable, and gas lines. In the case of multiple panhandles, include a utility plan showing how the multiple panhandle parcels will be served by these utilities.
- J.** The location, widths and purpose of all existing or proposed easements on and abutting the proposed land division; and the location of any existing or proposed reserve strips.
- K.** The locations of all areas to be dedicated or reserved for public use, with the purpose, condition or limitations of the reservations clearly indicated.
- L.** The dimensions of the proposed lots/parcels to include square footage calculations.
- M.** The location and outline to scale of all existing structures to remain on the property and their required setbacks from the proposed new property lines.
- N.** Cluster Subdivisions shall also address the design standards specified in Section 3.2-230.
- O.** Where the Subdivision of a manufactured dwelling park or mobile home park is proposed, the Director may waive certain submittal requirements specified in Subsections A. through M. However, the Tentative Plan shall address the applicable standards listed under the park Subdivision approval criteria specified in Section 5.12-125.

#### **5.12-125 Tentative Plan Criteria**

The Director shall approve or approve with conditions a Tentative Plan application upon determining that all applicable criteria have been satisfied. If conditions cannot be attached to satisfy the approval criteria, the Director shall deny the application. In the case of Partitions that involve the donation of land to a public agency, the Director may waive any approval criteria upon determining the particular criterion can be addressed as part of a future development application.

- A.** The request conforms to the provisions of this Code pertaining to lot/parcel size and dimensions.

- B. The zoning is consistent with the Metro Plan diagram and/or applicable Refinement Plan diagram, Plan District map, and Conceptual Development Plan.
- C. Capacity requirements of public and private facilities, including but not limited to, water and electricity; sanitary sewer and stormwater management facilities; and streets and traffic safety controls shall not be exceeded and the public improvements shall be available to serve the site at the time of development, unless otherwise provided for by this Code and other applicable regulations. The Public Works Director or a utility provider shall determine capacity issues.
- D. The proposed land division shall comply with all applicable public and private design and construction standards contained in this Code and other applicable regulations.
- E. Physical features, including, but not limited to: steep slopes with unstable soil or geologic conditions; areas with susceptibility of flooding; significant clusters of trees and shrubs; watercourses shown on the WQLW Map and their associated riparian areas; wetlands; rock outcroppings; open spaces; and areas of historic and/or archaeological significance, as may be specified in Section 3.3-900 or ORS 97.740-760, 358.905-955 and 390.235-240, shall be protected as specified in this Code or in State or Federal law.
- F. Parking areas and ingress-egress points have been designed to: facilitate vehicular traffic, bicycle and pedestrian safety to avoid congestion; provide connectivity within the development area and to adjacent residential areas, transit stops, neighborhood activity centers, and commercial, industrial and public areas; minimize driveways on arterial and collector streets as specified in this Code or other applicable regulations and comply with the ODOT access management standards for State highways.
- G. Development of any remainder of the property under the same ownership can be accomplished as specified in this Code.
- H. Adjacent land can be developed or is provided access that will allow its development as specified in this Code.
- I. Where the Partition of property that is outside of the city limits but within the City's urbanizable area and no concurrent annexation application is submitted, the standards specified below shall also apply.
  - 1. The minimum area for the partitioning of land in the UF-10 Overlay District shall be 10 acres.
  - 2. **EXCEPTIONS:**
    - a. Any proposed new parcel between 5 and 10 acres shall require a Future Development Plan as specified in Section 5.12-120E. for ultimate development with urban densities as required in this Code.

**b.** In addition to the standards of Subsection 2.a., above, any proposed new parcel that is less than 5 acres shall meet one of the following standards:

- i.** The property to be partitioned shall be owned or operated by a governmental agency or public utility; or
- ii.** A majority of parcels located within 100 feet of the property to be partitioned shall be smaller than 5 acres.
- iii.** No more than 3 parcels shall be created from one tract of land while the property remains within the UF-10 Overlay District.

**EXCEPTION:** Land within the UF-10 Overlay District may be partitioned more than once as long as no proposed parcel is less than 5 acres in size.

**J.** Where the Subdivision of a manufactured dwelling park or mobile home park is proposed, the following approval criteria apply:

- 1.** The park was approved before July 2, 2001 and is in compliance with the standards in Section 3.2-235 or other land use regulations in effect at the time the site was approved as a manufactured dwelling park or mobile home park; or the park is an approved non-conforming use. In the latter case, a park is in compliance if the City has not issued a notice of noncompliance on or before July 2, 2001.
- 2.** The number of lots proposed shall be the same or less than the number of mobile home spaces previously approved or legally existing in the park.
- 3.** The external boundary or setbacks of the park shall not be changed.
- 4.** The use of lots, as shown on the Tentative Plan, shall be limited to the installation of manufactured dwellings; i.e., "stick-built" houses are prohibited.
- 5.** Any other area in the Subdivision other than the proposed lots shall be used as common property, unless park streets have previously been dedicated to the City or there are public utilities in the park. All common property shall be addressed in a Homeowner's Association Agreement.
  - a.** Areas that are used for vehicle circulation (streets), driveways that serve more than two lots/parcels or common parking areas, shall be shown in a Tract or easement on the Tentative Plan.
  - b.** All other services and utilities that serve more than one lot shall be in a Tract or easement. Where a service or utility serves only one lot, but crosses another, that service or utility shall also be in an easement shown on the Tentative Plan.

- c. Existing buildings in the park used for recreational, meetings or other purposes for the park residents shall be in a Tract shown on the Tentative Plan.
- 6. Any public utilities shall be within a public utility easement.
  - 7. If public utilities or services are required to serve the Subdivision, the park owner shall sign and execute a waiver of the right to remonstrate against the formation of a local improvement district to provide the public utilities or services.

#### **5.12-130 Tentative Plan Conditions**

To the extent necessary to satisfy the approval criteria of Section 5.12-125, comply with all applicable provisions of this Code and to mitigate identified negative impacts to surrounding properties, the Director shall impose approval conditions. All conditions shall be satisfied prior to Plat approval. Approval conditions may include, but are not limited to:

- A. Dedication of right-of-way and/or utility easements.
  - 1. Right-of-way, when shown in: TransPlan; transportation elements of refinement plans; or on the most recent Conceptual Local Street Plan Map; and as specified in Table 4.2-1.
  - 2. Easements as specified in Section 4.3-140, when necessary to provide services, including, but not limited to: sanitary sewers, stormwater management, water and electricity, to the site and neighboring properties. The dedication of easements shall also include any easements required to access and maintain watercourses or wetlands that are part of the City's Stormwater Management System.
- B. Installation of a sight obscuring fence, and/or vegetative screen whenever a party of record or the Director identifies a land use conflict.
- C. Installation of traffic signals and signs; restricting access to and from arterial or collector streets; requiring a frontage road; restricting and strategically locating driveways; and/or requiring the joint use of driveways to serve two or more lots/parcels through a Joint Use/Access Agreement when transportation safety issues are identified by the Transportation Planning Engineer and/or a Traffic Impact Study.
- D. Modification of the layout of parcel lines caused by the location of streets, required stormwater management systems, including, but not limited to: swales and detention basins or when required by the Geotechnical report specified in Section 5.12-120.
- E. Installation of a noise attenuating barrier, acoustical building construction and/or site modifications as specified in Section 4.4-110, or similar measures approved by an acoustical engineer registered in the State of Oregon, to minimize negative affects on noise sensitive property from noise found to exceed acceptable noise

levels prescribed in the Oregon Administrative Rules or the Federal Highway Administration Noise Abatement Criteria.

- F. Phasing of development to match the availability of public facilities and services, including but not limited to, water and electricity; sanitary sewer and stormwater management facilities; and streets and traffic safety controls when these facilities and services are near capacity, as determined by the Public Works Director or the utility provider.
- G. Submittal of a Land and Drainage Alteration Permit.
- H. The Director may waive the requirement that buildable City lots/parcels have frontage on a public street when the following apply:
  - 1. The parcel or parcels have been approved as part of a land division application; and
  - 2. Access has been guaranteed via a private street to a public street or driveway by an irrevocable joint use-access agreement.
- I. Retention and protection of existing physical features and their functions, including but not limited to: significant clusters of trees and shrubs, watercourses shown on the WQLW Map and their riparian areas and wetlands, by:
  - 1. Planting replacement trees where encroachment is allowed into riparian areas shown on the WQLW Map on file in the Development Services Department;
  - 2. Re-vegetation, including, but not limited to: trees and native plants, of slopes, ridgelines, and stream corridors;
  - 3. Restoration of native vegetation;
  - 4. Removal of invasive plant species, based upon the Invasive Plants List on file in the Development Services Department;
  - 5. Relocating the proposed development on another portion of the site;
  - 6. Reducing the size of the proposed development; and/or
  - 7. Mitigation of the loss of physical features caused by the proposed development with an equivalent replacement either on site or on an approved site elsewhere within the City's jurisdiction, as approved by the Director.
- J. The applicant shall submit copies of required permits to demonstrate compliance with applicable: Federal programs, regulations and statutes; State programs, regulations and statutes; and/or local programs, regulations and statutes prior to the approval of the Plat. When a Federal or State agency issues a permit that substantially alters an approved Tentative Plan, the Director shall require the applicant to resubmit the Tentative Plan for additional review.

- K. Approval of a Stormwater Management Plan for the development demonstrating compliance with the applicable provisions of Section 4.3-110 and the *Engineering Design Standards and Procedures Manual*.
- L. Where there are multiple panhandles, compliance with approval criteria Section 5.12-125 shall require construction of necessary utilities to serve all approved panhandle parcels prior to recording the Plat.
- M. Where there is a land division with a concurrent annexation application, if there is an existing dwelling, that dwelling shall connect to sanitary sewer prior to recording the Plat.
- N. Where there is a land division with a panhandle parcel, if a noticed party requests screening, a solid screen, as specified in Section 4.4-110 shall be provided along the property line of the abutting property and the proposed panhandle driveway. If a fence is required, the standards of Section 4.4-115 shall apply.
- O. In the case of the Subdivision of a manufactured dwelling park or mobile home park, the following approval conditions shall be completed prior to the recording of the Subdivision Plat;
  1. A Homeowners' Association Agreement shall be submitted that discusses the maintenance for all common areas shown in Tracts, unless otherwise specified in the Tentative Plan decision;
  2. The recording of any required public or private easements;
  3. The signing of a remonstrance waiver and establishment of a local improvement district, if public utilities are required to serve the subdivision; and
  4. Any other condition of approval required during the Tentative Plan review process.
- P. In the case of a Partition of property that is outside of the city limits but within the City's urbanizable area and no concurrent annexation application is submitted, Annexation Agreement forms shall be signed and recorded by the property owner prior to recording the Partition Plat.
- Q. Cluster Subdivisions shall comply with the design standards specified in Section 3.2-230. Compliance may require a deed restriction.

<b>5.12-135 Plat Review</b>
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Plats are reviewed under Type I procedure.

**EXCEPTION:** Until the intergovernmental Agreement with Lane County regulating planning outside of the city limits, but within Springfield's UGB is amended, Partition Plats for Partitions within Springfield's UGB shall be reviewed and approved by the Lane County Surveyor.

## 5.12-140 Plat Submittal Requirements

### A. The Plat Pre-Submittal Meeting and Timelines.

1. For Partitions, the Plat Pre-Submittal Meeting shall be held within one year of the date of Tentative Plan approval.
2. For Subdivisions, the Plat Pre-Submittal Meeting shall be held within two years of the date of Tentative Plan approval.
3. In both cases, the mylars and application fee shall be submitted within 180 days of the Pre-Submittal Meeting. If the applicant has not submitted the Plat within these times, Tentative Plan approval shall become null and void and re-submittal of the Tentative Plan is required.
4. **EXCEPTIONS:**
  - a. The applicant may request an extension of the Partition Plat submittal time line for up to one year, and an extension of the Subdivision Plat time line for up to two years, in most situations. In either case, the applicant shall submit the request writing to the Director no later than 30 days prior to the expiration of the Tentative Plan approval and shall explain why the request is necessary and demonstrate how the Plat application will be submitted within the requested extension time line. The Director may grant or amend the request if a determination can be made that the applicant is making progress on the Plat application.
  - b. For a Subdivision subject to Master Plan approval, where Subdivision Tentative Plan approval is granted for the entire Subdivision and then portions are allowed to be platted in phases over time, the Director may allow consecutive two year periods for the completion of each phase up to and not to exceed the duration of the Master Plan. This issue shall be addressed as a condition of Subdivision Tentative Plan approval under Section 5.12-130. Where the agreed to Plat submittal time line can not be met, the applicant may submit a time line extension for Subdivision Plats as specified in Subsection a., above.

### B. The Plat submittal shall:

1. Be surveyed and monumented as specified in ORS Chapters 92 and 209;
2. Include documentation addressing all conditions of Tentative Plan approval. Conditions may include showing the following information on the Plat: floodplain boundaries and spot elevations; riparian area boundaries; building envelopes; and any other information required by the Director; and
3. The applicant shall also submit the following information:
  - a. A copy of any deed restrictions.

- b. A copy of any dedication requiring separate documents.
- c. Boundary and lot/parcel closure computations and the total area of each lot/parcel and any open space dedication in square feet or acres.
- d. A statement of water rights.
- e. A copy of any document required as a condition of Tentative Plan approval.
- f. A current title report.

#### **5.12-145 Plat Criteria**

The Director, in consultation with the City Surveyor and City Engineer, shall approve or deny the Plat. Approval shall be based on compliance with the following criteria:

- A. The City Surveyor has approved the Plat for compliance with applicable platting requirements in accordance with State law, Lane County Ordinances and any other applicable regulations.
- B. Streets, bicycle paths, accessways, and alleys for public use have been dedicated without any reservation or restriction other than reversionary rights upon vacation.
- C. Public improvements, as required by this Code or as a condition of Tentative Plan approval, are completed, or:
  - 1. A petition for public improvements and for the assessment of the real property for the improvements has been signed by the property owner seeking the land division and the petition has been accepted by the City Engineer; or
  - 2. A performance bond or suitable substitute as agreed upon by the City Engineer and the applicant has been filed with the City in an amount sufficient to assure the completion of all required public improvements.
- D. Public assessments, liens, and fees with respect to the land division have been paid, or:
  - 1. A segregation of assessments and liens has been applied for and granted by the City, or
  - 2. An adequate guarantee in a form acceptable to the City has been provided assuring the liens, assessments and fees will be paid prior to recording the Plat.
- E. All conditions of Tentative Plan approval have been met and the Plat substantially conforms to the provisions of the approved Tentative Plan.



#### **5.12-150 Plat - Recording at Lane County and City Development Approval**

- A. After the Plat has been signed by the City, the applicant's surveyor or other designated person shall deliver the Plat to the Lane County Surveyor for recording.
- B. The applicant shall deliver a reproducible copy of the recorded Plat to the City Engineer. Once the City has proof that the Plat has been recorded, the parcels may be sold and the City may issue a Building Permit.

#### **5.12-155 Replat – General**

- A. A Replat is the act of platting the lots, parcels and easements in a recorded Subdivision or Partition Plat to achieve a reconfiguration of the existing Subdivision or Partition Plat or to increase or decrease the number of lots in the subdivision.

**EXCEPTION:** The relocation of a common boundary line between lots/parcels within a recorded Subdivision or Partition shall not be considered a Replat. A Property Line Adjustment may occur within a recorded Subdivision or Partition as specified in Section 5.16-100.

- B. A Replat shall not be used to vacate public right-of-way or the outer boundary of a recorded Subdivision or Partition. In these cases, a concurrent Vacation application is reviewed under Type IV Review as specified in Section 5.20-100.

#### **5.12-160. Replat Review**

- A. Replat Plats are reviewed under Type I procedure.
- B. Replat Tentative Plans are reviewed under Type II procedure.
- C. In addition to the Type II notice requirement specified in Section 5.1-130, when a utility easement is proposed to be realigned, reduced or increased in width or omitted by a Replat, all affected utility companies shall also be notified. Any utility company that desires to maintain an easement subject to vacation under this Section shall notify the City in writing within 14 days of the mailing of the notice.

#### **5.12-165 Replat – Application Processing**

A Replat Tentative Plan and Plat shall comply with all current land division provisions as specified in Sections 5.12-105 through 5.12-165.

#### **EXCEPTIONS:**

- A. All of the following additional information shall be required on the Tentative Plan. Items 1.-3. shall also be required on the Replat Plat;

- 1.** The word "Replat" shall be shown in the title block;
  - 2.** The name or reference number of the previous Plat and any additional recording information shall be retained in the title of the Replat;
  - 3.** Blocks, lots/parcels and portions thereof which are being replatted shall be identified, where applicable;
  - 4.** Original Plat information being deleted, abandoned, or changed by the Replat shall be shown lightly sketched or dotted on the drawing with a note of explanation; and
  - 5.** Any Replat of existing lots/parcels containing buildings shall show existing building outlines including their setbacks from the proposed property lines and lot/parcel coverage requirements, where applicable.
- B.** The Director may exempt certain aspects of and/or reports required at Tentative Plan submittal, if a finding is made that the exemption will not have an adverse impact on public safety. However, the applicant shall submit a written request for an exemption to the Director prior to submittal of the Tentative Plan.
- C.** If the existing land division abuts a Water Quality Limited Watercourse (WQLW), as shown on the WQLW Map on file in the Development Services Department, the water quality protection specified in Section 4.3-115 shall not apply to the Tentative Plan where that Plan includes one or more existing single-family dwellings or duplexes in the Low Density Residential District on lots/parcels 10,000 square feet in size or less. However, the water quality protection specified in Section 4.3-115 shall apply if the intent of the Replat Tentative Plan is to create additional lots/parcels and/or if the size of the lots/parcels containing existing single-family dwellings or duplexes is increased to more than 10,000 square feet in size.

## Section 5.13-100 Master Plans

### 5.13-105 Purpose

- A.** A Master Plan is a comprehensive plan that allows phasing of a specific development area over several years for public, commercial, industrial or residential development. A Master Plan, in this context, is specific to this Code and is not considered to be a refinement plan or any other similar subset of the Metro Plan. By addressing public service impacts and development requirements at the time of approval of Master Plan, these impacts and requirements need not be readdressed at subsequent phases and the developer may rely on the Master Plan approval in implementing the development.
- B.** The purpose of a Master Plan is to:
1. 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;
  2. Assure that individual phases of a development will be coordinated with each other;
  3. 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.
- C.** The Planning Commission 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 Zoning Map amendment, Discretionary Use, Variance and/or any other application or approval sought by the applicant related to the Master Plan.
- D.** 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.
- E.** Approval of a Master Plan is effective for up to 7 years; however the approved Master Plan time limit may be extended pursuant to Section 5.13-135, *Modifications to the Master Plan and Schedule*.

### 5.13-110 Applicability

The Master Plan process applies when initiated by an applicant when the following criteria are met:

- A.** The development area is under one ownership; or

- B.** If the development area has multiple owners, then all owners of record have consented in writing to the Master Plan review process; and
- C.** The development area is 5 acres or greater.
- D.** Notwithstanding the foregoing, the Director may determine that the proposed development is inappropriate as a Master Plan and the application will not be accepted.

#### **5.13-115 Review**

- A.** Master Plans are reviewed under Type III procedure, unless the Director determines that the application should be reviewed as a Type IV decision by the City Council due to the complexity of the application.
- B.** A Pre-Application Report application as specified in Section 5.1-100 is required prior to submittal of a Master Plan application.

#### **5.13-120 Submittal Requirements**

A Master Plan shall contain all of the elements prepared in a clear and legible manner necessary to demonstrate that the provisions of this Code are being fulfilled and shall include but not be limited to the following:

- A.** The existing Metro Plan designation and zone classification.
- B.** A vicinity map drawn to scale on a street base map.
- C.** A legal description of the property together with a map drawn to scale depicting the legal boundaries of the subject property.
- D.** A topography map and narrative depicting present uses of the land, existing structures, streets, significant vegetation, wetlands, drainage ways and other relevant natural and man-made features.
- E.** 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.
- F.** The density or intensity of proposed uses.
- G.** The maximum height and size of proposed structures.
- H.** 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.
- I.** 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.

- J.** 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, excluding vicinity and detail maps, shall be at the same scale.
- K.** Provisions, if any, for reservation, dedication, or use of land for public purposes, including, but not limited to: rights-of-way, easements, parks, open spaces, and school sites.
- L.** An overall schedule or description of phasing; and the development to occur in each phase. If phasing alternatives are contemplated, these alternatives shall be described.
- M.** 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.
- N.** Designation of responsibility for providing infrastructure and services.
- O.** A general schedule of annexation consistent with the phasing plan, if applicable.

<b>5.13-125 Criteria</b>
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A Master Plan may be approved if the Planning Commission finds that the proposal conforms with all of the following approval criteria. In the event of a conflict with approval criteria in this Subsection, the more specific requirements apply.

- A.** The zoning of the property shall be consistent with the Metro Plan diagram and/or applicable Refinement Plan diagram, Plan District map, and Conceptual Development Plan;
- B.** The request, as conditioned, shall conform to applicable Springfield Development Code requirements, Metro Plan policies, Refinement Plan, Plan District, and Conceptual Development Plan policies.
- C.** Proposed on-site and off-site improvements, both public and private, are sufficient to accommodate the proposed phased development and any capacity requirements of public facilities plans; and provisions are made to assure construction of off-site improvements in conjunction with a schedule of the phasing.
- D.** The request shall provide adequate guidance for the design and coordination of future phases;
- E.** Physical features, including but not limited to steep slopes with unstable soil or geologic conditions, areas with susceptibility to flooding, significant clusters of trees and shrubs, watercourses shown on the WQLW Map and their associated riparian areas, wetlands, rock outcroppings and open spaces and areas of historic and/or archaeological significance as may be specified in Section 3.3-900 or ORS 97.740-

760, 358.905-955 and 390.235-240 shall be protected as specified in this Code or in State or Federal law; and

- F. Local public facilities plans and local street plans shall not be adversely impacted by the proposed development.

#### **5.13-130 Conditions**

The Approval Authority may attach reasonably necessary conditions to minimize negative impacts as specified in this Code to ensure that the proposed development can fully meet the criteria of Section 5.13-125, and may require guarantees to ensure compliance. Additionally, the approval may contain any conditions necessary to implement the provisions of Section 5.13-120 including a schedule of fees and charges, a schedule of compliance review and the extent to which the Master Plan is assignable.

#### **5.13-135 Modifications to the Master Plan and Schedule**

Applications for phase modification approval which are in substantial conformity with an approved Master Plan shall not be deemed a modification of the plan. Modifications to the Master Plan shall be processed under the applicable procedures described below to amend the Plan:

- A. Modifications that do not affect the basic underlying assumptions of the adopted Master Plan and which are not determined to be similar to Subsection B. or C., below shall be processed as a ministerial decision by the Director.
- B. Modifications that are significant, but do not affect the basic underlying assumptions of the approved Master Plan, shall be processed under Type II procedure. These modifications include a request:
  - 1. By the applicant for a change of density allocation within the density range allowed in the applicable zoning district;
  - 2. By the applicant for a change to the alignment of right-of-way requirements of local streets;
  - 3. By the applicant or City for a change to the sizes or location of public facilities;
  - 4. 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;
  - 5. By the City based on the requirement to implement newly adopted State or Federal regulations;
  - 6. By the applicant for a one time extension of the approved time limit for up to three years. The time line extension will be granted provided the applicant has made reasonable progress in the implementation of the Master Plan and public services and facilities remain available;

7. 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
  8. By the applicant for other modifications to the approved Master Plan that the Director determines to be similar to the modifications specified in this Subsection.
- C. 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:
1. A Zoning Map amendment or Discretionary Use application initiated by the applicant;
  2. A request for the re-alignment or re-designation of arterial or collector streets initiated by the applicant;
  3. The inability of the City or the applicant to provide essential public infrastructure;
  4. A request by the City based on the requirement to implement newly adopted State or Federal regulations;
  5. A request by the applicant for extension of the time limit of the Master Plan beyond the approved time limit specified in Subsection B.6., above or the extension permitted in Section 5.13-135, but in no case shall the extension exceed 15 years from the original Master Plan approval date; or
  6. Other changes to the final approved Master Plan as requested by the applicant that the Director determines to be similar to the modifications specified in this Subsection.

<b>5.13-140 Assurance to the Applicant</b>
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- A. Approval of the Master Plan shall assure the applicant the right to proceed with the development in substantial conformity with the Master Plan, subject to any modifications as may be approved as specified in Section 5.13-135. Changes to Ordinances, policies and standards adopted after the date of approval of the Master Plan shall not apply to the development.
- B. Phase approvals shall occur through the land division review process, as specified in Section 5.12-100, or the Site Plan review process, as specified in Section 5.17-100, as applicable.
- C. The Master Plan shall be the basis for the evaluation of all phases of development on any issues which it addresses. Approval of development phases will be granted subject to the terms and conditions of the Master Plan, but subject to the applicable Development Code provisions and City Ordinances on issues which the Master Plan does not address.

- D. Notwithstanding the preceding provision, the City shall not be obligated to provide public improvements affecting implementation of the Master Plan if public funds are not available.**
- E. The City shall not be required to approve development of any phase described in the Master Plan if the approval violates applicable Federal or State statutes or administrative rules.**
- F. The approved Master Plan shall be recorded at Lane County Deeds and Records and the original returned to the City.**



## Section 5.14-100 Metro Plan Amendments

### 5.14-105 Purpose

The Metropolitan Area General Plan (Metro Plan) allows citizen initiated Type II Metro Plan amendments at any time. Amendments that require a final decision from one or two jurisdictions shall be concluded within 120 days of the initiation date. Amendments that require a final decision from all three governing bodies shall be concluded within 180 days of the initiation date. The City Council may initiate a Type I or Type II Metro Plan amendment at any time. City Council initiated Metro Plan amendments are not subject to the 120-calendar day review period specified in ORS 227.178. Metro Plan amendments shall be made as specified in Chapter IV of the Metro Plan and this Code.

### 5.14-110 Review

- A. A Pre-Application Conference is encouraged prior to a formal Metro Plan amendment application.
- B. Metro Plan amendments are reviewed under the Type IV procedures of Section 5.1-140 of the Springfield Development Code.

**EXCEPTION:** City Council initiated Metro Plan amendments are not subject to the 120 calendar day review period as provided for in ORS 227.178.

### 5.14-115 Definitions

- A. **Amendment.** An amendment to or change in: the text of the Metro Plan, refinement plan, or functional plan; or the diagram of the Metro Plan, refinement plan or functional plan.
- B. **Metro Plan Amendment - Type I.** Any change to the Metro Plan which: changes the urban growth boundary or the jurisdictional boundary of the Plan; requires a goal exception not related to a UGB expansion to be taken under Statewide planning Goal 2; or is a non-site specific amendment of the Plan text.
- C. **Metro Plan Amendment - Type II.** An amendment to the Metro Plan which is not otherwise a Type I plan amendment and which changes the Plan diagram; or is a site-specific Plan text amendment.
- D. **Metro Plan Amendment - Home City.** Springfield is the home City for all site specific Type I and Type II Metro Plan amendments East of Interstate 5. The City of Eugene is the home City for all site specific Type I and Type II Metro Plan amendments West of Interstate 5. The applicability of home City shall have no basis with respect to non-site specific Type I Metro Plan amendments.
- E. **Metro Plan Amendment - Initiation.** Any of the three governing bodies may initiate a Type I Metro Plan amendment at their discretion or, at their discretion, initiate a Type I Metro Plan amendment on behalf of a citizen who has made the a request. Any of the three governing bodies or a citizen who owns property that

is the subject of the proposed amendment may initiate a Type II Metro Plan amendment at any time.

**F. Metro Plan Amendment - Regional Impact.** Site specific Metro Plan amendments have regional Impact if the change in plan designation or site location will:

1. Require an amendment of a functional plan including the Public Facilities Plan, a Natural Resources Functional Plan or involves an amendment to TransPlan, determined by the Transportation Planning Committee (TPC) to be regional in nature, in order to provide the subject properties with an adequate level of necessary urban services or facilities; or
2. Have a demonstrable impact on the water, storm drainage, sanitary sewer or transportation facilities of the non-home City; or
3. Affect the buildable land inventory in a way that impacts the regional supply by:
  - a. Significantly decreasing the net inventory of buildable land in the following plan designation categories:
    - i. Medium Density Residential
    - ii. High Density Residential
    - iii. Commercial or;
  - b. Significantly increasing the net inventory of buildable land in the following plan designation categories:
    - i. Low Density Residential
    - ii. Special Light Industrial
    - iii. Light-Medium Industrial
    - iv. Heavy Industrial
  - c. **EXCEPTION:** In the following two cases, a jurisdiction may:
    - i. Amend the plan designations to compensate for reductions in buildable land caused by protection of newly discovered natural resources within its own jurisdiction, or
    - ii. Change a plan designation to accommodate the contiguous expansion of an existing business with a site specific requirement.
  - d. The non-home City may choose to participate in the site specific plan amendment process, excluding amendments within city limits.

The non-home City may adopt a Resolution determining that the proposed amendment has regional impact. Lane County shall participate in all Metro Plan amendments outside of Springfield's city limits.

#### **5.14-120 Initiation**

- A.** An amendment to the Metro Plan can be initiated by the following persons or entities:
- 1.** Type I – Non-Site Specific Text amendments, UGB/Plan Boundary Changes to Other Goal Exceptions - any of the three governing bodies:
    - a.** The City Council may solicit a recommendation from the Planning Commission before initiating this category of amendment.
    - b.** A citizen may seek City Council initiation of a Metro Plan Type I amendment by filing a written request with the City. A staff report on the request shall be submitted to the City Council within 30 days of receipt of the request. At the direction of two Councilors, the request will be placed on the City Council agenda for discussion. The request will be considered denied if the City Council takes no action within 60 days of the date the staff report is submitted to the council. The City Council need not hold a public hearing on a private Type I amendment request and may deny the request for any reason. A citizen seeking City Council initiation of a site specific Metro Plan Type I amendment shall own the property subject to the amendment.
  - 2.** Type II Plan Diagram and Site Specific Text Amendments.
    - a.** Inside the City limits: The Home City and citizens.
    - b.** Between the City limits and the Plan Boundary: Any of the three governing bodies and citizens.
      - i.** The City Council may solicit a recommendation from the Planning Commission before initiating this category of amendment. A citizen initiating a Metro Plan Type II amendment shall own the property subject to the amendment.
      - ii.** A citizen may seek City Council initiation of a Metro Plan Type II amendment subject to the above requirements regarding Metro Plan Type I amendments initiated by the City Council at the request of a citizen.
- B.** Amendments to the Metro Plan shall be initiated and considered at the following times:

1. The City Council may initiate a Type I or Type II Metro Plan amendment at anytime. Consideration of this type of amendment shall begin immediately thereafter.
2. Citizen initiated Type II Metro Plan amendments may be applied for at any time. The initial public hearing on an application shall take place within 60 days of acceptance of a complete application.
3. Consideration of a citizen initiated Metro Plan amendment shall be postponed if the proposed amendment is also part of an existing planned refinement plan or special area study adoption or amendment process, or one that is scheduled to commence within three months of the date of application submittal. The requested Metro Plan amendment will be considered in the legislative proceedings of the refinement plan or special area study. If the refinement plan or special area study process has not begun within the three-month period, the Metro Plan amendment application process shall begin immediately following the three-month period. The Director may exempt particular plan amendment applications from postponement under this Subsection and require more immediate review if the Director finds that either there is a public need for earlier consideration or that review of the proposed amendment as part of a general refinement plan or special area study adoption or amendment process will interfere with timely completion of that process.

- C. Citizen initiated Metro Plan amendment applications are filed in the planning office of the home City if within the UGB, or with Lane County if outside the UGB and the amendment is not a request to expand the UGB.

#### **5.14-125 Referral**

All Metro Plan amendments outside Springfield's city limits are referred to the Eugene for consideration of regional impact. Lane County shall participate in the hearing and decision of all Metro Plan amendments outside the city limits. All Metro Plan amendments inside the city limits are referred to Eugene and Lane County so that they may participate as parties to the hearing. All referrals shall occur within 10 days of the plan amendment initiation date. Any referral that is provided for the purpose of determining regional impact shall be answered by the referral jurisdiction within 45 days of receipt of the referral. Failure of a jurisdiction to take action on the referral within 45 days from the date of referral shall be deemed a finding of no regional impact. If a referral jurisdiction adopts a Resolution, Ordinance, or order finding that the proposed amendment has a regional impact, that referral jurisdiction may participate in the decision, if they so choose. All jurisdictions participating in the plan amendment decision process shall approve the amendment in order to enact the amendment.

#### **5.14-130 Fee**

The applicant for a citizen initiated Metro Plan amendment shall pay an application fee in an amount established by City Council Resolution. No application shall be processed until it is complete and accurate and until the application fee is paid.

## 5.14-135 Process and Criteria

### A. Type I.

1. **Non Site-Specific** – To become effective, a non-site specific Metro Plan Text Type I amendment shall be approved by all three governing bodies.
2. **Site Specific** – To become effective, a site specific Metro Plan Type I amendment that involves a UGB or Plan Boundary change that crosses the Willamette or McKenzie River, or that crosses over a ridge into a new basin, or that involves a Goal exception not related to a UGB expansion, shall be approved by all three governing bodies.
3. **Site Specific** – To become effective, a site specific Metro Plan Type I amendment that involves a UGB or Plan Boundary change shall be approved by the Home City and Lane County.

**EXCEPTION:** If the non-home City, after referral of the proposal, determined that the amendment has regional impact and, as a result of that determination, chooses to participate in the hearing, all three governing bodies shall approve the amendment.

### B. Type II.

1. **Inside City Limits** – To become effective, a Metro Plan Type II amendment inside the city limits shall be approved by the Home City.
2. **Between the City Limits and Plan Boundary** – To become effective, a Metro Plan Type II amendment between the city limits and the Plan Boundary shall be approved by the Home City and Lane County.

**EXCEPTION:** If the non-home City, after referral of the proposal, determined that the amendment has regional impact and, as a result of that determination, chooses to participate in the hearing, all three governing bodies shall approve the amendment.

### C. Criteria. The following approval criteria will be applied by the City Council in approving or denying a Metro Plan amendment application:

1. The amendment shall be consistent with the relevant Statewide planning goals adopted by the Land Conservation and Development Commission; and
2. Adoption of the amendment shall not make the Metro Plan internally inconsistent.

## 5.14-140 Single Jurisdiction

The following process is used to consider Metro Plan Type II amendments inside Springfield's city limits.

- A. Investigation and Report.** Within 30 days after the Metro Plan amendment initiation date, the planning staff shall investigate the facts bearing on the amendment application, prepare a report, and submit it to the Planning Commission. The report shall be mailed or delivered to affected and interested parties at the time it is delivered to the Planning Commission.
- B. Planning Commission Consideration.** Within 30 days after receipt of the staff report, the Planning Commission shall hold a public hearing to consider the proposed Metro Plan amendment. At least 20 days before the hearing, notice of the hearing will be published in a local newspaper of general circulation and mailed to the applicant and to persons who have requested notice. At least 20 days before the hearing, notice of the hearing shall also be mailed to the owners and occupants of properties that are the subject of the proposed amendment and to property owners of record within 300 feet of the subject property. The content of the notice and conduct of the hearing on the amendment shall be as required by this Code and State law. The Planning Commission shall review the proposed amendment and receive evidence and testimony on whether the proposed change can be justified under the approval criteria. Within 30 days after the public hearing and close of the evidentiary record, the Planning Commission shall adopt a written recommendation on the proposed amendment. The recommendation shall contain findings and conclusions on whether the proposal or a modified proposal meets the approval criteria.
- C. City Council Action.** Within 45 days after the Planning Commission action on the proposed Metro Plan amendment, the City Council shall hold a public hearing on the proposed amendment. The Council's decision shall be based solely on the evidentiary record created before the Planning Commission. No new evidence will be allowed at the City Council hearing. Within 30 days after the public hearing, the City Council shall approve, modify and approve, or deny the proposed amendment. The City Council shall take this action by Ordinance with adopted findings and conclusions on whether the proposal or a modified proposal meets the approval criteria. The action of the City Council is final.

#### **5.14-145 Two Jurisdictions**

- A. The following process is used to approve Metro Plan Type II amendments when Springfield is the Home City and Lane County participates in the decision and Eugene does not participate after consideration of a referral.**
  - 1. Investigation and Report.** Within 30 days after a response is received from the City of Eugene or within 50 days after the Metro Plan amendment initiation date if no response is received, the planning staff of the home jurisdiction where the proposed Metro Plan amendment was submitted shall investigate the facts bearing on the application, prepare a report, and submit it to the Planning Commission of both affected jurisdictions. The report will be mailed or delivered to affected and interested parties at the time it is delivered to the two commissions.
  - 2. Planning Commission Consideration.** Within 30 days after receipt of the staff report the Planning Commission of both affected jurisdictions shall hold a joint public hearing to consider the proposed Metro Plan amendment.

The provisions of Section 5.14-140B. apply to the joint Planning Commission hearing and decision on a proposed Metro Plan amendment. Within 30 days after the joint public hearing and close of the evidentiary record, both Planning Commissions shall make a recommendation to their governing bodies on the proposed Metro Plan amendment.

3. **Governing Body Action.** Within 30 days after the date the last Planning Commission acts on the Metro Plan amendment, the governing bodies of both affected jurisdictions shall hold a joint public hearing on the proposed amendment. The governing bodies' decisions shall be based solely on the evidentiary record created before the Planning Commissions. No new evidence will be allowed at the governing body joint hearing. Within 30 days after the joint public hearing, both governing bodies shall approve, modify and approve, or deny the proposed Metro Plan amendment. Both governing bodies shall take action by Ordinance, with adopted findings and conclusions on whether the proposal or modified proposal meets the approval criteria. The actions of the governing bodies are final if they are identical. The date the last governing body acts is the date the decision becomes effective.

B. The following process is used when the governing bodies do not enact identical decisions on the proposed Metro Plan amendment.

1. The Metro Plan amendment will be referred to the Metropolitan Policy Committee within 5 days after the last governing body action. The Metropolitan Policy Committee shall meet within 30 days of the referral to hear comments on the proposed amendment from the applicant, staff of the affected jurisdictions, and interested persons. The Committee may develop a recommendation to the governing bodies on the proposed amendment. The Metro Plan amendment will be denied if the Committee fails to act within 30 days of the referral date or if the governing bodies fail to adopt identical plan amendment actions within 45 days of receiving a recommendation from the Committee.
2. If the plan amendment is denied because of lack of consensus or Committee inaction, within 5 days the Director of the home jurisdiction where the application originated shall issue a denial decision on the amendment containing findings and conclusions on why the proposed amendment does not meet the approval criteria. Those findings and conclusions may incorporate findings and conclusions previously adopted by one or both of the governing bodies. The decision of the Director is final.

#### **5.14-150 Three Jurisdictions**

When the Three-Jurisdiction Process is Used. The following process is used to approve Metro Plan Type I amendments and Type II amendments where all three jurisdictions participate in the decision.

- A. **Investigation and Report.** Within 30 days after responses are received from both referral jurisdictions or within 50 days after the Metro Plan amendment initiation date if no response is received, the planning staff of the home jurisdiction where

the proposed amendment was submitted shall investigate the facts bearing on the application, prepare a report, and submit it to the Planning Commissions of all three jurisdictions. The report will be mailed or delivered to affected and interested parties at the same time it is delivered to the three Planning Commissions.

- B. Planning Commission Consideration.** Within 30 days after receipt of the staff report, the Planning Commissions of Springfield, Eugene and Lane County shall hold a joint public hearing on the proposed plan amendments. The provisions of Section 5.14-140B. apply to the joint Planning Commission hearing. Within 30 days after the proposed plan amendment hearing and close of the evidentiary record, each Planning Commission shall make a recommendation to its governing body on the proposed Metro Plan amendment.
- C. Governing Bodies Action.** Within 30 days after the last Planning Commission acts on the Metro Plan amendment proposal, the governing bodies of Springfield, Eugene and Lane County shall hold a joint public hearing on the plan amendment. The governing bodies' decisions shall be based solely on the evidentiary record created before the Planning Commissions. No new evidence will be allowed at the governing body joint hearing. Within 30 days after the joint public hearing, each governing body shall approve, modify and approve, or deny the proposed Metro Plan amendment. Each governing body shall take action by Ordinance with adopted findings and conclusions on whether the proposal or modified proposal meets the approval criteria. The actions of the governing bodies are final if all three governing bodies adopt identical decisions. The date the last governing body acts is the date the action becomes effective. The conflict resolution provisions of Section 5.14-145B. apply if the governing bodies do not adopt identical Ordinances.

#### **5.14-155 Additional Regulations**

- A. Process for Government-Initiated Plan Amendments.** A different process, time line, or both, than the processes and time limes specified in Sections 5.14-140, 5.14-145 and 5.14-150 may be established by the governing bodies of Springfield, Eugene and Lane County for any government initiated Metro Plan amendment.
- B. Time Frame Waiver.** The time frames prescribed in connection with the Metro Plan amendment processes can be waived if affected property owners agree to the waiver.
- C. Bar On Re-Submittal.** No privately initiated Metro Plan amendment application to Springfield shall be considered if a substantially similar or identical plan amendment has been denied within the year prior to the application date unless the facts forming the basis for the denial have changed so as to allow approval. The Director shall determine whether the proposed amendment is substantially similar or identical after providing the applicant with an opportunity to comment on the matter in writing.
- D. Relationship to Refinement Plan or Functional Plan Amendments.** When a Metro Plan amendment is enacted that requires an amendment to a refinement plan or functional plan diagram or map for consistency, the Metro Plan diagram amendment automatically amends the refinement plan or functional plan diagram



or map if no amendment to the refinement plan or functional plan text is involved. When a Metro Plan diagram amendment requires a refinement plan or functional plan diagram, or map and text amendment for consistency, the Metro Plan, refinement Plan and functional plan amendments shall be processed concurrently.

- E. Relationship of Amendment Process to Metro Plan Update and Periodic Review.** An update of any element of the Metro Plan requires initiation and approval by all three jurisdictions. Amendments to the Metro Plan that result from State-mandated Periodic Review require approval by all three jurisdictions.
  
- F. Severability of Plan Amendment Adoption Actions.** When identical action is required of two or three governing bodies on a Metro Plan amendment, and the amendment results in a number of different plan changes, the following applies; unless otherwise specified in the adoption Ordinance of any of the governing bodies, action by all of the governing bodies to adopt some but not all of the plan changes shall result in the adoption of the changes for which there is consensus of the forwarding of only those changes for which there is not consensus to the Metropolitan Policy Committee under Sections 5.14-145 and 5.14-150.

## Section 5.15-100 Minimum Development Standards

### 5.15-105 Purpose

Minimum Development Standards (MDS) are intended to support economic development by minimizing City review for minor additions or expansions or changes in use as specified in this Section. MDS shall ensure compliance with specific appearance; transportation safety and efficiency; and stormwater management standards specified in this Code and otherwise protect the public health, safety and welfare.

### 5.15-110 Applicability

#### A. MDS apply:

1. To developed properties that do not require either Site Plan Review as specified in Section 5.17-105 or a Site Plan Modification as specified in Section 5.17-145; and
2. Within Springfield's city limits only; and
3. Within commercial, industrial and public land zoning districts only, where there is an addition or expansion of:
  - a. 50 percent or less than the existing building gross floor area and/or impervious surface area; or
  - b. 5,000 square feet or less of additional building gross floor area and/or impervious surface area, whichever is less.
  - c. Serial expansions shall be limited so that the standards specified in Subsections a. and b., above are not exceeded in a three-year period.

**EXCEPTION:** The installation of items, including but not limited to, internal sidewalks or bases for benches that are less than 50 square feet in area, or covering existing storage areas with a permanent structure that is not enclosed, or a fully enclosed temporary structure shall not initiate MDS review; and

- d. A change in use of a building or property.
- B. Where there is an addition, expansion or change in use of a building or property containing multiple uses, the property owner shall bring the entire property into compliance with the standards specified in Section 5.15-120. However, required improvements shall be installed under the rule of proportionality, based upon the number of businesses on the property. For example, if there are three businesses on the property and there is only one change of use, then only one-third of the improvements necessary for the entire property area shall be required to be completed for that use. If the property contains more than three uses, the Director and property owner may enter into an agreement so that as a use changes or

expands, a percentage of the property shall comply with MDS requirements with the intent that the total property will meet MDS requirements over time. This agreement shall not affect the MDS timelines specified in Section 5.15-125.

**EXCEPTIONS:**

1. In cases where the proposed addition, expansion or change in use is an espresso stand, the Director may waive the MDS requirement on properties containing existing multiple uses.
2. Where the property is currently in compliance with all of the standards specified in Section 5.15-120, MDS shall not apply.

**5.15-115 Review**

- A. MDS is reviewed under the Type I review process, unless the Director finds that the proposed use should be reviewed under the Type II review process.
- B. A copy of any required ODOT Right-of-Way Approach Permit application shall be submitted concurrently with the MDS application, where applicable.

**5.15-120 SDC Standards Applicable to MDS Approval**

In order to grant MDS approval, the Director shall determine compliance with all applicable standards specified below. Final occupancy is contingent upon the completion of required site improvements.

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

**EXCEPTIONS:**

1. Where there is an unimproved street, a four foot wide landscaped planter strip shall be required to be set back one foot from the property line.
2. Where there is insufficient space for the landscaped strip required in Subsection A., above due to existing buildings, street width, paved parking, changes of elevation or location of utilities including catch basins, the Director may approve:
  - a. Decorative fencing located immediately behind the property line. The fencing may be wrought iron or masonry and shall be subject to the fence height standards of the applicable zoning district and the vision clearance setbacks of Section 4.2-130; and/or
  - b. Landscaping equivalent to the amount required in Subsection A., above may be placed at the property corners or other areas of the property that are visible from the street.

**B.** Trash receptacles and outdoor storage areas shall be screened by a structure or enclosure permanently affixed to the ground as specified in Section 4.4-110.

**C.** Bicycle parking spaces shall be added to meet the numerical standards for the appropriate use or upgraded to meet the standards specified in Sections 4.6-140, 4.6-145 and 4.6-155.

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

**D.** Parking and circulation areas shall be paved and striped and wheel stops installed as specified in Sections 4.6-100 and 4.6-120. Required paving and other impervious surfaces on the site shall comply with on-site stormwater management standards as specified in Section 4.3-110 for required parking, circulation area and storage area impervious surfaces only.

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

**E.** Access to the public right-of-way shall comply with Section 4.2-120.

**1.** Where the property abuts an improved street, any non-conforming or unsafe driveways, as determined by the Transportation Manager, shall be removed and replaced with curb, gutter and sidewalk.

**2.** Where the property abuts an unimproved street, any non-conforming or unsafe access points, as determined by the Transportation Manager, shall be:

**a.** Removed by the use of fencing, extruded curbs or other method of approved barricade; and

**b.** The property owner shall sign an Improvement Agreement guaranteeing future participation in a Local Improvement District.

**3.** If an existing driveway or access point is closed, the Director may require a joint use access agreement with a neighboring property as specified in Section 4.2-120.

**F.** Concrete sidewalks shall be installed where the site abuts a curb and gutter street as specified in Section 4.2-135.

**G.** Streetlights shall be installed as specified in Section 4.2-145.

- H. The development shall connect to public utilities as specified in Sections 4.3-105, 4.3-110 and 4.3-120 and comply with the Springfield Building Safety Codes, where applicable. Easements may be required as specified in Subsection 4.3-140.

#### **5.15-125 Timelines and Conditions**

The property owner and/or applicant shall comply with the standards specified in Subsection D. within 90 days of the Director's approval as follows:

- A. Submittal of a Final Plot Plan within 30 days of the Director's approval that states the starting date of all required improvements demonstrating compliance with all approval conditions required to meet the standards specified in Subsection D., below. Submittal of a Final Plot Plan shall include the following additional material, where applicable:

1. The original recorded Improvement Agreement.
2. Any required ODOT Right-of-Way Approach Permit.

**EXCEPTION:** If the ODOT Right-of-Way Approach Permit cannot be obtained by the time line specified in Subsection A., above, the Director may defer the submittal of this document until the start of construction date specified in Subsection 4.b., below.

3. A copy of a recorded joint use access/parking agreement.
4. A copy of a recorded private easement or the original public utility easement.
  - a. The signing of a Development Agreement by the property owner within 45 days of the Director's approval of the Final Plot Plan.
  - b. The construction of the required improvements shall begin within 90 days of the MDS decision. If this time line cannot be met, the applicant may submit a written request for a time line extension as specified in Subsection B., below.

- B. The Director may allow a one-time extension of the 90-day start of construction time line specified in Subsection A.4.b., above due to situations including but not limited to, required permits from the City or other agencies, weather conditions, and the unavailability of asphalt or street trees. If the time extension is allowed, security shall be provided as specified in Section 5.17-150. The time line extension shall not exceed 90 days.

- C. If the time line established in Subsection A.4.b., above is not met and the applicant has not requested an extension as specified in Subsection B., above, then the Director shall declare the application null and void if the property is occupied and the property owner shall be considered in violation of this Code.

- D. If the time line established in Subsection A.4.b., above is not met and the applicant has requested an extension as specified in Subsection B., above and that time line

as not been met, then the Director may require that the improvements be installed as specified in Subsection 5.17-150.

## Section 5.16-100 Property Line Adjustments

### 5.16-105 Purpose and Applicability

- A. These regulations are intended for the review of Property Line Adjustments and are separate from Lane County Deeds and Records lot/parcel consolidation policies. A Property Line Adjustment is the relocation of a common boundary between two abutting properties. A Serial Property Line Adjustment is the relocation of more than one common property line involving two or more abutting properties. Serial Property Line Adjustments can be reviewed individually or combined in a single application as specified in Section 5.16-115.
- B. Property Line Adjustments may occur within a recorded Subdivision or Partition, as specified in this Section, as long as the adjustment is not a reconfiguration of or an increase or decrease of the number of lots in a Subdivision. In this case, the Replat review process specified in Section 5.12-165 applies.

### 5.16-110 Special Situations

- A. Where the elimination of a lot/parcel line is desired within the boundary of a recorded Subdivision or Partition, the following options are available:
  - 1. A Replat shall be processed as specified in Section 5.12-165; or
  - 2. A Plat Vacation shall be processed as specified in Section 5.20-100.
- B. Where a property owner desires to construct a building over a common property line, and there are no easements abutting the property line, or a primary structure is proposed on one lot/parcel and a secondary structure is proposed on the other, the Director may require a deed restriction during the building permit and/or Site Plan Review process that allows the construction of these structures. The lots/parcels under the deed restriction shall be sold as one unit of land, unless the structures are removed.
- C. The allocation of vacated public right-of-way to abutting properties as specified in ORS 271.140 and processed as specified in Section 5.20-100 or a sale or grant of public right-of-way by the City as specified in ORS 92.010(7)(e) shall not be considered to be a Property Line Adjustment and thus shall not be subject to the provisions of this Section.
- D. A Property line Adjustment will not remove, relocate or replace any public easements on the lots/parcels.

### 5.16-115 Review

- A. Single Property Line Adjustments are reviewed under Type I procedure.
- B. Serial Property Line Adjustments may be combined into a single application. If the latter occurs, serial Property Line Adjustments are reviewed under Type II procedure.

## **5.16-120 Submittal Requirements**

- A.** A Preliminary Survey shall be prepared, stamped and signed by an Oregon registered Land Surveyor. The format of the Preliminary Survey and the data to be shown shall be as follows:
- 1.** The Preliminary Survey shall be drawn in compliance with ORS 92.
  - 2.** The scale shall be appropriate to the area involved and the amount of detail and data, normally 1" = 20', 1" = 50' or 1" = 100'.
  - 3.** A north arrow, date of preparation and the title which shall include the following language: "Proposed Property Line Adjustment Survey"
  - 4.** The name and address of the property owners, and the applicant, if different.
  - 5.** A drawing of the boundaries of the lots/parcels involved, to include dimensions and square footage calculations.
  - 6.** The zoning and plan designation of the lots/parcels.
  - 7.** The existing property line and proposed property line, clearly differentiated by line type.
  - 8.** The location and outline to scale of all existing structures to include their required setbacks from the current property lines and those from the proposed property line.
  - 9.** The locations, widths and names of all existing streets, alleys, or other rights-of-way within or adjacent to the lots/parcels and the location and width of driveways.
  - 10.** The location of all public and private easements and utility lines within or crossing the lots/parcels. For properties outside the city limits but within the City's urban service area, septic and drain fields shall be shown.
  - 11.** Reference to the recorded Subdivision or Partition by name or reference number and blocks, lot/parcel numbers, where applicable.
- B.** The following additional information shall be submitted with the Preliminary Survey:
- 1.** A brief narrative explaining reason for the proposed Property Line Adjustment and the existing use of the lots/parcels.
  - 2.** A copy of the current deeds for the lots/parcels.
  - 3.** If the applicant is not the property owner, written permission from all property owners is required.



4. A draft of the Property Line Adjustment deeds. For serial Property Line Adjustments that are reviewed under Type II procedure, separate deeds shall be prepared for each adjustment.
5. For serial Property Line Adjustments reviewed under Type II procedure, the following shall be submitted:
  - a. A written explanation of the sequencing of adjustments; and
  - b. A diagram identifying each adjustment, in sequence, cross referenced to the Property line Adjustment deeds required in Subsection 4., above.

#### **5.16-125 Criteria**

The Director shall approve, approve with conditions, or deny the Property line Adjustment application. Approval or approval with conditions shall be based on compliance with the following criteria. The Property line Adjustment shall not:

- A. Create a new lot/parcel;
- B. Create a landlocked lot/parcel;
- C. Reduce an existing lot/parcel below the minimum size standard or reduce setbacks below the minimum established by the applicable zoning districts in this Code;
- D. Violate any previous conditions the Approval Authority may have imposed on the lots/parcels involved in the application;
- E. Detrimentially alter the availability of existing public and/or private utilities to each lot/parcel in the application or to abutting lots/parcels; or
- F. Increase the degree of non-conformity of each lot, parcel or structure that is non-conforming at the time of application.

#### **5.16-130 Preliminary Approval**

- A. If the Director determines that the Preliminary Survey satisfies the criteria of approval in Section 5.16-125, or that conditions are necessary to satisfy the provisions of this Code, then the applicant shall be notified in writing and may proceed with the preparation of the required Final Survey.
- B. If the Director determines that the Preliminary Survey does not comply with the provisions of this Code, then the application shall be denied and the applicant so notified in writing.

#### **5.16-135 Conditions**

- A. The following approval conditions shall be required:

1. The submittal of a Final Survey; and
  2. Property Line Adjustment deeds, as specified in Section 5.16-140.
- B. The following additional conditions of approval may be required:
1. A public or private utility easement may be required to be vacated, relocated or created.
  2. A joint use/access and/or parking agreement.
  3. The signing of an Improvement Agreement for frontage improvements.

**5.16-140 Final Survey Submittal, Compliance With Conditions and Recordation of Documents**

- A. A Final Survey shall be prepared, stamped and signed by an Oregon registered Land Surveyor as specified in ORS 92.010(7)(b), ORS 92.060(3) and ORS 209.250.
- B. One copy of the Final Survey shall be delivered to the Development Service Department together with any conditioned documents.
- C. Once the Director and City Surveyor have certified that all conditions listed under Preliminary Survey approval have been met, the Final Survey may be recorded at the Lane County Surveyor's Office.
- D. The owners of the lots/parcels included in the application shall record with Lane County Deeds and Records Property Line Adjustment deeds, as specified in ORS 92.190(4). The Property Line Adjustment deeds shall contain the names of the parties, the description of the adjusted line, reference to original recorded documents and signatures of all parties with proper acknowledgment. The Property Line Adjustment deeds shall also identify the Planning file number and shall contain a statement declaring that the purpose of the deeds is for a Property Line Adjustment. Reference to the affected properties by map and tax lot number shall be in addition to reference by legal description. In the case of serial Property Line Adjustments processed under Type II procedure, each Property Line Adjustment deed for the lots/parcels in the series shall be recorded separately, in the sequence of City approval.
- E. A copy of the recorded Final Survey and deeds shall be delivered to the Development Services Department together with any other recorded documents that may have been required as a condition of approval.

**5.16-145 Expiration of Approval**

The Property Line Adjustment preliminary approval shall become null and void if:

- A. The Final Survey and any approval conditions have not been submitted to the City in a complete form within 90 days of the date of Preliminary Survey approval; or

- B. The Final Survey is not submitted to the Lane County Surveyor within 30 days of the City approval; or**
- C. The Property Line Adjustment deed or other conditioned documents have not been recorded with Lane County Deeds and Records with the Final Survey.**

## Section 5.17-100 Site Plan Review

### 5.17-105 Purpose and Applicability

A. The purpose of Site Plan Review is to: Facilitate and enhance the value of development; Regulate the manner in which land is used and developed; Ensure the provision of public facilities and services; Maintain the integrity of the City's watercourses by promoting bank stability, assisting in flood protection and flow control, protecting riparian functions, minimizing erosion, and preserving water quality and significant fish and wildlife areas; Provide for connectivity between different uses; Utilize alternative transportation modes including and walking, bicycling and mass transit facilities; Implement the Metro Plan, applicable refinement plans and specific area plans and development plans; Minimize adverse effects on surrounding property owners and the general public through specific approval conditions; and Otherwise protect the public health and safety.

B. Site Plan Review is required for:

1. Single family and duplex dwellings on properties zoned Medium Density Residential and High Density Residential in order to meet the minimum density requirements of these zones;

**EXCEPTION:** Site Plan Review does not apply to certain single-family and duplex dwellings on properties zoned Medium Density Residential and High Density Residential subject to building permit approval when:

- a. The lot/parcel size allows only one single-family or duplex dwelling, or
  - b. There is an addition, remodel or replacement of an existing single-family dwelling or duplex/or an accessory structure is proposed.
2. Multi-family residential, commercial, public and semi-public, and industrial development or uses, including construction of impervious surfaces for parking lots and storage areas, including:
    - a. New development on vacant sites and redevelopment as a result of demolition and removal of existing buildings and impervious surfaces on a formerly occupied site.
    - b. Additions or expansions that exceed either 50 percent of the existing building gross floor area or 5,000 square feet or more of new building gross floor area and/or impervious surface area.
    - c. Additions, expansions and changes of use, regardless of size or intervening use, that:
      - i. Contain or are within 150 feet of the top of bank (as measured from the property line of the subject property) of any Water Quality Limited Watercourses (WQLW) identified