

on the WQLW Map on file in the Development Services Department;

- ii. Contain or are within 100 feet of the top of bank (as measured from the property line of the subject property) of any direct tributaries of WQLW identified on the WQLW Map on file in the Development Services Department;
- iii. Are located within the City's urbanizable area, outside of the city limits; or
- iv. Are located within 50 feet of residentially zoned or designated land (as measured from the property line of the subject property).

v. **EXCEPTIONS:**

- (a) The Director may determine that a Type II Site Plan Review does not apply to certain changes of use required under Subsections 12.c.i. – iv., above if a finding is made that the change of use will not have an adverse impact on water quality and/or residential uses. In this case, the change of use may be reviewed under Minimum Development Standards procedures specified in Section 5.5-100 or a Minor Site Plan Modification as specified in Section 5.17-145.
- (b) Developed or partially developed industrial properties 5 acres or greater in size that have never obtained Final Site Plan Review approval prior to the adoption of this Code may obtain Final Site Plan Equivalent Map approval as specified in Section 5.17-135. This approval is necessary to allow the property owner to use the Site Plan Modification process specified in Section 5.17-145 for future additions or expansions.
- (c) The Director may determine that the gross floor and impervious area Site Plan Review triggers applicable to Subsections 2.a., b. and c., above do not apply to vertical expansions of existing structures within the Downtown Refinement Plan boundary. In this case, Minimum Development standards specified in Section 5.15-100 may be utilized as a substitute review process. The Director may also require compliance with any applicable building design standards, related to the expansion.

- d. Discretionary Uses, where applicable.

- e. Development within the area of adopted Development Area Plans and Conceptual Development Plans.
 - f. Any uses listed in the applicable zoning, overlay or plan district, which specifically require Site Plan Review.
 - g. Certain wireless telecommunications systems facilities. See Section 4.3-145 for siting standards and review process for applicable underlying zoning district.
- C. No development permit will be issued by the City prior to approval of the Preliminary Site 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 Preliminary Site Plan.

5.17-110 Review

- A. Pre-Application Options. Although voluntary, prospective applicants are generally encouraged to request a Development Issues Meeting (informal process) or Pre-Application Report (formal process) as specified in Section 5.1-120.
- B. Site Plans are reviewed under Type II procedure, unless otherwise specified elsewhere in this Code.

5.17-115 Phased Development

The Director may approve phasing of development with the Site Plan Review application, subject to the following standards and procedures:

- A. A Phased Development Plan shall be submitted with the Site Plan Review application as specified in Section 5.17-120.
- B. The Director shall approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than two years, with a possible one-time one year extension as specified in Section 5.17-135.

EXCEPTIONS:

- 1. If a longer phasing time line is desired, the applicant may submit a Master Plan, as specified in the provisions of Section 5.13-100.
 - 2. Multiple Type II Site Plan Modification applications shall not be permitted to circumvent the Master Plan process (See also Section 5.17-145).
- C. Approval of a phased Site Plan Review application shall require satisfaction of the following approval criteria:
- 1. The public facilities required to serve each phase shall be constructed in conjunction with or prior to each phase, unless during the Site Plan

Review process the Director finds that a public facility necessary for a subsequent phase is necessary as part of an earlier phase; and

2. The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as part of the approved development proposal.

5.17-120 Submittal Requirements

All Site Plan applications that contain structures over 4,000 square feet of gross floor area shall be prepared by an Oregon licensed Architect or Engineer. 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, site constraint and/or water quality. A Site Plan shall contain all the elements necessary to demonstrate that provisions of this Code are being fulfilled and shall include but not be limited to the following:

- A. General requirements. A Site Plan shall be drawn in ink on quality paper no smaller than 8 1/2" x 14" and shall contain the following information:
 1. The scale (appropriate to the area involved and sufficient to show detail of the plan and related data, for example: 1" = 30', 1" = 50' or 1" = 100'), north arrow, and date of preparation.
 2. The street address and assessor's map and tax lot number.
 3. The dimensions (in feet) and size (either square feet or acres) of the development area.
 4. Proposed and existing buildings: location, dimensions, size (gross floor area), conceptual floor plan, setbacks from property lines, distance between buildings, and height.
 5. The location and height of proposed or existing fences, walls, outdoor equipment and storage, trash receptacles, and signs.
 6. Proposed number of employees and future expansion plans.
 7. Area and percentage of the site proposed for buildings, structures, driveways, sidewalks, patios and other impervious surfaces. This information is necessary to allow staff to determine the Site Plan Review fee.
 8. Observance of solar access requirements as specified in the appropriate zoning district.
 9. Exterior elevations of all buildings and structures proposed for the development site.
 10. Area and dimensions of all property to be conveyed, dedicated or reserved for common open spaces, recreational areas and other similar public and semi-public uses.

- B.** A Site Assessment of the entire development area 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. Adjacent properties include those within the distances specified in Section 5.17-105. 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 Watercourse 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 Rate 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 Services Department;
 4. Physical features including, but not limited to significant clusters of trees and shrubs, watercourses shown on the Water Quality Limited Watercourse Map and their riparian areas, wetlands and rock outcroppings; and
 5. Soil types and water table information as mapped and specified in the *Soils Survey of Lane County*.
- C.** An Access, Circulation and Parking Plan complying with the provisions of this Code and containing the following information;
1. The location, dimensions and number of typical, compact and disabled parking spaces; including aisles, landscaped areas, wheel bumpers, directional signs and striping;
 2. On-site vehicular and pedestrian circulation;
 3. Access to streets, alleys and properties to be served, including the location and dimensions of existing and proposed driveways and driveways proposed to be closed;
 4. Exterior lighting: including the type, height and area of illumination;
 5. The location, type and number of bicycle spaces;
 6. The amount of gross floor area applicable to the parking requirement for the proposed use;

7. The location of off-street loading areas;
 8. Existing and proposed transit facilities;
 9. A copy of a Right-of-Way Approach Permit application, where the property has frontage on an Oregon Department of Transportation (ODOT) facility; and
 10. A Traffic Impact Study prepared by a Traffic Engineer as specified in Section 4.2-105A.4.
- D. A Landscape Plan, drawn by a Landscape Architect or other professional approved by the Director, complying with the provisions of this Code that contains the following information.
1. Screening as specified in Section 4.4-110;
 2. The use of plantings in erosion control and stormwater treatment facilities, if any;
 3. A permanent irrigation system, unless specifically exempted as specified in Section 4.4-100;
 4. Street trees as specified in Section 4.2-140;
 5. A specifications list for all materials to be used shall accompany the Planting Plan. Plant sizes shall be listed at the time of installation, and shown on the Planting Plan at mature size; and
 6. A description of planting methods as specified in Section 4.4-100.
- E. An Improvements Plan complying with the standards of Sections 4.1-100, 4.2-100 and 4.3-100 that contains the following information.
1. The name and location of all existing and proposed public and private streets within or on the boundary of the proposed development site including the right-of-way and paving dimensions, and the ownership and maintenance status, if applicable;
 2. Location of existing and required traffic control devices, fire hydrants, streetlights, power poles, transformers, neighborhood mailbox units and similar public facilities;
 3. The location, width and construction material of all existing and proposed sidewalks, sidewalk ramps, pedestrian access ways and trails; and
 4. The location and size of existing and proposed utilities and necessary easements and dedications on and adjacent to the site including sanitary sewer mains, stormwater management systems, water mains, power, gas, telephone, and cable TV. Indicate the proposed connection points.

- F.** A Grading, Paving and 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. For Site Plans with more than 5,000 square feet of new paving area, an Oregon licensed Civil Engineer shall prepare the plan. Where plants are proposed as part of the stormwater management system, an Oregon licensed Landscape Architect may 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 elevations, site 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 Design Standards and Procedures Manual* to allow staff to determine that the proposed stormwater management system will accomplish its purposes.
- G.** A Phased Development Plan, where applicable, that indicates any proposed phases for development, including the boundaries and sequencing of each phase as specified in Section 5.17-115. Phasing shall progress in a sequence that promotes street connectivity between the various phases and accommodates other required public improvements, including but not limited to, sanitary sewer, stormwater management, water and electricity.
- H.** An On-site Lighting Plan showing the location, orientation, and maximum height of all proposed exterior light fixtures, both free standing and attached. The lighting plan shall also detail the type and extent of shielding, including cut-off angles and the type of illumination, the wattage, luminous area, and a photometric test report for each light source.
- I.** Additional information and/or applications required at the time of Site Plan Review applications submittal shall include the following items, where applicable:
- 1.** A brief narrative explaining the purpose of the proposed development 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 development area.
4. How the proposal addresses the standards of the applicable overlay district, where applicable.
5. How the proposal addresses Discretionary Use criteria, where applicable.
6. A Tree Felling Permit as specified in Section 5.19-100.
7. An Annexation application, as specified in Section 5.7-100, where a development is proposed outside of the city limits but within the City's urban service area and can be serviced by sanitary sewer.
8. A wetland delineation approved by the Department of State Lands shall be submitted concurrently, where there is a wetland on the property.
9. Evidence that any required Federal or State permit has been applied for or approved shall be submitted concurrently.
10. A Geotechnical Report prepared by an Engineer shall be submitted concurrently, if the required Site Assessment specified in Section 5.17-120 indicates the proposed development area has unstable soils and/or a high water table as specified in the *Soils Survey of Lane County*.

5.17-125 Criteria

The Director shall approve or approve with conditions: a Type II Site Plan Review application upon determining that approval criteria A. through E., below have been satisfied. If conditions cannot be attached to satisfy the approval criteria, the Director shall deny the application.

- A. The zoning is consistent with the Metro Plan diagram, and/or the applicable Refinement Plan diagram, Plan District map, and Conceptual Development Plan.
- B. 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.
- C. The proposed development shall comply with all applicable public and private design and construction standards contained in this Code and other applicable regulations.
- D. 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.

- 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.

5.17-130 Conditions

To the extent necessary to satisfy the approval criteria of Section 5.17-125, comply with all applicable provisions of this Code and to mitigate identified negative impacts to surrounding properties, the Director may impose approval conditions. Conditions imposed to satisfy the Site Plan application approval criteria shall not be used to exclude "needed housing" as defined in OAR 660-08-015. All conditions shall be satisfied prior to Final Site Plan 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 medians, 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 structures 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 5.17-120.
- 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.** Limiting the hours of operation whenever a land use conflict is identified by the Director or a party of record, including, but not limited to: noise and traffic generation.
- G.** 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.
- H.** Submittal of a Land and Drainage Alteration Permit.
- 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.** Installation of lighting for outdoor circulation, parking and safety, including approval of the type and placement of the outdoor lighting as specified in Section 4.5-100.
- K.** The Director may waive the requirement that buildable City lots/parcels have frontage on a public street when the following apply:
 - 1.** The lots/parcels have been approved as part of a Subdivision or Partition application; and

2. Access has been guaranteed via a private street to a public street or driveway by an irrevocable joint use/access agreement.
- L. 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 Final Site Plan. When a Federal or State agency issues a permit that substantially alters an approved Preliminary Site Plan, the Director shall require the applicant to submit a Site Plan Modification as specified in Section 5.17-145.
- M. 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*.

5.17-135 Final Site Plan/Final Site Plan Equivalent Map

- A. Final Site Plan, Generally. Within 90 days of an affirmative decision by the Approval Authority, a complete Final Site Plan shall be submitted to the Development Services Department. The Final Site Plan submittal shall incorporate all approval conditions listed in the staff report. The Final Site Plan shall become null and void if construction has not begun within two years of the signing of the Development Agreement required in Section 5.17-140.
- B. Final Site Plan Equivalent Map. In the case of developed or partially developed industrial properties of more than 5 acres in size that did not receive Final Site Plan approval prior to the adoption of this Code, the Director may approve a Final Site Plan Equivalent Map to allow the property owner to use the Site Plan Modification process specified in Section 5.17-145 for future additions or expansions.
 1. Final Site Plan Equivalent Map - Review.
 - a. Final Site Plan Equivalent Map applications are reviewed under Type I Procedure.
 - b. The approval criteria is compliance with the submittal requirements of Subsection 2., below.
 - c. In the staff report, the Director shall condition the approved Final Site Plan Equivalent Map to require its submittal with any future Site Plan Modification application.
 2. Final Site Plan Equivalent Map - Submittal requirements. The Final Site Plan Equivalent Map application may be submitted concurrently with a Site Plan Review Modification application. The applicant shall submit a map based on City Government Information System maps at a scale not less than 1" =100' that contains the following information:
 - a. The property lines;

- b. The location of all existing buildings to include their use and dimensions;
 - c. Paved parking areas to include the number of parking spaces;
 - d. The location of public utilities on the property, specifically stormwater, sanitary sewer, electricity and water;
 - e. The location and identification of all outfalls, if there are waterways that abut the property. For properties that abut Water Quality Limited Watercourses the approximate location of top of bank, and the 150 foot required setback from top of bank;
 - f. Existing landscaping along the frontage of abutting public rights-of-way; and
 - g. Any additional information required by the Director that may be specific to a particular property.
3. Final Site Plan Equivalent Map - Applications for proposed additions or expansions.
- a. The Director shall determine whether a Major or Minor Site Plan Modification application is required. The applicable development standards and approval criteria for the proposed addition or expansion shall be addressed as part of the Site Plan Modification application.
 - b. The applicant shall update the Final Site Plan Equivalent Map as a condition of Site Plan Modification preliminary approval.
 - c. The applicant shall submit the revised Final Site Plan Equivalent Map with the Final Site Plan for the Site Plan Modification.
 - d. No formal amendment of the original Site Plan Equivalent Map application is required in order to update the map. The intent is to have an up to date record of development on the industrial property on file in the last Site Plan Modification application.

5.17-140 Development Agreement

- A. To complete the Site Plan Review Process, a Development Agreement shall be prepared by the Director to be signed by the applicant. The purpose of the Development Agreement is to ensure that the terms and conditions of Site Plan Review approval are understood and binding upon both the applicant and the City. The Development Agreement and the Final Site Plan approval are valid for two years from the date the document is signed. If construction does not begin within this timeline, both the Final Site Plan and the Development Agreement shall become null and void. However, one extension, not to exceed one year may be granted by the Director upon receipt of a written request by the applicant, including

an explanation of the delay. Work under progress shall not be subject to Final Site Plan or Development Agreement expiration.

EXCEPTION: No Development Agreement shall be required for a Final Site Plan Equivalent Map application that is approved as specified in Section 5.17-135.

- B. A Building Permit may be issued by the Building Official only after the Development Agreement has been signed by the applicant.
- C. No building or structure shall be occupied until all improvements are made as specified in this Section, unless otherwise permitted in Section 5.17-150.
- D. Upon satisfactory completion of site development, as determined by a Final Site Inspection (prior to the final building inspection), the City shall authorize the provision of public facilities and services and issue a Certificate of Occupancy.

5.17-145 Modifications

- A. The Site Plan Modification process establishes procedures to allow certain adjustments to an approved Site Plan, either after Preliminary Approval or after Final Approval. This process shall assure that any proposed Major Site Plan Modification continues to comply with the approval criteria specified in Section 5.17-125.
- B. The Site Plan Modification process shall only apply to Site Plan applications approved after June 5, 1986.
 - 1. The Site Plan Modification process shall not apply to any proposed development that qualifies as an MDS application.
 - 2. Where there is a change of use on a property that received Site Plan Review approval, the Director may perform a site visit prior to a Site Plan Modification application submittal. If the property is currently in compliance with all criteria of approval specified in Section 5.17-125, no Site Plan Modification application will be required.
- C. The Director shall determine whether the Site Plan Modification will be processed under the Type I or Type II review process as follows:
 - 1. A Minor Site Plan Modification application is evaluated under the Type I review process. The application is reviewed based upon a particular standard as specified in this Code that does not involve a Type II or Type III Variance, e.g., a modification in the location or type of required landscaping or an insignificant change in the number and/or layout of parking spaces.
 - 2. A Major Site Plan Modification application is evaluated under the Type II review process. The application is reviewed based upon a particular criterion as specified in Section 5.17-125, e.g., a revision of the stormwater management plan, a substantial increase in the size of the building or when commercial or industrial development abuts property zoned residential. The Type II review process shall also be applied when:

- a. The modification involves any items listed in Subsection 5.17-105;
 - b. A Federal or State agency issues a permit that substantially alters an approved Site Plan; or
 - c. Pad sites in shopping centers or future phases shown on an approved Final Site Plan have not been constructed within the time line specified in Section 5.17-135.
- D. The criteria of approval for a Site Plan Modification application shall be in compliance with the applicable standard and/or criteria of approval specified in Section 5.17-125.
 - E. The Director may require approval conditions as specified in Section 5.17-130.
 - F. A Final Site Plan and Development Agreement is required as specified in Sections 5.17-135 and 5.17-140.

5.17-150 Security and Assurances

All required improvements shall be installed prior to the issuance of a Certificate of Occupancy or Final Building Inspection for the development, unless specified in Section 5.15-100 or improvements may be deferred for good cause by the Director if security as specified in Subsection C., below is approved to the satisfaction of the City Attorney.

- A. A Temporary Certificate of Occupancy may be issued prior to complete installation and approval of improvements, if security is filed with the City.
- B. Required security shall equal 110 percent of the cost of the design, materials and labor, as determined by the Director. Required security may consist of cash, certified check, time certificate or deposit, or lending agency certification to the City that funds are being held until completion.
- C. If the installation of improvements is not completed within the period stipulated by the Director, or if the improvements have been improperly installed, the security may be used by the City to complete the installation, or the security may be held by the City and other enforcement powers employed to prevent final occupancy until the improvements are completed.
- D. Upon completion of the improvements as certified by the Director, any portion of the remaining security deposited with the City, including any accrued interest, shall be returned.

5.17-155 Maintaining the Use

Once a Certificate of Occupancy has been granted or a Final Building Inspection has taken place:

- A. The building and site shall be maintained as specified in this Code in order to continue the use.

- B.** It shall be the continuing obligation of the property owner to maintain the planting required by Section 4.4-100 in an attractive manner free of weeds and other invading vegetation. Plantings in the vision clearance area shall be trimmed to meet the 2 1/2 foot height standard as specified in Section 4.2-130.
- C.** Parking lots shall be maintained by the property owner or tenant in a condition free of litter and dust, and deteriorated pavement conditions shall be improved to maintain conformance with these standards.
- D.** Undeveloped land within a development area shall be maintained free of trash and stored materials in a mowed and attractive manner. Undeveloped land shall not be used for parking.

Section 5.18-100 Solar Access Protection

5.18-105 Purpose

- A. The Solar Access Protection application provides protection from the shade cast by new vegetation planted after the date of application. The Solar Access Protection application defines height limitations for new vegetation located within all zoning districts. Only lots/parcels located in LDR and MDR Districts are eligible to receive Solar Access protection.
- B. No Solar Access Protection approval may restrict a lot/parcel:
 - 1. Or portion of a lot/parcel which is located more than 150 feet south of the solar energy system.
 - 2. That has a slope facing within greater than 45 degrees east or west of true north south and exceeding 15 percent.
- C. Solar Access Protection approval becomes void if the use of the solar energy system feature is discontinued for more than 12 consecutive months or if the system solar feature is not installed and operative within 12 months of the filing date of the Solar Access Protection application.

5.18-110 Review

The Solar Access Protection application shall be reviewed under Type II procedure.

5.18-115 Submittal Requirements

An application for the Solar Access Protection application shall include:

- A. The name and address of the applicant and property owner and the assessor map and tax lot map numbers of the property where the proposed application is to be applied.
- B. The hours and months for which solar access is sought.
- C. A scaled drawing of the solar energy system feature, its dimensions, its height above ground level and its orientation.
- D. A sunchart for the proposed location as seen from the center of the lower edge of the site of the solar energy system feature. If the solar energy system feature is more than 20 feet in length, a sunchart shall also be provided for the southeast and southwest corners of the lower edge of the solar energy system feature.
- E. A Plot Plan showing lot/parcel lines and dimensions of the applicant's lot/parcel and neighboring lots/parcels which will be affected by the application. The Plot Plan shall include the location of the solar energy system feature and the location of structures and trees on the applicant's lot/parcel and affected neighboring lots/parcels.

- F. Demonstrate that the solar energy system feature will not be shaded under the provisions of the solar setback standards as specified in Section 3.2-215.
- G. Demonstrate that the solar energy system feature is installed or a written commitment to install the proposed solar energy system within one year of the effective date of the permit.
- H. A solar envelope access height limit for each lot/parcel that would be subject to the proposed application.
- I. The names and addresses of all owners and registered lessees of properties that will be subject to the proposed application.

5.18-120 Criteria

The Director shall approve, approve with conditions or deny the request based on the following criteria:

- A. The solar energy system shall have at least four hours per day of solar access between 9 a.m. and 3 p.m. during the period for which solar access protection is being sought. The hours and dates during which solar access is protected shall not exceed that defined by the solar heating hours provided under the solar setback standard in Section 3.2-215.
- B. The solar energy system shall not be shaded under the solar setback standard as specified in Section 3.2-215.

5.18-125 Recordation

Upon approval of the Solar Access Protection application, the Director shall:

- A. File with the Lane County Clerk, on a form as may be required by State law, the Solar Access Protection approval including any exemptions to or limits on the solar access protected, Plot Plan, sunchart and solar envelopes; and
- B. Send notice to each property owner and occupant affected by the Solar Access Protection approval that it has been granted and recorded and that it may impose certain obligations on the property owner or occupant to trim vegetation in the future.

5.18-130 Effect and Enforcement

- A. The effective date of the Solar Access Protection approval shall be the date that the Director grants approval. No person shall plant any non-exempt vegetation that shades a recorded solar energy system feature after receiving notice of a pending application or upon approval, unless the vegetation is specifically exempted by the approval or by this regulation, or is maintained and trimmed in a manner that complies with the approval.

- B.** In the event that non-exempt vegetation on a neighboring property is shading a solar energy system feature for which a Solar Access Protection approval has been granted, the permit holder or the City, on complaint by the permit holder, shall give notice of the shading to the property owner or occupant of the property where the shading vegetation is located. If the property owner or occupant fails to remove or trim the shading vegetation within 30 calendar days after receiving the notice, an injunction may be issued upon complaint of the permit holder to the District Court. The injunction may order the property owner or occupant to trim the vegetation, and the court may order the violating property owner or occupant to pay any damages to the complainant, to pay court costs and to pay the complainant reasonable attorney's fees.

5.18-135 Termination

The Director shall revoke the Solar Access Protection approval if the solar collector feature does not function for 12 consecutive months or if requested by the permit holder or successor in interest. The Director shall send the permit holder, the owners of all properties affected by the Solar Access Protection approval and the Lane County Clerk a Notice of Termination.

Section 5.19-100 Tree Felling Permit

5.19-105 Purpose

This Section ensures that tree felling is as specified in Metro Plan policies which call for the retention of natural vegetation, natural water features and drainageways, scenic quality, wildlife habitat and archaeological sites to the maximum extent possible within the city limits and the City's urban services area. Timber harvesting is secondary to preservation of other natural resources and cultural values within the Urban Growth Boundary. The natural amenities of developable properties shall be retained to enhance their future urban use in the Metro Plan, until these properties are ready for urban development. Significant tree removal shall be permitted only when specific development plans have been approved by the City, consistent with plan policies and City development regulations. Interim removal of trees may be permitted if the removal does not significantly detract from the natural and cultural amenities that make a particular site attractive for future urban development.

5.19-110 Applicability

- A.** A Tree Felling Permit shall be required prior to the felling of more than 5 trees 5" dbh (diameter at breast height) or larger within a period of 12 consecutive months from a lot/parcel of private property under common ownership consisting of 10,000 square feet or more of total area.
- B. EXCEPTIONS:** No Tree Felling Permit will be required in the following instances:
1. The action of the Director and/or Public Works Director or any public utility necessary to remove or alleviate an immediate danger to life or property, to restore utility service or to reopen a public street to traffic.
 2. Any felling necessary to install or maintain improvements, including, but not limited to: streets and sewers within publicly owned and accepted rights-of-way or utility easements pursuant to approved construction plans or encroachment permits.
 3. Felling of trees that obstruct vision clearance at intersections as specified in Section 4.2-130.
 4. Where a Tree Felling Permit has been issued that includes a tree protection plan incorporating a procedure for tree removal, or designating specific trees to be removed within established building envelopes identified in an approved Subdivision or Partition, no additional Tree Felling Permit shall be required.

5.19-115 Review

A Tree Felling Permit shall be reviewed under Type II procedure and/or in conjunction with a related development plan.

5.19-120 Submittal Requirements

Application for a permit to fell a tree or trees shall include:

- A.** The name, address and telephone number of the applicant; species or common tree names; the reason for felling; a Plot Plan showing the location of trees to be removed and their sizes; the method of tree removal and the hauling route to be used; and
- B.** A description of any plan (Vegetation and Re-vegetation Report) to replace, landscape, or otherwise reduce the effect of the felling that addresses the applicable criteria in Section 5.19-125.
- C.** The Director or the Public Works Director may require the applicant to provide the services of a professional forester (approved by the City), licensed hydrologist or licensed landscape architect in order to address the standards in Section 5.19-125 for undeveloped property greater than 10 acres in size of 15 percent slope or above an elevation of 670 feet.

5.19-125 Criteria

The Director, in consultation with the Public Works Director and the Fire Chief shall approve, approve with conditions or deny the request based on the following criteria:

- A.** Whether the conditions of the trees with respect to disease, hazardous or unsafe conditions, danger of falling, proximity to existing structures or proposed construction, or interference with utility services or pedestrian or vehicular traffic safety warrants the proposed felling.
- B.** Whether the proposed felling is consistent with State standards, Metro Plan policies and City Ordinances and provisions affecting the environmental quality of the area, including but not limited to, the protection of nearby trees and windbreaks; wildlife; erosion, soil retention and stability; volume of surface runoff and water quality of streams; scenic quality; and geological sites.
- C.** Whether it is necessary to remove trees in order to construct proposed improvements as specified in an approved development plan, grading permits and construction drawings.
- D.** In the event that no Development Plan has been approved by the City, felling of trees will be permitted on a limited basis consistent with the preservation of the site's future development potential as prescribed in the Metro Plan and City development regulations, and consistent with the following criteria.
 - 1.** Wooded areas associated with natural drainageways and water areas shall be retained to preserve riparian habitat and to minimize erosion;
 - 2.** Wooded areas that will likely provide attractive on-site views to occupants of future developments shall be retained;

3. Wooded areas along ridge lines and hilltops shall be retained for their scenic and wildlife value;
 4. Wooded areas along property lines shall be retained to serve as buffers from adjacent properties;
 5. Trees shall be retained in sufficiently large areas and dense stands so as to ensure against windthrow;
 6. Large-scale clear-cuts of developable areas shall be avoided to retain the wooded character of future building sites, and so preserve housing and design options for future City residents.
- E. Whether the applicant's proposed replanting of new trees or vegetation is an adequate substitute for the trees to be felled.
- F. Whether slash left on the property poses significant fire hazard or liability to the City.
- G. Whether the felling is consistent with the guidelines specified in the Field Guide to Oregon Forestry Practices Rules published by the State of Oregon, Department of Forestry, as they apply to the northwest Oregon region.
- H. Whether transportation of equipment to and equipment and trees from the site can be accomplished without a major disturbance to nearby residents.

5.19-130 Conditions

The Director may place conditions on the applicant's Plot Plan in order to meet the standards in Section 5.19-125.

- A. If issuance of the Tree Felling Permit shall be conditioned upon the applicant's proposed plan to replace the trees, landscape, or otherwise reduce the effects of the felling, the time within which the plan is to be completed shall be specified on the permit.
- B. The Director or the Public Works Director may require a surety bond to guarantee that any conditions imposed on tree felling are met and to insure against damage to City facilities.
- C. Failure to comply with a condition of a Tree Felling Permit within the designated time is a violation of this Section.

Section 5.20-100 Vacation of Rights-of-Way and Easements

5.20-105 Purpose

As land develops, and as land uses change over time, certain public property and easements may no longer be necessary or may need to be relocated. The reconfiguration of Subdivisions and Partitions may also be desired. This Code, the Springfield Municipal Code, 1997 Sections 3.200 through 3.206 and ORS 271.080 et seq. provide procedures, requirements, and approval criteria for Vacations.

5.20-110 Applicability

- A. The Vacation process applies to public rights-of-way, other public land, public utility and other public easements, and recorded Subdivision and Partition Plats under the jurisdiction of the City.
- B. The City's Vacation process shall not apply to:
 - 1. Lands over which Lane County or the State have jurisdiction, including, but not limited to: public rights-of-way or Subdivision and Partition Plats within the City's urbanizable area; or
 - 2. Lane County streets and State highways within the city limits where jurisdiction has not been transferred to the City.

5.20-115 Review

- A. The Vacation of all public easements is reviewed under Type II procedure.
EXCEPTION: Public utility easements within Partition and Subdivision Plats may also be realigned, reduced in width or omitted as part of the Replat process as specified in Section 5.12-165.
- B. The Vacation of any public rights-of-way, any other public land as specified in ORS 271.080 et seq., and the Vacation of Partition and Subdivision Plats in part or in their entirety, including public rights-of-way and public utility easements located within the Plat, is reviewed under Type IV procedure.

5.20-120 Submittal Requirements

- A. Vacation of public rights-of-way and public easements may be applied for by property owners, public agencies, or initiated by the City Council.
- B. Vacation of Partition and Subdivision Plats may be applied for by property owners.
- C. The application shall include:

- 1.** A legal description of the public rights-of-way, easement or Plat to be vacated prepared by an Oregon Licensed Land Surveyor or other professional approved by the Director;
- 2.** The reason for the Vacation;
- 3.** The proposed use of the property after Vacation;
- 4.** For citizen initiated Vacations of public rights-of-way or Partition and Subdivision Plats, the petition of affected property owners;
- 5.** A map prepared by an Oregon Licensed Land Surveyor or other professional approved by the Director of the area proposed to be vacated. The map shall show:
 - a.** The date, north arrow, and standard scale;
 - b.** The Assessor's Map and Tax Lot numbers of the affected properties and adjacent properties;
 - c.** A Vicinity Map on the Site Plan (Vicinity Map does not need to be to scale);
 - d.** All adjacent streets including street name, alleys, and accessways, and right-of-way and paving widths;
 - e.** All dimensions of existing public utility easements and any other areas restricting use of the parcels, for example: conservation areas, slope easements, access easements;
 - f.** Existing dimensions and square footage of the lots/parcels involved;
 - g.** Proposed dimensions and square footage of the lots/parcels involved (applies to Vacations of undeveloped Subdivision Plats and right-of-way Vacations);
 - h.** For public easement and right-of-way Vacations, clearly show dimensions of entire easement or right-of-way on or adjacent to the subject lots/parcels. Also clearly show dimensions of that portion proposed for Vacation, including square footage; and
 - i.** For right-of-way Vacations, demonstrate compliance with the boundary requirements of ORS 271.080 et seq.
 - j.** The legal description of the easement, right-of-way or Plat, or portion thereof, proposed to be vacated.
- 6.** Where public easements are proposed to be vacated, a notarized letter of concurrence with the Vacation from all utility providers other than the City

(telephone, cable TV, electric, water and gas), shall be submitted with the application.

5.20-125 Notice

- A.** Notice for Vacations reviewed under Type II procedure is as specified in Section 5.1-130.
- B.** Notice for Vacations reviewed under Type IV procedure is as specified in Section 5.2-115.

EXCEPTIONS:

- 1.** Newspaper notice shall be published once each week for two consecutive weeks prior to the public hearing. The first day of publication and the posting shall be not less than 14 days before the hearing.
 - 2.** The applicant shall post two signs, approved by the Director on the subject property, or if right-of-way is proposed to be vacated, the notice shall be attached to a telephone or other similar utility pole within the Vacation area.
- C.** Notice for all Vacations will be mailed to all utility providers providing service within the city limits and the City's urbanizable area.

5.20-130 Criteria

- A.** For the Vacation of public utility easements, the Director shall approve, approve with conditions, or deny the application. The application will be approved if the Vacation is found to be consistent with the following criteria:
 - 1.** There are no present or future services, facilities, or utilities deemed to be necessary by a utility provider and the easement is not necessary; or
 - 2.** If the utility provider deems the easement to be necessary, public services, facilities, or utilities can be extended in an orderly and efficient manner in an alternate location.
- B.** Where the proposed Vacation of public rights-of-way, other City property, or Partition or Subdivision Plats is reviewed under Type IV procedure, the City Council shall approve, approve with conditions, or deny the Vacation application. The application will be approved if the Vacation is found to be consistent with the following approval criteria.
 - 1.** The Vacation shall be in conformance with the Metro Plan, TransPlan, the Conceptual Local Street Map and adopted Functional Plans, and applicable Refinement Plan diagram, Plan District map, or Conceptual Development Plan;

2. The Vacation shall not conflict with the provisions of Springfield Municipal Code, 1997; and this Code, including but not limited to, street connectivity standards and block lengths; and
 3. There shall be no negative effects on access, traffic circulation, emergency service protection or any other benefit derived from the public right-of-way, publicly owned land or Partition or Subdivision Plat.
- C. Notwithstanding the provisions of Subsection B., above where the land affected by the proposed Vacation of public right-of-way, other public land as specified in ORS 271.080, or public easement will remain in public ownership and will continue to be used for a public purpose, the request shall be reviewed under the Type IV procedure. The City Council may approve the Vacation application if it is found to be consistent with the following criteria:
1. The Vacation was initiated by the City Council pursuant to ORS 271.130(1);
 2. Notice has been given pursuant to ORS 271.110(1);
 3. Approval of the vacation would be consistent with provision of safe, convenient and reasonably direct routes for cyclists, pedestrians and vehicles as provided in OAR 660-012-00045(3);
 4. Whether a greater public benefit would be obtained from the vacation than from retaining the right of way in its present status; and
 5. Whether provisions have been made to ensure that the vacated property will remain in public ownership.

5.20-135 Conditions

If the Director or the City Council approves a Vacation, the following conditions may be attached:

- A. For a Vacation involving public right-of-way, where applicable, an easement for a public facility, publicly owned utility or other utility shall be retained.
- B. A public facility, publicly owned utility or other utility shall be constructed, relocated or removed at the applicant's expense or through cost sharing with the City as may be available. A new public easement shall then be required.
- C. A Vacated Partition or Subdivision Plat shall be replatted, where necessary.
- D. A public right-of-way shall be relocated and rebuilt at the applicant's expense or through cost sharing with the City, as may be available.
- E. Where the Vacation of a City right-of-way results in an assessment of special benefit to the remaining property, the property owner shall provide compensation to the City as specified in Section 3.204 of the Springfield Municipal Code, 1997.

- F. The City Council may attach any other conditions as may be reasonably necessary in order to allow the Vacation to be granted.

Section 5.21-100 Variances

5.21-105 Purpose

It is the intent of this Section that a Variance may be granted when the strict application of certain provisions of this Code create a unique circumstance, caused by unusual conditions related to a specific property, building or structure. An authorized Variance is not personal to the applicant, but runs with the land and/or use, as applicable. The granting of a Variance does not create a non-conforming use, lot/parcel.

5.21-110 Applicability

The Variance provisions of this Section apply to buildings, structures and lots/parcels. There may be provisions for Variances from other regulations specified elsewhere in this Code, including, but not limited to:

- A. Floodplain Variances, which are processed using criteria specified in Section 3.3-430.
- B. Multi-family dwelling unit Variances, which are processed using criteria specified in Section 3.2-250.

5.21-115 Prohibited Variances

No Variance will be granted that:

- A. Authorizes a use that is not permitted in the applicable zoning, overlay or Plan District;
- B. Conflicts with adopted Fire and Life Safety Codes or Building Safety Codes; and/or
- C. Varies from State or Federal mandated regulations, unless otherwise specified in this Code.

5.21-120 Review

- A. A Minor Variance is reviewed under Type II procedure.
- B. A Major Variance is reviewed under Type III procedure.

5.21-125 Minor Variances – Criteria

- A. Minor Variances are limited to certain specific numeric standards in this Code. The Director may adjust the following numeric standards by up to 30 percent as a Minor Variance:
 - 1. Building setbacks;

2. Lot/parcel dimensions that do not reduce the required lot/parcel size below the minimum required in the applicable zoning district;
 3. Building height;
 4. Lot/parcel coverage outside of the HD Overlay District as described in Section 3.3-510; and
 5. Parking standards on certain infill lots/parcels.
- B.** If the Minor Variance involves a setback, the plot plan shall be prepared by an Oregon registered surveyor.
- C.** The Director may consider additional categories of Minor Variance, on a case by case basis, without the need for an Interpretation, as specified in Section 5.11-100.
- D.** The Director shall approve the Minor Variance if the applicant demonstrates compliance with all of the applicable approval criteria:
1. Locational or dimensional problems have been identified that can be resolved by a Minor Variance;
 2. The request is the minimum necessary to alleviate the identified dimensional or locational problem;
 3. Where applicable, the request shall result in the preservation of on-site trees 5" dba and above;
 4. The request shall not impede adequate emergency access to the site;
 5. The request shall not unreasonably adversely impact public or private easements; and
 6. The request shall not unreasonably limit solar access standards for abutting properties. In order to meet this criterion, the Director may require that the building or structure be placed as close to the south property line as possible.
 7. In addition to the applicable approval criteria specified in Subsections 1. through 6., above, the following approval criteria shall also apply to a request involving parking reductions on infill lots/parcels in the Commercial and Industrial Districts when there is a change of use, addition or expansion that requires Site Plan Review Modification. The Minor Variance for parking reductions shall not apply to MDS applications as specified in Section 5.15-100:
 - a. The individual characteristics of the proposed use require more parking than is generally required for a use of this type;

- b. The Minor Variance for a parking reduction shall run with the use or uses to which it pertains and not run with the land itself;
- c. The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses because:
 - i. The owners of abutting properties cannot agree to execute a joint access/parking agreement, and/or
 - ii. The Public Works Director has determined the proposed shared parking area is a safety hazard because it is located too far from the proposed use;
- d. The request shall not result in the parking or loading of vehicles on public streets in a manner that may interfere with the free flow of traffic on the streets.
- e. The property otherwise complies with the provisions of this Code.

5.21-130 Major Variances – Criteria

Major Variances involve discretionary decision-making and apply to those Variances that are not Minor Variances as specified in Section 5.21-125. The Approval Authority may approve or approve with conditions a Major Variance on finding that all of the following approval criteria are satisfied, otherwise the request will be denied:

- A. An unusual condition exists that is unique to: a lot/parcel, building or structure; lot/parcel size, shape or topography; the location or size of physical improvements; or other similar circumstances not anticipated by this Code but related to the property that would deprive the owner of rights commonly enjoyed by other property owners similarly situated in the same zoning district;
- B. The Variance shall not be inconsistent with the development standards of this Code or of any applicable Refinement Plan diagram, Plan District map, Conceptual Development Plan or other applicable plans or studies;
- C. The Variance shall have no significant adverse affects on other properties in the same zoning district and/or vicinity, or the request can be conditioned so that there are no significant adverse affects;
- D. The unusual condition described in Subsection A. above shall not arise from a previous Code violation or rely only on loss of profit or financial need.
- E. The Variance requested is the minimum necessary to alleviate the unusual condition.

5.21-135 Conditions

The Approval Authority may attach conditions as may be reasonably necessary in order to allow the Minor or Major Variance to be granted.

Section 5.22-100 Zoning Map Amendments

5.22-105 Purpose

The purpose of this Section is to provide standards and procedures for legislative and quasi-judicial amendments to the Official Zoning Maps.

5.22-110 Review

Official Zoning Map amendments may be initiated by the Director, the Planning Commission, the Hearings Official, the City Council or a citizen. Zoning Map amendments shall be reviewed as follows:

- A. Legislative Zoning Map amendments involve broad public policy decisions that apply to other than an individual property owner, generally affecting a large area and/or require a concurrent Metro Plan diagram amendment as specified in Section 5.14-100. Legislative Zoning Map amendments are reviewed using Type IV procedure.
 - 1. Metro Plan diagram amendment determination. An amendment to the Metro Plan diagram shall be required if the proposed Zoning Map amendment is not consistent with the Metro Plan diagram. Both amendments may be processed concurrently.
 - 2. Transportation Planning Rule Compliance. Where applicable, legislative Zoning Map amendments shall be reviewed to determine whether the application significantly affects a transportation facility, as specified in Oregon Administrative Rule (OAR) 660-012-0060. In this case a Traffic Impact Study shall be submitted as specified in Section 4.2-105A.4.
- B. Quasi-judicial Zoning Map amendments involve the application of existing policy to a specific factual setting, generally affecting a single or limited group of properties and may or may not include a Metro Plan diagram amendment. Quasi-judicial Zoning Map amendments are reviewed using Type III procedure, unless a Metro Plan diagram amendment is required. In this case, the Quasi-judicial Zoning Map amendment will be raised to a Type IV review.

5.22-115 Criteria

- A. Quasi-judicial Zoning Map amendments. The Planning Commission or Hearings Official may approve, approve with conditions or deny a quasi-judicial Zoning Map amendment based upon approval criteria C.1.-3., below. The Planning Commission or Hearings Official shall make the final local decision on all quasi-judicial Zoning map amendments that do not include a Metro Plan diagram amendment.
- B. Legislative Zoning Map amendments and quasi-judicial Zoning Map amendments raised to a Type IV review. The Planning Commission or Hearings Official may make a recommendation to the City Council to approve, approve with conditions or deny Zoning Map amendments and Metro Plan diagram amendments based upon approval criteria in Subsection C. 1.-4., below. The City Council shall make the final local decision on all Zoning Map amendments involving a Metro Plan diagram amendment.

C. Zoning Map amendment criteria of approval:

1. Consistency with applicable Metro Plan policies and the Metro Plan diagram;
2. Consistency with applicable Refinement Plans, Plan District maps, Conceptual Development Plans and functional plans; and
3. The property is presently provided with adequate public facilities, services and transportation networks to support the use, or these facilities, services and transportation networks are planned to be provided concurrently with the development of the property.
4. Legislative Zoning Map amendments that involve a Metro Plan Diagram amendment shall:
 - a. Meet the approval criteria specified in Section 5.14-100; and
 - b. Comply with Oregon Administrative Rule (OAR) 660-012-0060, where applicable.

5.22-120 Conditions

The Approval Authority may attach conditions as may be reasonably necessary in order to allow the Zoning Map amendment to be granted.

5.22-125 Mobile Home Park Notice

If a Zoning Map amendment involves property containing an existing mobile home park, the Director shall provide written notice to each unit in the mobile home park as specified in Section 5.2-115 and as specified in ORS 90.630(5).

**CHAPTER 6
DEFINITIONS**

Section 6.1-100 Definitions

6.1-105 Meaning of Common Words

- A. All words used in the present tense include the future tense.
- B. All words in the plural include the singular, and all words used in the singular include the plural unless the context clearly indicates to the contrary.
- C. All words used in the masculine gender include the feminine gender.
- D. The word "shall" is mandatory and the word "may" is permissive.
- E. The word "structure" includes the word "building".
- F. The phrase "used for" includes the phrases "arranged for", "designed for", "intended for", and "occupied for".
- G. The words "land", "property", "site", "lot/parcel" and "premise" are used interchangeably unless the context clearly indicates to the contrary.
- H. The words "proposal", "application", and "request" are used interchangeably unless the context clearly indicates to the contrary.
- I. The word "lot" includes the word "parcel".
- J. Where words are not defined in this Section, the following sources shall be consulted: the Metro Plan, State statute, the Springfield Code and any dictionary of common usage, all of which will be interpreted by context.

6.1-110 Meaning Of Specific Words And Terms

Abut. To share a common lot/parcel/property line or zoning district boundary that may or may not be separated by a street or alley.

Acceptable Site. For purposes of siting wireless telecommunications systems facilities, any land planned and zoned Community Commercial, Booth-Kelly Mixed Use or Campus Industrial.

Access. The approved means by which vehicles have ingress and/or egress to an approved lot/parcel or development area.

Accessory Dwelling Unit. A secondary, self-contained dwelling that may be allowed only in conjunction with a detached single-family dwelling. An accessory dwelling unit is subordinate in size, location, and appearance to the primary detached single-family dwelling. An accessory dwelling unit generally has its own outside entrance and always has a separate kitchen, bathroom and sleeping area. An accessory dwelling may be located within, attached to or detached from the primary single-family dwelling.

Accessory Structure. A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure. Accessory structures are generally detached from the primary structure. If accessory structures are attached to the primary structure, their structural framework is independent or semi-independent from the primary structure. For example, a porch, deck or stairs that have their own footings or foundation are accessory structures even though they may be attached to the primary structure. A balcony that is supported totally by the framework of the primary structure is not considered an accessory structure. Agricultural structures, including, but not limited to, barns, silos, hay sheds, drying sheds and greenhouses, are exempt from the Specific Development Standards of the underlying zoning district when located on land two acres or larger or on any lot/parcel with a valid farm deferral tax classification from the Oregon State Department of Revenue. Notwithstanding this exemption, land use activities conducted on land with agricultural structures must otherwise conform to the list of permitted uses within the underlying zoning district (See also **Primary Structure; Extension, Architectural; and Incidental Equipment**).

Accessway. A dedicated easement or right-of-way intended to allow pedestrians and bicyclists convenient linkages, where no public street access exists, to streets, residential areas, neighborhood activity centers, industrial or commercial centers, transit facilities, parks, schools, open space; or trails and paths.

Adjacent. To share a common lot/parcel/property line or zoning district boundary that is separated by a street or alley.

Administrative Office. A building or portion of a building, in which persons are employed in the day-to-day management or direction of a single business or division of that business.

Agriculture. The cultivation of tree crops, plants, orchards, pasture, flower, berry and bush crops or the keeping, raising or breeding of livestock or poultry where permitted by the Springfield Municipal Code, 1997, and on any lot/parcel with a valid farm deferral tax classification from the Oregon State Department of Revenue. Agricultural structures, as defined elsewhere in this Code, also is defined as "Agriculture."

Alley. A service way providing means of public access to abutting property and not intended for general traffic circulation.

Alter, Alteration. A modification in use of a structure that may or may not involve construction. As used in Section 3.3-900, any construction, erection, remodeling, restoration, reconstruction, removal or exterior painting affecting the appearance or position of an Historic Landmark Site or Structure within or outside of a designated Historic District.

Animal Clinic. A business establishment in which veterinary services are provided to small domestic pets on an out-patient basis with no over night boarding allowed.

Animal Hospital. A place where animals are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

Annexation Agreement. A written agreement between the City and owners of land requesting annexation that states the terms, conditions and obligations of the parties to mitigate fiscal and service impacts to the City associated with the annexation and future development of the property. The agreement may be used to ensure annexation consistent with the Metro Plan.

Antenna. The specific device used to capture an incoming and/or transmit an outgoing radio-frequency signal. This definition includes omni-directional (whip) antennas; directional (panel) antennas; parabolic (microwave dish) antennas; and ancillary antennas (i.e., GPS). All other transmitting or receiving equipment not specifically described in this definition are regulated in conformity with the type of antenna which most closely resembles the equipment.

Appeal. A request for a review of a final decision by the Director, Planning Commission or City Council in accordance with applicable procedures, based on the standards of this Code.

Applicant. A person submitting an application; the owner of affected property, or the owner's duly authorized representative. The City Attorney may require proof of the sufficiency of the representative's authorization by the owner to act as applicant on the owner's behalf.

Approval Authority. The individual or public body which has jurisdiction for making a decision on an application under the provisions of this Code.

Aquifer. A geologic formation, group of formations, or part of a formation that is capable of storing and transmitting water in sufficient quantity to supply wells or springs.

Attached WTS Facility. An existing pole, tower or other structure capable of accommodating a WTS facility antenna, whether originally intended for the use or not.

Backhaul Network. The land lines that connect a WTS provider's radio signals to one or more cellular telephone switching offices and/or local or long distance providers, or the public switched telephone network.

Base Flow. The portion of a stream flow that is not run-off and results from seepage of water from the ground into a channel. The primary source of running water in a stream during dry weather.

Bed and Breakfast Facility. A structure designed for and occupied as a single-family dwelling, in which travelers are lodged for sleeping purposes for two weeks or less and a morning meal provided, and for which compensation is paid. A Bed and Breakfast Facility is not a hotel, motel, boarding house or rooming house.

Berm. A mound of earth used to deflect sound or used as a buffer in landscaping provisions to separate incompatible areas or to provide aesthetic enhancement in site design.

Bicycle or Bike Lane. A portion of a street that has been designated, by striping, signage and pavement markings, for the exclusive use of bicycles.

Bicycle Parking Space. A space for one standard bicycle within a lighted and secure bicycle rack, placed in a paved area.

Bikeway. Any street, path or way which in some manner is specifically designated for bicycle travel, regardless of whether the facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

Block. An area of land containing one or more lots/parcels surrounded by streets, railroad rights-of-way and/or un-subdivided acreage.

Boarding House. A building where lodging and meals are provided for more than two weeks for compensation. This definition excludes bed and breakfast facilities

Bond, Performance or Security. Collateral security for the performance of a specific action or duty imposed by the City.

Buildable Area of a Lot/parcel. The area of a lot/parcel enclosed within the setback boundaries, exclusive of easements.

Building. Any structure used or intended for sheltering any use or occupancy. As used in Section 3.3-400 Floodplain Overlay District, the terms "building" and "structure" are synonymous, and are framed, erected, constructed or placed to stand temporarily or permanently on a tract of land. This definition specifically includes a mobile home, manufactured home and any accessories, and gas or liquid storage tanks principally above ground.

Building Board of Appeals. A board appointed in accordance with Section 2.500 to 2.574 of the Springfield Municipal Code, 1997, to hear requests for alternate building methods/materials.

Building Envelope. That portion of a lot/parcel that has no development restrictions where the placement of driveways and structures can be established. The building envelope shall not include the area of any required setbacks, tree protection plans, conservation zones or other protected areas as authorized by a limited land use decision.

Building Height. The vertical distance above a reference datum measured to the highest point of the coping of a flat roof, to the declivity of a mansard roof, or to the average height of the gables of a pitched or hipped roof. The maximum height of a stepped or terraced building is the maximum height of all segments of that building. The reference datum is, which either of the following of the two measurements that results in the greater building height (refer also to Figure 6.1-A:

- A. The reference datum is the lowest grade when the highest ground surface within a 5-foot horizontal distance of the exterior wall is not more than 10 feet above the lowest grade.
- B. The reference datum is 10 feet higher than the lowest grade when the ground surface described in A, above is 10 feet above the lowest grade.

Building Official. The person responsible for the administration and enforcement of the Building Safety Codes; the duly authorized representative of the Director responsible, in consultation with the City Engineer, for the interpretation of Section 3.3-400 Floodplain Overlay District.

Building Permit. Written permission issued by the Building Official that construction may commence in accordance with this Code and the Building Safety Codes.

Building Safety Codes. A book of codes including the Springfield Building Code Administrative Code, the Structural Specialty Code, the Mechanical Specialty Code, the Electrical Specialty Safety Code and the Plumbing Specialty Code.

Burden of Proof. The duty of producing evidence or establishing a given proposition in order to establish that the party seeking affirmative relief or action is entitled to relief or action by the applicable ordinances and statutes.

Business Park. A tract of land has been planned, developed and operated as a single or an integrated facility characterized by a variety of light industrial manufacturing uses, offices and related commercial uses, with special attention to circulation, parking, utility needs, aesthetics and compatibility (See also **Industrial Park**).

Calendar Day. Any day of the year, including official City holidays and weekends. If any effective date or deadline falls on a weekend or holiday, the date or deadline will be effective on the next City working day.

Carport. A roofed accessory structure providing parking space which is open on two or more sides.

Cell. A geographic area where a single radio transmission sending/receiving station (per provider) and the equipment necessary to connect these radio calls to land lines or other cells are located.

Certificate of Occupancy. A document issued by the Building Official allowing the occupancy or use of a structure and demonstrating that the structure or use has been constructed in compliance with all applicable City codes and ordinances.

Change of Use. A change from one existing permitted to another permitted use in the applicable zoning district.

Child Care. A facility in which children, not of common parentage, between 6 weeks and 15 years of age, are given board, care or training apart from their parents or guardian with or without compensation within a 24 hour period.

Child Care, Home. A facility in which there are no more than 5 children. The operator of the Day Care Home shall reside at the residence.

Child Care Group Home. A facility in which there are 6 but no more than 12 children. The operator of the Day Care Group Home shall reside at the residence.

Child Care Center. A facility in which there are 13 or more children. The operator of the Day Care Center may or may not reside at the residence.

Church. Any use of land or buildings, primarily intended for the conducting of organized religious services, excluding bingo parlors, provided that soup kitchens, distribution centers, private schools, and emergency shelters may be approved as secondary uses by the Approval Authority.

City. The City of Springfield.

City Council. The Springfield Common Council.

City Engineer. An Oregon Registered Professional Engineer who is an officer of the City and is charged with the supervision and construction of public improvements and the enforcement of City ordinances as they relate to public improvements, or a duly authorized representative.

City Recorder. The Springfield Finance Director, or a duly authorized representative.

City Surveyor. An Oregon Registered Professional Land Surveyor who is charged with conducting surveys of City facilities and with the enforcement of certain City ordinances and State statutes as they relate to subdivision and partitioning of land.

Clean Water Act (CWA). A federal law established in 1972 to restore and maintain the chemical, and physical and biological integrity of water, including lakes, river aquifers and coastal areas.

Clinic. Single or multiple offices for medical practitioners which may include a dispensary in each building to handle merchandise customarily prescribed by medical practitioners in connection with their practices, with patients not being lodged over night.

Cluster Subdivision. A form of subdivision development that permits flexibility in dimensional requirements by reducing lot/parcel size, setback, street width and other developmental standards to allow a more flexible design than is permissible under the conventional subdivision process. This form of subdivision preserves open space and creates innovative residential designs that emphasize affordability and home ownership.

Collocation. Two or more WTS providers utilizing a structure or site specifically designed and/or approved for the multiple use, and including equipment shelters.

Community Park. A park, normally be between 15 and 100 acres in size, which provides a variety of moderate density use recreation and/or cultural opportunities and is centrally located for citizens of the community and immediate outlying areas.

Conceptual Local Street Map. A map maintained by the Public Works Director depicting existing and future street alignments. The map is intended to guide developers, property owners and City staff concerning the location of future streets. The map assists the Director in reviewing and approving new street alignments proposed in partition or subdivision proposals that are not specified in TransPlan, so that the streets are consistent with OAR Chapter 660-12 and the standards specified in this Code.

Conditionally Suitable Site. For purposes of siting wireless telecommunications systems facilities, any land planned and zoned Neighborhood Commercial, Major Retail Commercial, General Office, Low Density Residential, Medium Density Residential, High Density Residential and the Medical Services, Hillside Development, Willamette Greenway and Urbanizable Fringe Overlay Districts.

Congregate Care Facility. A building serving more than 15 elderly or infirm persons where daily meals are provided outside of each individual dwelling unit, on-site nursing facilities are available and the majority of residents do not own automobiles.

Convenience Store. A small grocery typically open extended hours.

Corporate Headquarters. A building or portion of a building in which persons are employed in the management or direction of a business consisting of one or more divisions or groups of companies. To be considered a corporate headquarters, the business shall meet the applicable employee threshold specified elsewhere in this Code. Businesses that do not meet the applicable employee threshold shall be considered an administrative office.

Cul-de-sac. A short local street which has one end open to traffic and is terminated by a vehicle turn around, the cul-de-sac bulb.

Curb. The raised concrete border along the edge of a street or paved area.

Curb Cut. The opening along the curb line at which point vehicles may enter and/or leave the public street.

Cut. A portion of land surface from which earth is removed by excavation; the depth below the original ground surface or excavated surface.

DBH. The diameter of a tree measured 4 1/2 feet above the ground at the base of the tree.

Dance Hall. Any place of business whose primary function is dancing.

Dedication. The transfer of property interests from private to public ownership for a public purpose.

Delineation. (From Oregon Health Department rules): The determination of the extent, orientation, and boundaries of a wellhead protection area using factors, for example: geology, aquifer characteristics, well pumping rates and time of travel.

Demolition. Razing, destroying, dismantling, defacing, or in any other manner causing partial or total ruin of an Historic Landmark Site or Structure within or outside of a designated Historic Landmark District.

De Novo. A hearing where new evidence may be provided, distinguished from a hearing based solely on an existing record.

Density, Gross. The number of dwelling units for each acre of land, including, but not limited to areas devoted to streets, parks, sidewalks and other public facilities.

Density, Net. The number of dwelling units for each acre of land in residential use, excluding, dedicated streets, parks, sidewalks and other public facilities.

Designated Beneficial Use. The purpose or benefit to be derived from a watercourse. For the Willamette and McKenzie Rivers and all other streams and tributaries, the following beneficial uses apply: Public domestic water supply, private domestic water supply, industrial water supply; irrigation, live stock watering, anadromous fish passage, salmonid fish rearing salmonid fish spawning, resident fish and aquatic life, wildlife, fishing, boating, water contact recreation aesthetic quality and hydro power (excluding the Willamette River).

Detached WTS Facility. A pole, tower or other structure designed and intended to support WTS facility antennas.

Developable Acre. 43,560 square feet of land that can be developed that includes common open space or recreational facilities reserved for the use of residents in a development, but excludes public property, including but not limited to, parks and dedicated streets. At the request of the developer, the Director may exclude portions of the site that cannot be developed due to physical constraints, including, but not limited to natural resources that are listed within a local inventory.

Development. Any human-made change to improved or unimproved real estate, including, but not limited to: a change in use; construction, installation or change of a structure; subdivision and partition; establishment or termination of a right of access; storage on the land; drilling and site alteration due to land surface mining, dredging, paving, excavation or clearing of trees and vegetation. Agricultural uses (including agricultural structures), when otherwise permitted by the underlying zoning district, are exempt from this definition unless agricultural structures are placed within adopted special flood hazard zones. As used in Section 3.3-400 Floodplain Overlay District, any human-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations located within the area of special flood hazard.

Development Area. The area subject to any application required by this Code.

Development Approval. Approval granted by the Director for a development which is in compliance with this Code and the Metro Plan and precedes the issuance of a Building Permit.

Development, Phased. A project that is developed incrementally, with each phase capable of functioning independently of the others.

Development Review Committee. City staff, representing each affected division and department of the City, and affected agencies and utility providers that meet on a regular basis to review land use requests and development proposals.

Development Services Department. The department responsible for the administration of this Code and the implementation of the Metro Plan within Springfield's Urban Growth Boundary.

Direct Tributary to a Water Quality Limited Watercourse. A direct tributary to a Water Quality Limited Watercourse (WQLW) is one that flows directly into a WQLW, excluding those watercourses that flow into the WQLW as a piped connection, where the pipe system extends more than 200 feet upstream of the connection point or is one that is a diversion from a WQLW and that discharges into either a WQLW or other direct tributary to a WQLW and where the water quality if the diverted flow at the discharge point has been degraded when compared with the water quality at the diversion point.

Director. The Development Services Director or the duly authorized representative who is responsible for the administration and interpretation of this Code.

Discretionary Use. Any use not permitted outright in a particular zoning district because of its potentially incompatible characteristics requiring review by the Planning Commission or Hearings Official to determine whether that use should be permitted, and if so, adding any conditions of approval necessary to ensure compatibility with adjacent uses.

DNAPL. Dense Non-Aqueous Phase Liquids. A group of hazardous materials that are denser-than-water (specific gravity greater than 1), have low solubility rate, and degrade slowly to other compounds that are even more of a health hazard. For the purpose of Springfield's drinking water protection, DNAPL chemicals are defined as "all chemicals displaying the characteristics of a DNAPL chemical or a material containing a substance considered a DNAPL chemical." A list of DNAPLs regulated within the Drinking Water Protection Overlay District shall be as adopted by SUB on November 10, 1999.

Downtown Exception Area. An area defined by the Willamette River on the west, 10th Street on the east, the alley between north B and north C Streets on the north, and a line north of the Southern Pacific Railroad tracks on the south.

Downtown Planning Area. The area under the jurisdiction of the Springfield Downtown Refinement Plan that includes Springfield's traditional Downtown area and the Booth-Kelly redevelopment area.

Drainage Way. A natural or constructed watercourse which has the specific function of transmitting stream water or storm run-off water from a point of high elevation to a point of low elevation which convey significant seasonal concentrations of water over the surface of the land.

Dripline. A roughly circular land area measured beneath a tree. The approximate center of the area is the trunk of the tree, and the radii are equal to the horizontal measures of the longest branches.

Driveway. A vehicular access that provides connection between a structure or parking area on private property and the public street system. "Driveway" may include a private easement to provide vehicular access to more than two or more properties.

Driveway, Curb Return. A driveway defined on both sides by a full height curb.

Driveway, Joint Use. A driveway serving two or more properties.

Driveway, Standard Driveway. A driveway created by depression of the street curb at its approach.

Drop-Off Space. A paved, clearly marked short-term (less than 20 minutes) parking space, generally within 50 feet of a main building entrance, separated from required parking for staff and long-term visitors.

DSL. The Oregon Department of State Lands.

Dwelling. A building, or portion thereof, which is used exclusively for human habitation.

Dwelling, Attached Single Family. A building designed or used exclusively for the occupancy of one family which is attached to one or more separately owned dwellings by common vertical walls. This definition includes but is not limited to zero lot/parcel line dwellings, townhouses and rowhouses.

Dwelling, Condominium. A type of residential development offering individual ownership of dwellings and common ownership of open spaces and other facilities, that is regulated in part by State Law (ORS 100.005 et seq.).

Dwelling, Detached Single-Family. A building designed or used exclusively for the occupancy of one family which is not attached to any other dwelling and is surrounded by open space and yards.

Dwelling, Duplex. A single building designed or used exclusively for the occupancy of two families living independently of each other, sharing a common roof, wall or foundation at the garages, carports, and/or living areas.

Dwelling, Multi-Family. A building containing three or more dwelling units designed or used exclusively for the occupancy of three or more families living independently of each other and separated by common vertical walls. A Congregate Care Facility is not a Multi-Family dwelling unit for the purposes of determining dwelling unit density.

Dwelling Unit. One or more habitable rooms which are occupied, intended or designed to be occupied by one family with housekeeping facilities for living, sleeping, cooking and eating.

Easement. An interest in property owned by another that entitles its holder to a specific limited use or enjoyment of that property.

Elevation. The term is based on context and is either: a vertical distance above or below a fixed reference level; or a flat scale drawing of the front, rear or side of a building.

Emergency Shelter. The use of a church, school, motel, hotel, or other approved structure for housing the homeless on a short term basis due to a natural disaster or other reason.

Endangered Species Act (ESA). A federal law established in 1973 that provides significant protection for various species of fish, wildlife and plants facing extinction that are listed as needing protection.

Engineer. A Registered Professional Engineer, licensed by the State of Oregon to practice in a specific branch of engineering.

Engineering Design Standards and Procedures Manual. A document containing design standards and procedures prepared by the Public Works Department and adopted by resolution of the City Council. These standards and procedures are applicable to public and private improvements and allow City staff to provide certainty to developers and consultants to ensure safe, efficient, and cost effective transportation, sanitary sewer, and stormwater management system projects within the City and its Urban Growth Boundary.

Equipment Shelters. For purposes of siting wireless telecommunications systems facilities, the buildings, structures, cabinets or vaults used to house and protect the equipment necessary to connect/relay radio signals from cell site to cell site and to land line systems. Associated equipment, for example, air conditioning or emergency generators is considered appropriate within this definition.

Excavation. The mechanical removal of earth material.

Exempt Tree or Vegetation. The full height and breadth of vegetation that the Director has identified as "solar friendly" as specified in this Code; and any vegetation listed on a plat map, a document recorded with the plat, or a solar access guarantee as exempt.

Ex Parte, Communication. A communication made at the instance of, or for the benefit of one party without notice to, contest by, or at least without an opportunity to be heard being given to other parties who will be bound or directly affected by the communication.

Ex Parte, Proceeding. An action taken at the instance or benefit of one side only without notice to, contest by, or without the opportunity to be heard by other parties who will be bound or directly affected by the proceeding.

Extension, Floor Area. An increase in the amount of floor area within an existing building.

Extension, Architectural. Architectural appendages, including but not limited to, cornices, eave overhangs, porches and balconies extending beyond an exterior wall of a building (See also **Accessory Structure**).

Exterior. Any portion of the outside of an Historic Landmark Site or Structure or any addition thereto which can be seen from a public place.

FCC. The Federal Communications Commission; the federal agency that regulates interstate and international communications by radio, television, wire, satellite and cable.

Family. Two or more persons related by blood, legal adoption, guardianship or marriage living together; or unless modified by the Federal Fair Housing Law as it relates to handicapped persons, a group of not more than 5 persons who need not be related (as above) living together in a dwelling unit

Fell. To remove or cut a tree or the intentional use of any procedure, the natural result of which is to cause the death or substantial destruction of the tree. Fell does not include normal trimming, pruning or topping of trees.

Fence. A structure which serves as an enclosure, barrier or screen that is not part of a building.

Fence, Sight Obscuring. A fence which substantially screens an area or object including, but not limited to: solid wood or metal fences or wood slatted cyclone fences, however a slatted cyclone fence shall not be used to screen wrecking or salvage yards.

Fill. Sand, gravel, earth or other approved materials of any composition placed or deposited on the earth's surface by humans.

Final Map. The finished drawing of the survey of a property line adjustment containing information necessary to comply with this Code and requirements resulting from review of the Preliminary Plan.

Final Site Plan. The plan containing information necessary to comply with this Code and requirements resulting from review of the Preliminary Site Plan to which all construction improvements must conform.

Final Survey. The recorded survey of a property line adjustment containing information necessary to comply with this Code and any conditions of approval resulting from review of the Preliminary Survey.

Finance Department. The Springfield Finance Department.

Finding. A written statement of facts, reasoning in support of conclusions, and determinations based on the evidence presented in relation to adopted criteria that are accepted by the Approval Authority in support of a decision.

Flood/Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulation of run-off of surface waters from any source.

Flood, Base. The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100 year flood." Designation on maps always includes the letters A or V.

Flood Hazard, Area Of Special. The land in the floodplain subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

Flood Insurance Rate Map (FIRM). The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the applicable risk premium zones.

Flood Insurance Study. The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Flooding, Area of Shallow. A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and intermediate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

Floodway. The channel of a river or other watercourse and the adjacent land areas that is reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Foster Home. Any dwelling or facility maintained and operated for the boarding and housing of more than 5 children who are not related by blood or marriage to the owner/operator of the dwelling or facility.

Fraternal Organization. A group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals and formal written membership requirements.

Future Development Plan. A line drawing (required for some land division proposals, or building permits in the City's urbanizable area) that includes the following information: the location of future right-of-way dedications based on TransPlan, the Local Street Plan or block length and lot/parcel size standards of the SDC; a re-division plan at minimum urban density based on the existing Metro Plan designation of the property for any lot/parcel that is large enough to further divide; and the location of hillsides, riparian areas drainage ways, jurisdictional wetlands and wooded areas showing how future development will address preservation, protection or removal.

Garage. A completely enclosed accessory building or portion of a main building intended for the parking of motor vehicles.

Garage, Repair. A building used for the repair of motor vehicles, including body and fender work, painting, or engine and transmission overhaul.

Grade. The degree of rise or descent of a sloping surface.

Grade, Average Finished. The average finished ground level at the midpoint of all walls of a building. Where walls are parallel to and within 5 feet of a sidewalk, alley or public way, the ground level is measured at the elevation of the sidewalk, alley or public way.

Grade, Finished. The elevation of the surface of excavation or fill placement.

Grading. Any stripping, cutting, filling, stockpiling of earth or land, including the land in its cut or filled condition.

Gross Acre/Gross Acreage. A measurement of land that occurs before public streets or other areas reserved for public use are deducted from that land.

Gross Floor Area. The total floor area of a building including areas used exclusively for the service of a building; for example: mechanical equipment spaces and shafts; elevators; stairways; escalators and ramps; public restrooms; and enclosed loading docks or ramps.

Ground Cover. Grasses or nursery plants cultivated to keep soil from being blown or washed away.

Group Care Home. Any dwelling or facility maintained and operated exclusively for the care, boarding, housing and rehabilitation of more than 15 unrelated persons who are ill, physically or mentally disabled, and/or elderly, the majority of whom generally do not drive an automobile. This definition includes but is not limited to homes for the aged, nursing homes and congregate care facilities.

Halfway House. Any dwelling or facility for the care, boarding and housing of more than 5 unrelated persons who have been released from institutional care or who are placed in lieu of institutional care, i.e., work release programs.

Hazardous Materials. Those chemicals or substances which are physical or health hazards as defined and classified in the most recently adopted or amended Fire Code by the City, whether the materials are in usable or waste condition.

Hazardous Waste. Consistent with the Federal Resource Conservation and Recovery Act, a waste or a combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in serious irreversible illness or pose a substantial present or potential hazard to human health, safety, welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed, however, not to include solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under the Federal Water Pollution Control Act of 1967 as amended, or source, special nuclear, or by product material as defined by the Atomic Energy Act of 1954.

Hearings Official. An individual employed by the City to hear Type III applications for Land Use Decisions in the City's urbanizable area.

Heliport. An area, either at ground level or elevated on a structure, licensed or approved for the loading and takeoff of helicopters, and including auxiliary facilities, for example: parking, waiting room, fueling and maintenance equipment.

Helistop. A heliport, but without auxiliary facilities, for example: parking, waiting room, fueling and maintenance equipment.

High Impact Facility. A public or semi-public facility which serves development and which requires pre-planning or discretionary approval and special design features to mitigate land use conflicts, including, but not limited to: visual, olfactory or auditory impacts.

Highway Ready. Reference to a recreational vehicle that is on wheels or a jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

Hillside Area. Any area in which the average slope exceeds 15 percent.

Historic Commission. The Springfield Historic Commission.

Historic Site. A structure or place of historic and cultural significance and designated accordingly by the City, State or Federal Government.

Historic Landmark District. A geographic area designated in accordance with this Code which includes Historic Landmark Sites or Structures.

Historic Landmark Inventory. A list of sites or structures which have been designated "Historic Landmark" in accordance with this Code.

Historic Landmark Site or Structure. A building, structure, object, site or geographic area, within the city limits and the City's urbanizable areas, within or outside of a designated Historic Landmark District, which has been listed on the Historic Landmark Inventory.

Homeowners Association. A non-profit association governed by a declaration of protective restrictions, conditions, covenants, and charges made by the developer through which each lot/parcel owner or other described land area owner of a development is automatically subject. The purpose of the homeowner's association is to provide reasonable rules and regulations to enforce the covenants and restrictions and to keep, control, and maintain the common properties within the development. The association also provides for the assessment procedure to assure necessary funds. If the property is to be developed in phases, all phases shall belong to the same association. The City Attorney shall review drafts of the declaration prior to Final Plat approval.

Hospital. An institution devoted primarily to the provision of healing, curing and nursing care, which maintains and operates facilities for the diagnosis, treatment and care of two or more non-related individuals suffering from illness, injury or deformity.

Hotel/Motel. Any building or group of buildings used for transient residential purposes containing guest rooms used for sleeping purposes. No more than 50 percent of the rooms may contain kitchen facilities.

Impervious Surface. Any surface that either prevents or retards the entry of water into soil. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots and/or storage areas, concrete or asphalt paving, gravel surfaces with compacted subgrade, packed earthen materials and oiled macadam or other surfaces that

similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered impervious surfaces.

Improvement Agreement. A written agreement, executed by the property owner in consideration for the City deferring the construction of public improvements required for the development.

Incidental Equipment. Rooftop or pole mounted structures that cast insubstantial shadows or have minimal visual impact, including, but not limited to: antennas, chimneys and flagpoles; but excluding solar collectors and satellite dishes (See also **Accessory Structure**)

Increase In Impact/Increased Impact. This definition includes, but is not limited to, additional traffic or noise generation, additional run-off or increase in impervious surface, additional shadow casting or diminished views, additional air or water borne pollution, additional hours of operation, or an increase in the risk of fire or structural hazard as the result of development.

Industrial Park. A tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial and secondary uses, with special attention to circulation, parking, utility needs, aesthetics and compatibility (See also **Business Park**).

Invasive Plants. Non-native plants that spread quickly, are highly competitive and difficult to control or eliminate. Introduced intentionally or accidentally through human actions and spread by seed, by birds, by wind, or vegetatively, these exotic plants can destroy native plants, choke waterways, degrade recreational areas and necessitate costly maintenance. The Invasive Plants List is a listing of plants that the City considers undesirable for use in landscaping within its jurisdiction.

Inventoried Natural Resource. Any scenic areas, water areas, vegetation, wildlife and wildlife habitat that appears in an adopted Metro Plan Inventory.

Joint Use Access Agreement. A legally binding agreement between two or more property owners describing the rights and responsibilities of each owner regarding the use of a shared access to a public street.

Kenel. Any premises on which three or more dogs over the age of 6 months are housed, groomed, boarded, trained or sold for compensation.

Land and Drainage Alteration Permit (LDAP). A City permit for any fill, grading and excavation that is required before any site preparation work can begin.

Landscape Architect. A person registered with the State of Oregon to practice Landscape Architecture.

Landscaping. The term "landscaping" includes, but is not limited to vegetative ground cover, grass, shrubs, trees, flowers and garden areas, ornamental concrete or stonework areas, permanent outdoor furniture and permanent irrigation. "Landscaping" also includes retention or reintroduction of native vegetation.

Land Use Decision. A final decision or determination made by the Planning Commission, Hearings Official or City Council that concerns the adoption, amendment or application of the Statewide Planning Goals; a Metro Plan or refinement plan provision; a land use regulation; or

new land use regulation. This definition does not include a decision which: does not require interpretation or the exercise of factual, policy or legal judgment; approves, approves with conditions or denies a subdivision or partition; or approves or denies a building permit.

Lattice Tower. For purposes of siting wireless telecommunications systems facilities, a WTS support structure which consists of metal crossed strips or bars and which supports antennas and related equipment for one or more WTS provider.

Light Industrial Manufacturing. The secondary processing of previously prepared materials into components or the assembly of components into finished products. In the Campus Industrial District this use is divided into categories as follows based upon the number of employees at occupancy: large-scale means 50 or more employees; medium-scale means 20-49 employees; small scale means fewer than 20 employees per business. These thresholds are applicable at the time of new development. In the case of redevelopment, the Director may reduce these thresholds if the applicant submits a business plan stating that the threshold can be met by a date certain.

Listed Species. The Endangered Species Act provides for listing plant and animal species into the following categories: Listed Endangered Species and Listed Threatened Species. An endangered species is an animal or plant listed by regulation as being in danger of extinction. A threatened species is any animal or plant that is likely to become endangered within the foreseeable future.

Loading Space. An off street space or berth serving a business for the temporary parking of commercial vehicles while loading or unloading, while not block driveway aisles and having an appropriate means of ingress and egress.

Lot. A portion of land shown as part of a recorded subdivision or any area of land described by metes and bounds in a recorded deed, record of survey or other appropriate document, recorded in the office of the County Recorder that complies with the provisions of the State of Oregon and this Code. Unless specifically exempted, land that is divided or re-configured without having been approved in accordance with this Code shall not be deemed a buildable lot.

Lot/Parcel, Corner. A lot/parcel abutting two or more streets at their intersection, in which the interior angle formed by the extensions of the street lines is 135 degrees or less. In the event that any street line is a curve at its point of intersection with a lot/parcel line other than a street line, the tangent of the curve at the point is considered the direction of the street line.

Lot/Parcel Depth. The distance from the midpoint of the front lot/parcel line to the midpoint of the rear lot/parcel line.

Lot/Parcel Dimension, North-South. The length of a line beginning at the midpoint of the northern lot/parcel line and extending in a southerly direction perpendicular to the northern lot/parcel line until it reaches a property boundary.

Lot/Parcel Frontage. That portion of a lot/parcel which abuts a street. For the purpose of determining yard requirements, all sides of a lot/parcel abutting a street is considered frontage.

Lot/Parcel, Interior. A lot/parcel other than a corner lot/parcel and having frontage on only one street.

Lot/Parcel Line. A line of record bounding a lot/parcel which divides one lot/parcel from another or from a public or private street or any other public space.

Lot/Parcel Line, Front. The lot/parcel line abutting a street right-of-way. Where more than one lot/parcel line abuts street right-of-way, the property address shall determine the front lot/parcel line. For purposes of the solar access standards, it is the lot/parcel line abutting a street. For corner lots/parcels, the front lot/parcel line is that with the narrowest frontage. When the lot/parcel line abutting a street is curved, the front lot/parcel line is the chord or straight line connecting the ends of the curve. For a panhandle lot/parcel, the front lot/parcel line is the lot/parcel line that is most parallel to and closest to the street, excluding the handle portion of the lot/parcel.

Lot/parcel Line, Northern. The lot/parcel line that is the smallest angle from a line drawn true east-west and intersecting the northernmost point of the lot/parcel, excluding the handle portion of a panhandle lot/parcel. If the north line adjoins an un-developable area other than a required yard area, the northern lot/parcel line is at the north edge of the un-developable area. If two lot/parcel lines have an identical angle relative to a line drawn true east-west, then the northern lot/parcel line is a line 10 feet in length within the lot/parcel parallel with and at a maximum distance from the front lot/parcel line.

Lot/Parcel Line, Rear. The lot/parcel line which is opposite and most distant from the front lot/parcel line. For a triangular shaped lot/parcel, the "rear lot/parcel line" is a line 10 feet in length entirely within the lot/parcel, connecting the side lot/parcel lines, which is parallel to the front lot/parcel line or parallel to the chord of a curved front lot/parcel line.

Lot/Parcel Line, Side. Any lot/parcel line other than a front or rear lot/parcel line.

Lot/Parcel, Minimum Area Of. The smallest lot/parcel area established by this Code on which a use or structure may be located in a particular district.

Lot/parcel, Panhandle. A lot/parcel which has access to a public right-of-way by means of a narrow strip of land, commonly known as the "panhandle" or "handle".

Lot/Parcel, Pan Portion. The portion of a panhandle lot/parcel, exclusive of the handle, on which a structure may be placed.

Lot/Parcel, Through. A lot/parcel which fronts upon two streets which do not intersect at the boundaries of the lot/parcel.

Lot/Parcel Width. The horizontal distance between the midpoints of the side lot/parcel lines. The handle of a panhandle lot/parcel is not included when computing lot/parcel width.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that the enclosure is not built to render the structure in violation of the applicable non-elevation design requirements.

Low Impact Facility. Any public or semi-public facility that has minimal olfactory, visual or auditory impacts which is permitted subject to the design standards of this Code.

Maintain. To continue in existence; to preserve and care for a development area so that it remains attractive and functional in accordance with the provisions of this Code.

Maintenance Inspection. A site inspection that identifies precisely what must be done to a development previously approved by the City in order to comply with standards and conditions in effect when the development was originally approved.

Major Electrical Transmission Line. An electrical transmission line which carries 115 KV or more of electricity.

Mall. A shopping center where stores front on both sides of a pedestrian way which may be enclosed or open.

Manufactured Dwelling.

- A. Residential Trailer: a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed before January 1, 1962.
- B. Mobile Home: a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy that is being used for residential purposes and was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
- C. Manufactured Home: a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy that is being used for residential purposes and was constructed on or after June 15, 1976 in accordance with federal safety standards regulations in effect at the time of construction. In addition, manufactured homes sited within the jurisdictional boundaries of Springfield shall be of either Type 1 or Type 2 classification and shall comply with the following standards:
 - 1. Type 1 Manufactured Home
 - a. Multi-sectional configuration enclosing a minimum floor area of 1,000 square feet
 - b. Siding and roofing materials similar to the materials used in residential dwellings in the community or which are comparable to the predominant materials used on surrounding dwellings
 - c. Minimum roof pitch of 3 feet vertical in 12 feet of width
 - d. Thermal efficiency equivalent to the Oregon 1 and 2 Family Dwelling Specialty Code excluding units built prior to the effective date of this Ordinance (5-1-94). These units shall meet or exceed the HUD energy standards that were in effect at the time of construction
 - 2. Type 2 Manufactured Home
 - a. Single-wide unit of not less than 12 feet wide enclosing a minimum floor area of 500 square feet

- b. Siding and roofing materials similar to the materials used in residential dwellings in the community or which are comparable to the predominant materials used on surrounding dwellings minimum roof pitch of 2 feet vertical in 12 feet of width
- c. Thermal efficiency equivalent to the Oregon 1 and 2 Family Dwelling Specialty Code excluding units built prior to May 1, 1994. These units shall meet or exceed the HUD energy standards that were in effect at the time of construction

Note: Multi-sectional units placed on lots/parcels eligible for Type 2 units shall comply with all of the standards of a Type I manufactured home

- D. **Manufactured Dwelling Park:** any place where four or more manufactured dwellings are located within 500 feet of one another on a lot/parcel or tract under the same ownership, the primary purpose of which is to rent space to any person for a charge or fee paid or to be paid for the rental use of facilities or to offer space free in connection with securing the trade or patronage of the person. Manufactured dwelling park does not include a lot located within an approved subdivision being rented or leased for occupancy by no more than one mobile home per lot if the subdivision was approved by local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.190.

Manufactured Dwelling Pad. A paved space in a manufactured dwelling park for the placement of a manufactured dwelling that includes utility connections.

Manufactured Dwelling Space. Any portion of a manufactured dwelling park which is designated or used for occupancy of one manufactured dwelling, including its accessory structures and its outdoor living areas, but exclusive of space provided for the common use of tenants for example, roadways and guest parking.

Manufactured Dwelling Space Line. A line within a manufactured dwelling park which establishes setback distances from streets, accessory buildings or structures and other manufactured dwellings.

Market Area. The geographic area from which a particular use can reasonably expect to attract customers.

Metro Plan/Eugene-Springfield Metropolitan Area General Plan. The general land use plan and policies for the Eugene/Springfield metropolitan area including any subordinate refinement plan or functional plan. The controlling land use document for urban, urbanizable and rural land under the jurisdiction of the Metro Plan.

Minerals. Includes soil, coal, stone, crushed hard rock quarry products, metallic ore and any other solid material or substance excavated for commercial, industrial or construction use from natural deposits. "Minerals" do not include loam, sand, gravel or other aggregate materials created and/or deposited by water movement

Minimum Level of Key Urban Services. The minimum level of facilities and services that are provided to an area in an orderly and efficient manner to allow urban development to occur. They consist of sanitary sewers; solid waste management; water service; fire protection; police protection; parks and recreation programs; electric service; land use controls; communications

facilities; public schools on a district-wide basis; and paved streets with adequate provision for storm-water run-off and pedestrian travel.

Mining Spoils. All waste materials, solid, rock, mineral, liquid, vegetation and other materials resulting from or displaced by quarry and mining extraction operations within the operating permit area, including all waste materials deposited in or upon lands within the operating permit area.

Mini-Warehouse. A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of a customer's goods or wares. No sales, service, or repair activities other than the rental of storage units are permitted on the premises.

Modification. A request to change a final approval of any development proposal.

Modular Home. (See also **Prefabricated Structure**).

Monopole. For purposes of siting wireless telecommunications systems facilities, a WTS support structure which consists of a single tapered steel pole and which supports antennas and related equipment for one or more WTS provider.

National Register of Historic Places. The official list, established by the National Historic Preservation Act, of sites, districts, buildings, structures and objects significant in the nation's history or whose artistic or architectural value is recognized.

Native Plants, Native Vegetation. Plant species that are indigenous to a local area and adaptable to the local climate, soils and hydrology as distinguished from plant species that have been deliberately or accidentally imported or introduced from other areas by humans or human activities.

Natural Resources. These include, but are not limited to water and geologic features, significant natural vegetation, wildlife habitats and archaeological and scenic resources as inventoried in the working papers of the Metro Plan.

Neighboring. The area in the immediate vicinity of a proposed development that would be materially affected by a proposal.

Neighborhood Park. A park, traditionally from 5 acres to 15 acres in size, which provides easily accessible recreation areas serving neighborhood citizens and providing high density active or passive use.

Noise Attenuating Barrier. A structural barrier designed and constructed with the primary function of containing sound within a specific use area.

Noise Sensitive Property. Real property normally used for sleeping, or normally used for schools, churches, hospitals or public libraries, excluding industrially related residential uses, i.e., night watchman quarters.

Non-Commercial Agricultural Uses. The raising of crops, plants or farm animals on property where allowed by this Code for the sole use of the owners or tenants of that property and not for wholesale or retail sale.

Non-Exempt Tree or Vegetation. Vegetation that is not exempt from the solar access regulations.

Notice. The announcement of a decision of the Director by mail to adjacent property owners/occupants within 300 feet of the subject property indicating the nature of the decision and the method of appeal; the announcement of a public hearing by mail to property owners/occupants within 300 feet of the subject property and advertisement in a newspaper of general circulation in the area, indicating the time, place and nature of the public hearing in compliance with ORS 197.762.

NPDES. National Pollutant Discharge Elimination System.

OAR. Oregon Administrative Rule.

Official Zoning Maps. Maps delineating the boundaries of the various zoning districts within the city limits and the City's urbanizable area that are adopted by ordinance and maintained by the Development Services Department.

Occupancy, Certificate Of. A required certificate allowing occupancy of a structure or development area after it has been determined that the requirements of this Code and other applicable Codes have been met. No structure or development area may be occupied without having first received a Certificate of Occupancy.

Open Space. Land or water essentially unimproved and set aside, dedicated, designed or reserved for public use or enjoyment, or for the use and enjoyment of owners and occupants of land abutting or neighboring the open space.

Open Space, Common. Land normally within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include recreational and other accessory structures and improvements in accordance with this Code.

Open Space, Private. Areas intended for the private use of an individual dwelling unit, normally including patios and landscaped areas; not to include off street parking, maneuvering, loading or delivery areas, and designed for outdoor living and recreation.

Open Space, Public. Areas intended for public use, either privately owned and maintained or dedicated to the City, normally including swimming pools, recreation courts, patios, open landscaped areas, and greenbelts with pedestrian, equestrian, and bicycle trails, not to include off street parking or loading areas or driveways, and designed for outdoor living and recreation or the retention of an area in its natural state.

ORS. Oregon Revised Statutes.

Outdoor Storage. The keeping in an unroofed area of any goods, junk, material, merchandise or vehicles for more than 24 hours.

Outdoor Storage Area. A primary use that occurs on property for the purpose of outdoor storage of vehicles, equipment or materials including, but not limited to: vehicle, equipment and boat sales or rental lots; commercial storage lots; mobile/manufactured home, camper and RV sales lots; fleet parking lots; and lumber, gardening, fuel and other similar building material yards.

Outdoor Storage Yard. A secondary use that occurs on any property for the purpose of the outdoor storage of associated materials and equipment, other than wrecking yards.

Outfall. The point of discharge from a river, pipe, drain or other device to a receiving watercourse.

Overburden. The soil, rock and similar materials that lie above natural deposits or minerals.

Owner. An individual, firm, association, syndicate, partnership or corporation having proprietary interest to seek development of land.

Parcel. This term includes a unit of land created by partitioning land as defined in ORS 92.010 that is in compliance with this Code and in the case of Property Line Adjustments, properties created by deed or land sales contract, if there were no applicable planning, zoning, or partitioning ordinances or regulations. A Parcel does not include a unit of land created solely to establish a separate tax account.

Parking. The temporary storage of operational motor vehicles that are not for sale, lease or rent and which are intended to be used for customers and employees of a business and industry or residents and visitors in a residential development.

Parking Bay. An extension of the width of a street that allows for the parking of motor vehicles, usually associated with hillside development.

Parking Lot. An off-street area with a permanently maintained paved surface, for the parking of motor vehicles.

Parking Space. A permanently maintained paved surface with proper access for one standard size or compact automobile.

Parking Space, Disabled. A parking space that is reserved for use by disabled persons who hold the appropriate permit issued by the Oregon Department of Motor Vehicles and/or the Springfield Police Department.

Parking Space, Off-Street. An approved space for the parking of a motor vehicle which is not located on a dedicated street right-of-way.

Partition Land. The division of land into two or three parcels within a calendar year, but does not include:

- A. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots.
- B. An adjustment of a property line by the relocation of boundaries where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment is not in conflict with any applicable ordinance; or
- C. A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes provided that the road or right-of-way complies with the applicable comprehensive plan and ORS 215.213(2)(q) to (s) and 215.283(2)(q) to (s). However, any property divided by the sale or grant of property for

state highway, county road, city street or other right-of-way purposes shall continue to be considered a single unit of land until the property is further subdivided or partitioned;

- D. The division of land resulting from the recording of a subdivision or condominium plat; or
- E. A sale or grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right-of-way purposes when the sale or grant is part of a property line adjustment incorporating the excess right-of-way into adjacent property. The property line adjustment shall be approved or disapproved by the applicable local government. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

Partition Plat. A final map and other writing containing all the descriptions, locations, specifications provisions and information concerning a major or minor partition.

Party. The following persons or entities are defined as parties:

- A. The applicant and all owners or contract purchasers of record, as shown in the files in the Lane County Department of Assessment and Taxation, of the property which is the subject of the application.
- B. Any person who makes an appearance and/or submits testimony to the Approval Authority.

Pedestrian Trail. A surfaced path that is designed and reserved for the exclusive use of pedestrian travel.

Pedestrian Way. A paved right-of-way through a block to facilitate pedestrian access to adjacent streets and properties.

Permanent Irrigation System. An approved water piping system installed underground for the purpose of irrigating all portions of landscaped areas.

Person. An individual, corporation, governmental agency, business trust, estate, partnership, association, or any other legal entity.

Petition For Improvement. A petition submitted for construction and improvements as required by this Code.

Physical Features. These features include, but are not limited to significant clusters of trees and shrubs, watercourses shown on the Water Quality Limited Watercourse Map and their riparian areas, wetlands and rock outcroppings.

Pipeline. A line of pipe with pumps, valves and control devices for conveying liquid, gasses or finely divided solids.

Plan District. A planning tool that addresses concerns unique to an area when other zoning tools cannot achieve the desired results. An area may be unique based on natural, economic or historic attributes; be subject to problems from rapid transition in land use; or contain public facilities that require specific land use regulations for their efficient operation. Plan Districts

provide a means to modify zoning regulations for specific areas defined in special plans or studies. Each Plan District has its own nontransferable regulations. This contrasts with base zone and overlay zone provisions, which are intended to be applicable in more than one area. However, Plan Districts are not intended for small areas or individual properties.

Planning Commission. The Springfield Planning Commission.

Planted. Landscaping with living plant materials consistent with Section 4.4-100.

Plat. A map, containing all the descriptions, locations, specifications, dedications, provisions or other information concerning a Subdivision, Partition or Replat of either.

Plot Plan. A rough sketch map of a site plan or land division of sufficient accuracy to be used for the purpose of the identification of issues and development impacts.

Prefabricated Dwelling. A building or structural unit that has been in whole or substantial part manufactured at an off-site location to be wholly or partially assembled on-site, but does not include a mobile home, trailer or recreational vehicle. Prefabricated structures are regulated under the State of Oregon Structural Specialty Code.

Preferred Site. For purposes of siting wireless telecommunications systems facilities, any land planned and zoned Special Heavy Industrial, Heavy Industrial, Light Medium Industrial, Quarry and Mine Operations or Public Land and Open Space.

Preliminary Approval. The approval prior to Final Approval, after specific elements of a development or Site Plan have been approved by the Approval Authority and agreed to by the applicant.

Preliminary Plan. A clearly legible drawing of the proposed lay out of the lots/parcels involved in a property line adjustment which shall furnish a basis for the Approval Authority to approve or disapprove the application.

Primary Structure. A structure of chief importance or function on a site. In general, the primary use is carried out in a primary structure. However, in the Low Density Residential District (unless specified elsewhere in this Code), a site may have more than one primary structure. The difference between primary and accessory structure is determined by comparing the size, placement, similarity of design, use of common building materials and the orientation of the structures on the site (See also **Accessory Structure** and **Accessory Dwelling Unit**).

Private Elementary/Middle Schools. A facility operated by a person or private agency offering education in kindergarten and/or grades 1-8 or any part thereof not as defined in ORS 345.505 et. seq.

Private Park. A park available for public use owned by a non-public agency or private individual.

Properly Functioning Condition. The state of the physical, chemical, and biological aspects of watershed ecosystems that will sustain healthy salmonid populations. Properly functioning condition generally defines a range of values for several measurable criteria rather than specific, absolute values including, but not limited to hydraulic run-off, transport, channel migration, native vegetation succession.

Property Line Adjustment. The relocation of a common property line between two abutting properties.

Public Facilities Plan. A Refinement Plan of the Metro Plan addressing sanitary and storm sewers, water distribution systems and transportation. The transportation element is addressed through the TransPlan.

Public Hearing. A meeting announced and advertised in advance that is open to the public, with the public given an opportunity to provide testimony.

Public Utility Facility. Structures, facilities and equipment necessary to serve development by a government, public utility, utility cooperative, or private company.

- A. Low Impact: Telephone and cable telephone lines, poles, junction boxes, exchanges and repeater stations; electric power distribution lines (less than 69 KV) and poles; sanitary sewer pipe lines, pumps or lift stations; storm sewer pipe lines, ditches and other storm-water management or water quality ponds, wetland, or swales; gas distribution pipe lines; water pipe lines, valves, well fields, pump stations and attendant facilities; water reservoirs and water storage tanks less than 300,000 gallons or 30 feet in height, and water treatment facilities, including filtration plants, less than 2.5 million gallon capacity per day.
- B. High Impact: Electric power transmission lines (greater than 69 KV), poles and substations; gas pipe line valve stations; sanitary sewer treatment plants or effluent ponds; water reservoirs and water storage tanks greater than 300,000 gallons or 30 feet in height; water treatment facilities, including filtration plants greater than 2.5 million gallon capacity per day; fire/ambulance stations.

Public Works Director. The Director of Public Works or a duly authorized representative. The City Engineer, the Environmental Services Manager and the Transportation Manager routinely serve as representatives of the Public Works Director.

Quarry and Mining Operator. Any individual, public or private corporation, political subdivision, agency, board or department of this State, any municipality, partnership, association, firm, trust, estate or any other legal entity whatsoever that is engaged in quarry and extraction operations.

Quarry and Mining Owner. The person possessing legal rights to the mineral deposit being mined.

Quarry and Mining Extraction Operation. All or any part of the process of removing mineral deposits exposed by any method, including open-pit mining operations, auger mining operations, shaft mining, the construction of borrow pits, processing of extracted minerals and exploration activities. Expansion of a quarry and mining extraction operation is the enlargement of the operation requiring the modification of the Reclamation Permit specified under ORS 517.790. Quarry mining and extraction operation does not include normal road maintenance and stabilization of hillsides.

Reclamation. The employment of procedures in a quarry and mining extraction operation designed to minimize as much as practicable the impact the operations have on the environment, and to provide for the rehabilitation of land effected by the operations. Reclamation includes the rehabilitation of plant cover, soil stabilization, water resource protection and other measures appropriate to the subsequent beneficial use of the mined and reclaimed lands.

Reclamation Permit. Permission to operate a quarry and mining extraction operation (to include a plan for reclamation) granted to an operator by the State Department of Geology and Mineral Industries under the requirements of ORS 517.790, upon referral, review and approval by the Director.

Recreation Center, Community. A public, indoor facility providing for a variety of recreation/leisure-related activities, for example: swimming, meetings, court sports, arts and crafts, dancing, banquets, parties, games, day-care, classes/instruction, performances, fitness/exercise, and social referral services.

Recreational Vehicle (RV). A vacation trailer or other unit, with or without motive power, which is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes and has a gross floor space of less than 400 square feet. The term includes camping trailers, camping vehicles, motor homes, park trailers, bus conversions, van conversions, tent trailers, travel trailers, truck campers and any vehicle converted for use or partial use as a recreational vehicle. The unit shall be identified as a recreational vehicle by the manufacturer or converter.

Redevelopment. Development that requires demolition or removal of existing structures or impervious surfaces at a site and replacement with new construction. Maintenance activities such as repavement are not considered redevelopment.

Refinement Plan Diagram. A map contained in a Refinement Plan showing plan designations that are more specific than shown on the Metro Plan Diagram.

Regional Headquarters. A building or portion of a building in which persons are employed in the regional management or direction of a business consisting of a number of divisions or a regional subsidiary of a corporate headquarters. The divisions can be either geographical or located within one building. To be considered a regional headquarters, the business shall meet the applicable employee threshold specified elsewhere in this Code. Businesses that do not meet the applicable employee threshold is considered an administrative office.

Regional Park. A large area of natural quality for outdoor recreation for example, swimming, boating, camping and picnicking, and for wildlife habitat and natural resource conservation. Generally comprising 100 acres or more, where 80 percent of the land is reserved for natural open space and 20 percent is used for recreation development.

Registered Geologist. A person who is registered as a geologist by the State of Oregon.

Replat. 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.

Relocation. A shift or rotation of a common boundary between two abutting lots or parcels.

Research and Development. The study, testing, analysis, and development of products, processes, or services, including the manufacturing of products. This use is divided into categories as follows based upon the number of employees at occupancy: large-scale means 50 or more employees; medium-scale means 20-49 employees; small scale means fewer than 20 employees per business. These thresholds are applicable at the time of new development. In the

case of redevelopment, the Director may reduce the at occupancy threshold if the applicant submits a business plan stating that the threshold can be met by a date certain.

Reserve Strip. A strip of property, usually one foot wide, controlling access to a street.

Residential Facility. A home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for 6 to 15 individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility. This definition includes the following: residential facilities, residential care facilities, residential treatment facilities and residential training facilities

Residential Home. A home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for 5 or fewer individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any other resident of the residential home. This definition includes residential treatment homes, residential training homes and adult foster homes.

Retail Sales. Establishments engaged in selling goods or services to the general public for personal or household consumption. Retail trade may include wholesale trade, but only as a secondary use.

Retaining Wall. An engineered structure constructed to hold back or support an earthen bank.

Right-of-Way. Land acquired by purchase, reservation, dedication, forced dedication, prescription or condemnation intended to be occupied by a street, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary/storm sewer and other similar facilities.

Riparian Area. A zone of transition from an aquatic to a terrestrial system, dependent upon surface or subsurface water, that reveals through the zones existing or potential soil-vegetation complex the influence of the surface or sub-surface water. A riparian area may be located adjacent to a lake, reservoir, estuary, spring, bog, wet meadow, slough, or ephemeral, intermittent or perennial stream. Riparian areas protected under this Code are limited to those along watercourses shown on the Water Quality Limited Watercourse Map.

Riparian Area Functions. These functions include, but are not limited to: maintaining temperature; maintaining channel stability; providing flood storage; providing groundwater recharge; removing sediments; reducing contaminants for example: excess nutrients; oils and grease; metals; and fecal coliform; moderating stormwater flows; and providing fish and wildlife habitat. Degraded riparian function means that one or more of the functions listed above are at risk.

Roadway. The portion of a street right-of-way used for vehicular traffic.

Rooming House. A building or portion thereof where lodging, but not meals, is provided for more than two weeks for compensation. This definition excludes bed and breakfast facilities.

Run-Off. Water that flows across the land surface rather than being absorbed.

Safe Drinking Water Act (SDWA). A federal law established in 1974, to protect drinking water and its sources (rivers, lakes, reservoirs, springs and ground water) and sets standards for drinking water quality and oversees the states, localities, and water suppliers who implement those standards.

Screen. A visual barrier obscuring an abutting or neighboring structure or use by fencing, walls, berms or densely planted vegetation.

Service Station. An establishment selling fuel and oil for vehicles which may include the following additional services: selling, servicing and installing tires, batteries, accessories and related products; furnishing minor repair and service when conducted entirely within an enclosed building, and at which incidental services are conducted. "Minor repair and service", as used in this definition, is understood to exclude activities such as: painting, body-work, steam cleaning, tire recapping and engine overhaul.

Setback. An area where buildings and certain structures cannot be constructed, measured from the property line. A setback may be referred to as "front yard", "interior side yard", "street side yard" or rear yard". This definition does not include solar setback.

Shade Point. The part of a building or non-exempt tree that casts the longest shadow onto the adjacent northern lots/parcels when the sun is at an altitude of 22.6 degrees and an azimuth ranging from 30 degrees east and west of true south; excluding a shadow caused by a narrow object, including, but not limited to: a mast or whip antenna, a dish antenna with a diameter of three feet or less, a chimney, utility pole, or wire. The height of the shade point is measured from the shade point to either the average elevation at the front lot/parcel line or the elevation at the midpoint of the front lot/parcel line. If the shade point is located at the north end of the ridgeline of a building oriented within 45 degrees of the true north-south line, the shade point computed according to the previous sentence may be reduced by three feet. If a structure has a roof oriented within 45 degrees of the true east-west line with a pitch that is flatter than 5 feet (vertical) in 12 feet (horizontal), the shade point will be the eave of the roof. If the a roof has a pitch that is 5 feet in 12 feet or steeper, the shade point will be the peak of the roof.

Shadow Pattern. A graphic representation of an area that would be shaded by the shade point of a building or vegetation when the sun is at an altitude of 22.6 degrees and an azimuth ranging between 30 degrees east and west of true south.

Shared Use Path. A bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent right-of-way. Shared use paths may also be used by pedestrians, skaters, wheelchair users, joggers, and other non-motorized users.

Shelter Home. Any dwelling or facility maintained and operated for the boarding and housing of more than 5 abused or battered persons who are not related by blood or marriage to the owner/operator of the dwelling or facility.

Shopping Center. A group of commercial establishments planned, developed and managed as a unit with off-street parking and circulation provided on the property.

Sidewalk. The portion of a street or highway right-of-way designated for preferential or exclusive use by pedestrians.

Site Plan. The development plan for a development area that meets the standards of this Code.

Slope. An inclined ground surface, the inclination of which is expressed as percent of horizontal distance to vertical distance.

Small Engine Repair. Maintenance and repair of household and non-automotive engines less than 100 cc's.

Solar Access. Unobstructed exposure to direct sunlight, excluding limited obstruction as expressly permitted by this Code.

Solar Access Height Limit. A series of contour lines establishing the maximum permitted height for non-exempt vegetation on lots/parcels affected by a Solar Access Guarantee.

Solar Access Guarantee. A document issued by the city that describes the maximum height that non-exempt vegetation is allowed to grow on lots/parcels to which a solar access permit applies.

Solar Feature. A device or combination of devices or elements that does or will use direct sunlight as a source of energy for heating or cooling of a building, heating or pumping of water, and generating electricity. Examples of a solar feature include a window oriented to within 45 degrees east and west of true south, a solar greenhouse, or a solar hot water heater. A solar feature may be used for purposes in addition to collecting solar energy, including, but not limited to: serving as a structural member or part of a roof, wall or window. A south-facing wall enclosing an unheated area, and without windows and without other features that use solar energy is not a solar feature for the purposes of this ordinance (for example, an unheated garage).

Solar Setback. The distance from the northern lot/parcel line to the shade point, measured from the mid-point of the northern lot/parcel line and extending in a southerly direction.

South or South-Facing. True south or 20 degrees east of magnetic south.

Springfield Municipal Code. Springfield Municipal Code, 1997 and any amendment thereto.

Standard. A measure of physical attributes and/or policy conformance which shall be satisfied in order to allow a proposed land use or development to be established or modified.

Standard Construction Specifications. Standards governing the construction of all public improvements within the City, adopted by the Council, dated 1981, and as may be amended.

Start of Construction. Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, for example, the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, including clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundation, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, for example garages or sheds not occupied as dwelling units or not part of the main structure.

State. The State of Oregon.

Stealth Design. A variety of techniques used to disguise or mitigate the visual presence of WTS support structures, including, but not limited to screening by mature trees (75 percent or more of pole beneath tree canopy), mimicking common features of the urban landscape (including, but not limited to: light poles, church steeples and trees), painting antennas to match the color of supporting building walls, or roof mounting behind parapets.

Stormwater. Water derived from a storm event or conveyed through a storm sewer water management system.

Storm Water Best Management Practices (BMPs).

- A. **Nonstructural.** Strategies implemented to control stormwater run-off that focus on pollution prevention, including, but not limited to: alternative site design, zoning and ordinances, education and good housekeeping measures.
- B. **Structural.** Engineered devices implemented to control, treat or prevent stormwater run-off pollution.

Stormwater Management System. The structures, facilities, and practices utilized by the City and/or a development to control and manage the quantity and quality of groundwater discharges and surface water run-off, including stormwater run-off, non-storm generated run-off and floodwaters.

Street. Any roadway and associated right-of-way that provides access to one or more lots/parcels and that is a part of the city-wide street system.

Street, Improved. A street that includes a fully paved surface; curb, gutter, storm drainage, sidewalk, street trees (where applicable) and street lighting, all constructed to City standards.

Street, Private. Any roadway and associated land that is functionally similar to a public street, constructed to City standards, but not dedicated to the City.

Street, Unimproved. A street that lacks any of the features of an improved street.

Strip Commercial. Commercial development set in a linear pattern along one or both sides of a street.

Structure. Anything constructed or built, any edifice or building or any kind or any piece of work artificially built up or composed of parts joined together in some definite manner. As used in Section 3.3-400 Floodplain Overlay District, a walled or roofed building including a gas or liquid storage tank that is principally above ground.

Subdivide Land. To divide an area or tract of land into four or more lots when the area or tract of land exists as a unit or contiguous units of land under single ownership at the time of subdivision.

Subdivision. Either an act of subdividing land, or an area or tract of land subdivided as defined in this Section.

Subdivision Plat. A final map and other writing containing all the descriptions, locations, dedications, provisions and information concerning a subdivision.

Sunchart. A photograph, or a scaled drawing prepared or certified by a licensed or certified architect, landscape architect, engineer, planner or utility solar technician, showing the positions of the sun during different hours of the day and months of the year, and the southern skyline. A sunchart uses as coordinates a grid of the sun's altitudes in 10 degree increments and solar azimuths in 15 degree increments.

Survey. The location of the legal boundaries of an area and the division of that area into lots or parcels, streets and other features with all necessary corners or dividing lines marked or monumented, prepared by a surveyor in accordance with State law.

Surveyor. A registered professional land surveyor in the State of Oregon.

Tentative Plan. A clearly legible drawing of the lots or parcels and other elements of a partition or subdivision which shall furnish a basis for the approval authority to approve or disapprove the general layout of the development.

Time of Travel Zone (TOTZ). The area mapped pursuant to Oregon Health Division Delineation Certification #002R which identifies the time it takes ground water to flow to a given well or wellhead.

Top of Bank. For a given watercourse, the top of bank is the same as the "bankfull stage". The "bankfull stage" is defined as the stage or elevation at which water overflows the natural banks of streams or other waters of the state and begins to inundate the upland. The ground elevations on both sides of the watercourse are examined and the lower grade break elevation; the elevation where water would leave the channel in a particular reach is used. The elevation of the lower bank controls the bank full elevation for a watercourse reach. The edge of the bankfull watercourse typically corresponds to the start of the floodplain. The start of the floodplain is often characterized by:

- A berm or other break in slope from the watercourse bank to a flat valley bottom, terrace or bench;
- A change in vegetation from bare surfaces or annual water-tolerant species to perennial water-tolerant or upland species; and
- A change in the size distribution of surface sediments (e.g., gravel to fine sand) (Figure 6.1-B).

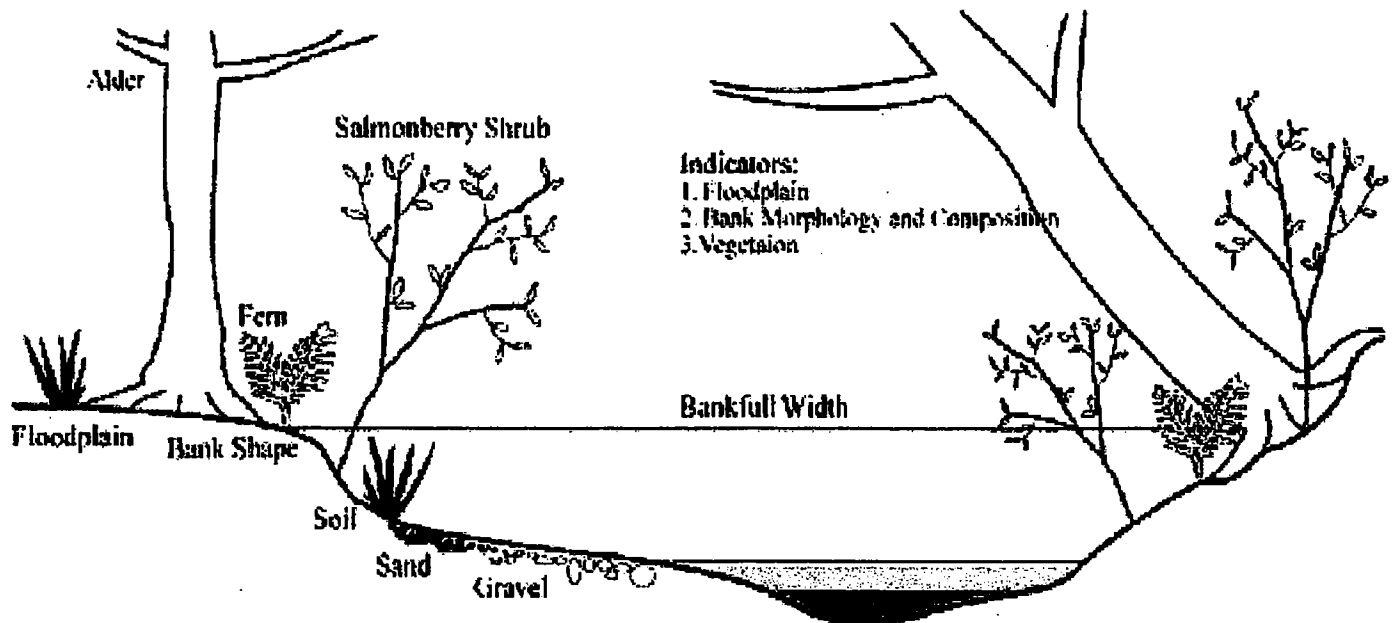


Figure 1. Indicators for determining bankfull width.

In the absence of physical evidence, the 2-year recurrence interval flood elevation may be used to approximate the bankfull stage.

Traffic Impact Study. An analysis of the effects of a proposed development on the transportation system, and of traffic impacts on neighboring properties.

Traffic Study. A limited analysis of the operational aspects and traffic safety issues of a particular development area, including, but not limited to: on-site traffic circulation and access design and operation.

Urban Growth Boundary. A site-specific line that separates urban or urbanizable land from rural land and which appears on the Metro Plan Diagram.

Urban Land. Land which is located within an incorporated City.

Urbanizable Land. All land outside the City limits but inside the Urban Growth boundary.

Use. The purpose for which land and structures are arranged, designed, intended, occupied or maintained. Any activity taking place on land or in or on structures.

Use Category. A grouping of land uses which have similar operating characteristics and land use impacts.

Use, Non-Conforming. The use of land or structures, or the size, height, location or number of structure, formerly permitted or otherwise lawful, but which currently does not comply with existing standards or provisions of this Code.

Use, Permitted. Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Use, Primary. The principal use approved in accordance with this Code which usually occupies greater than 50 percent of the gross floor area of a building or greater than 50 percent of a development area. Tree removal and timber harvesting are not primary uses within the Urban Growth Boundary.

Use, Re-Use. Any change in use, tenancy or occupancy of a building.

Use, Secondary. Any approved use of land or a structure which is incidental and subordinate to the primary use, and located on the same development area as the primary use. However, where an employee standard may be permitted for warehousing in the CI District, no secondary use shall occupy more than 50 percent of the gross floor or development area occupied by the primary use. Secondary uses shall not occur in the absence of primary uses.

Use, Special. Any use of land or a structure which due to its operating characteristics or land use impact is permitted under prescribed conditions in the applicable zoning district.

Use, Temporary. A use established for a fixed period of time that does not involve the construction or alteration of any permanent structure.

Use, Water Dependent. A use that requires access to the Willamette River for water-borne transportation, recreation, energy production, or source of water.

Use, Water Related. A use that is not directly dependent upon access to the Willamette River, but which clearly benefits from the access.

Utility Provider. Any agency or private company which provides the public with electricity, gas, heat, steam, communications, rail transportation, water, sewage collection, or other similar service.

Variance. An exception to a requirement of this Code. This definition does not include use variances; a variance cannot be used in lieu of a zone change.

Vision Clearance Area. A triangular shaped portion of land established at street intersections in which nothing over 2 1/2 feet is erected, placed, planted or allowed to grow to obstruct the sight distance of motorists entering or leaving the intersection, unless specifically exempted by this Code.

Warehousing. The storage of finished and unfinished products and materials within an entirely enclosed building. This use may include facilities for regional wholesale distribution, if permitted by the applicable zoning district.

Watercourse. Rivers, streams, sloughs, drainages including intermittent stream and seeps, ponds, lakes, aquifers, wetlands and other waters of the state. This definition also includes any channel in which a flow of water occurs, either continuously or intermittently, and if the latter with some degree of regularity. Watercourses may be either natural or artificial. Specific watercourses that are protected by this Code are those shown on the water quality Limited Watercourse Map.

Water Quality Limited Watercourses (WQLW). Those watercourses within the City and its urbanizing area that are specified on the WQLW Map.

Waters of the State. These waters include lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon, and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (excluding those private waters which do not combine or effect a junction with natural surface or underground waters), which are wholly or potentially within or bordering the state or within its jurisdiction.

Wellhead Protection. Implementation of strategies within a wellhead protection area to minimize the potential impact of containment sources on the quality of groundwater used as a drinking water source by a public water system.

Wellhead Protection Area. A Drinking Water Protection Area for a groundwater-supplied drinking water source.

Wellness Center. A facility, owned by a public agency, operated by a public or non-public agency or private individual or firm, offering wellness-related health services and/or treatment to the public, including but not limited to, diabetes and health education classes, physical, speech and occupational therapy, and fitness and nutrition services, but excluding alcohol and drug rehabilitation facilities other than prevention education.

Wetlands. Areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances to support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marches, bogs, and similar areas excluding those constructed as water quality or quantity control facilities.

Wheel Stop. A permanent and secured device in each parking stall which blocks the front wheels of a vehicle.

Wholesale Trade. Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, the individuals or companies. Wholesale trade may include retail trade as a secondary use when wholesale trade is the primary use. Wholesale trade does not include storage and sale of bulk fuel oil, bulk fuel, explosives or other hazardous material, or live animal sales other than small domestic pets when the sales are made from the premises. Wholesale trade by brokerage only, with no display or storage of merchandise on the premises, is considered a Business Office use.

Windthrow. Trees felled by wind.

Wireless Telecommunications Facilities. The site, structures, equipment and appurtenances used to transmit, receive, distribute, provide or offer wireless telecommunications services. This includes, but is not limited to antennas, poles, towers, cables, wires, conduits, ducts, pedestals, vaults, buildings, electronics and switching equipment.

Wireless Telecommunications Systems (WTS). The sending and receiving of radio frequency transmissions and the connection and/or relaying of these signals to land lines and

other sending and receiving stations (cell sites), and including cellular radiotelephone, personal communications services, enhanced/specialized mobile radio, and commercial paging services.

Wooded Lot/parcel. A lot/parcel or parcel 10,000 square feet or larger, above 670 feet in elevation, which contains more than 5 trees eight inches or greater dbh.

Working Day. Monday through Friday, exclusive of official City holidays.

Wrecking Yard/Salvage Yard. Any lot/parcel or structure used for the storage, dismantling or sale of inoperable motor vehicles, trailers, machinery and/or building materials or parts.

Yard. (for purposes of establishing building setback)

- A. Front yard:** The first 10 feet of land paralleling street right-of-way used for address purposes.
- B. Side yard:** The first 5 feet of land paralleling property boundaries intersecting the front yard property boundary.
- C. Rear yard:** The first 10 feet of land paralleling the property boundary most distant from and paralleling the front yard property boundary.
- D. Through-lot/parcel rear yard:** The first 10 feet of land paralleling street right-of-way this is parallel to and most distant from the front yard property boundary used for address purposes.
- E. Street side yard:** The first 10 feet of land paralleling street right-of-way, which intersects the front yard property boundary.

Youth Hostel. Any building designed or intended to provide temporary accommodations for traveling young people.

Zoning District. A specifically delineated area or district within the Urban Growth Boundary that implements the Metro Plan within which the use of land is regulated and development standards are applied.

SPRINGFIELD URBAN GROWTH BOUNDARY/EUGENE URBAN GROWTH BOUNDARY

10.600-10 Springfield Urban Growth Boundary.

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

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

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

10.600-15 Applicable Land Use Regulations.

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

(1) The Springfield Development Code adopted by the Lane County Board of Commissioners as part of Ordinance No. 16-86, and amended by Ordinance Nos. 5-89, 18-90, 9-91, 13-91, 14-92, 5-93, 13-94, 3-97, 7-99, 10-00, 13-04, 2-05, 2-06, and 16-07.

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

10.600-20 Eugene Urban Growth Boundary.

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

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

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

10.600-25 Applicable Land Use Regulations.

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

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

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

At right margin indicates changes
Bold indicates material being added
~~Strikethrough~~ indicates material being deleted

**LEGISLATIVE
FORMAT**

10.600-10 Lane Code 10.600-25
**SPRINGFIELD URBAN GROWTH BOUNDARY/EUGENE URBAN GROWTH
BOUNDARY**

10.600-10 Springfield Urban Growth Boundary.

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

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

10.600-15 Applicable Land Use Regulations.

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

(1) The Springfield Development Code adopted by the Lane County Board of Commissioners as part of Ordinance No. 16-86, and amended by Ordinance Nos. 5-89, 18-90, 9-91, 13-91, 14-92, 5-93, 13-94, 3-97, 7-99, 10-00, 13-04, 2-05, ~~and 2-06, and 16-07~~.

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

10.600-20 Eugene Urban Growth Boundary.

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

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

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

10.600-25 Applicable Land Use Regulations.

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

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

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**SPRINGFIELD DEVELOPMENT CODE REFORMAT
FINDINGS OF COMPLIANCE**

Amendment and reformat of the Springfield Development Code (SDC), to be co-adopted by the Lane County Board through reference in Lane Code Chapter 10 for application within the urbanizable area of Springfield.

LANE COUNTY CRITERIA FOR ADOPTION OF SDC AMENDMENTS

Lane Code 10.315-20 establishes criteria that must be met in order to approve this request. “Zonings, rezonings, and changes in the requirements of this chapter shall be enacted to achieve the general purpose of this chapter and shall not be contrary to the public interest. In addition, zonings and rezonings shall be consistent with the specific purposes of the Zone District classification proposed, applicable Comprehensive Plan elements and components, and Statewide Planning Goals for any portion of Lane County which has not been acknowledged for compliance with the Statewide Planning Goals by the Land Conservation and Development Commission. Any zoning or rezoning may be effected by Ordinance or Order of the Board of County Commissioners, the Planning Commission or the Hearings Official in accordance with the procedures in this section.”

The Eugene-Springfield Metropolitan Area General Plan (*Metro Plan*) is the applicable Comprehensive Plan. The Springfield Development Code has been reformatted from 44 articles to 6 chapters following the layout in the *Model Development Code for Small Cities*, providing consist and clear guidelines for development of urban lands in Springfield. Adoption of the amendments for application to urbanizable lands that are transitioning into urban uses is not contrary to the public interest, as it provides clear guidelines for urban development in Springfield. Therefore, the adoption of the SDC Amendments and Reformatted layout by Lane County for application to the urbanizable area of Springfield meets the general purpose of this chapter, and will be specifically referenced in Lane Code 10.600-20.

EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN

“The Eugene-Springfield Metropolitan Area General Plan [Metro Plan] is the official long-range general plan (public policy document) of metropolitan Lane County and the cities of Eugene and Springfield. Its policies and land use designations apply only within the area under the jurisdiction of the Plan. The Plan sets forth general planning policies and land use allocations and serves as the basis for the coordinated development of programs concerning the use and conservation of physical resources, furtherance of assets, and development or redevelopment of the metropolitan area.” P. I-1

Finding:

This is an amendment and reformat of an existing specific regulation, the SDC. The SCD was adopted by the City and County in 1986, and amended several times since then. All of these historical amendments have complied with the policies contained in the Metro Plan. There is a terminology change from “day care” to “child care” based on an a recent amendment to ORS 657A.250, which regulates child care facilities in Oregon. This use is found on various use lists in proposed Chapter 3 and requires special siting standards. This terminology change is not a policy issue, it is definition language used for consistency with the terminology contained in the applicable ORS.

The intent of the reformatted SDC is to make the document more contemporary and user-friendly, there are no Metro Plan policy changes included in this amendment to the development regulations. Therefore,

the proposed amended and reformatted SDC has no effect on Metro Plan policies, and is fully consistent with the criteria for coordinated development of programs within the Metro Plan boundary by the applicable local jurisdictions.

Statewide Planning Goals and Oregon Administrative Rules

GOAL 1: CITIZEN INVOLVEMENT - OAR 660-015-0000(1)

“To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.”

The citizen involvement goal includes notice to the Department of Land Conservation and Development, and opportunities for affected parties to participate in the consideration and development of an updated SDC. The city conducted extensive public involvement, including public hearings and referral and consideration by a local technical advisory committee in developing the updated SDC that was adopted by Springfield Common Council through Ordinance No. 6206 on September 17, 2007.

Springfield Development Services submitted Ordinance No. 6206 and the reformatted SDC to Lane County Land Management on October 15, 2007 for co-adoption under the *Metro Plan* and Intergovernmental Agreement for coordinated jurisdictional approval of appropriate guiding regulations.

On October 19, 2007, staff mailed notice of the proposed action to the Department of Land Conservation and Development announcing the public hearing before the Board of Commissioners.

On November 7, 2007, a newspaper notice/legal ad announcing the Board of Commissioners public hearing was published in the Register Guard, a newspaper of general circulation in the urbanizable area of Springfield.

On December 5, 2007, the Lane County Board of Commissioners held a public hearing on the proposal to adopt the reformatted SDC and amendments for application to urbanizable lands and adopted Ordinance No. __-07.

GOAL 2: LAND USE PLANNING OAR 660-015-0000(2)

“To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.”

The co-adoption of the SDC by the Lane County Board of Commissioners for application to urbanizable lands outside the city limits of Springfield and within the Springfield UGB implements the established land use planning process and policy framework in the Metro Plan is implemented in compliance with Statewide Goal 2.

GOAL 3: AGRICULTURAL LAND OAR 660-015-0000(3)

“To preserve and maintain agricultural lands.”

GOAL 4: FOREST LANDS OAR 660-015-0000(4)

“To preserve and maintain forest lands.”

Finding:

These goals do not apply within adopted, acknowledged urban growth boundaries.

GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES OAR 660-015-0000(5)

“To protect natural resources and conserve scenic and historic areas and open spaces.”

GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY OAR 660-015-0000(6)

“To maintain and improve the quality of the air, water and land resources of the state.”

GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS

“To protect people and property from natural hazards.”

GOAL 8: RECREATIONAL NEEDS OAR 660-015-0000(8)

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.”

GOAL 9: ECONOMIC DEVELOPMENT OAR 660-015-0000(9)

“To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.”

GOAL 10: HOUSING OAR 660-015-0000(10)

“To provide for the housing needs of citizens of the state.”

GOAL 11: PUBLIC FACILITIES AND SERVICES OAR 660-015-0000(11)

“To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.”

GOAL 12: TRANSPORTATION OAR 660-015-0000(12)

“To provide and encourage a safe, convenient and economic transportation system.”

GOAL 13: ENERGY CONSERVATION OAR 660-015-0000(13)

“To conserve energy. Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.”

Goal 14: Urbanization OAR 660-015-0000(14)

“To provide for an orderly and efficient transition from rural to urban land use.”

GOAL 15: WILLAMETTE RIVER GREENWAY OAR 660-015-0005

“To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.”

Finding:

The amendment and reformat of the Springfield Development Code is for clarity and to make the existing specific regulation document more user-friendly and contemporary. Over 60 amendments since the initial adoption of the SDC led to 44 Articles that are now structured under 6 general chapters. No policy changes occurred with the updated SDC. Therefore, the above listed goals are not affected by the reformat of the development regulation document, and the policies remain in effect in the Metro Plan.

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

Finding:

These goals do not apply because there are no coastal, ocean, estuarine, or beach and dune resources within the urbanizable area of Springfield.

CONCLUSION AND RECOMMENDATION

The Board of Commissioners finds that the reformatted and amended Springfield Development Code complies with the criteria of approval listed in SDC 8.030 and LC 10.315-20; applicable *Metro Plan* policy; and applicable Statewide Planning Goals and Administrative Rules and that SDC presented in Ordinance No. 16-07 should be adopted for application to urbanizable land located within the urban growth area of the City of Springfield.