



AGENDA COVER MEMO

Memorandum Date: April 30, 2024
First Reading/Work Session Date: May 14, 2024
Second Reading/Joint Public Hearing: June 10, 2024

TO: Board of County Commissioners

DEPARTMENT: Public Works, Land Management Division, Planning Program

PRESENTED BY: Jared Bauder, Senior Planner, Lane County
Haley Campbell, Senior Planner, City of Springfield

PROJECT NAME: Springfield Development Code Amendments: Housing Opportunities in Non-Residential Areas

AGENDA ITEM TITLE: ORDINANCE NO. 24-04 / In the Matter of Amending Lane Code Chapter 10.600 to Co-Adopt Amendments to Incorporate Changes in State Law and Modernize the Springfield Development Code for the Urbanizing Area Between the City Limits and Urban Growth Boundary of the City of Springfield and Adopting a Savings and Severability Clause.

(Local File No.: 509-PA24-05262 / City Case No.: 811-24-000025-TYP4)

I. MOTION

1. May 14, 2024 (1st Reading):

MOVE TO APPROVE THE FIRST READING OF ORDINANCE NO. 24-04, AND TO SET THE SECOND READING AND JOINT PUBLIC HEARING WITH THE CITY OF SPRINGFIELD CITY COUNCIL FOR JUNE 10, 2024 (AT 6:00 PM DATE AND TIME CERTAIN IN A HYBRID MEETING FORMAT; WITH A 5:30PM WORK SESSION).

2. June 10, 2024 (2nd Reading/Joint Public Hearing):

- 1) MOVE TO TENTATIVELY APPROVE ORDINANCE NO. 24-04 AS PRESENTED AND SET A THIRD READING AND DELIBERATIONS FOR JULY 30, 2024;
- 2) MOVE TO REVISE ORDINANCE 24-04 AS DIRECTED BY THE SPRINGFIELD CITY COUNCIL AND/OR THE BOARD OF COMMISSIONERS AND RETURN FOR A THIRD READING (DATE CERTAIN: JULY 30, 2024) AND DELIBERATIONS ON THE REVISED ORDINANCE (SUMMARIZE REVISIONS);

- 3) MOVE TO SET A THIRD READING AND CONTINUE THE PUBLIC HEARING (DATE AND TIME CERTAIN), AND DIRECT STAFF TO REVISE ORDINANCE NO. 24-04 AS DIRECTED BY THE BOARD AND/OR CITY COUNCIL (SUMMARIZE REVISIONS);
- 4) MOVE TO NOT APPROVE ORDINANCE 24-04.

II. AGENDA ITEM SUMMARY

The Board is being asked to consider approval of Ordinance 24-04 (**see Attachment 1**) to adopt amendments to the City of Springfield's (the City) Development Code. Specifically, the City is proposing to modernize the Springfield Development Code to support efficient, timely, and clear development review. This project is a continuation of work that has been ongoing since 2018 involving a phased plan to update the entire Springfield Development Code. Updating the Development Code to support efficient, timely, and clear development review is part of Springfield's Housing Strategy. This work would amend income-qualified housing-related code sections from bills that were passed by the 2023 Oregon Legislature:

- House Bill 2984 – Commercial to Residential Building Conversions
- House Bill 3151 – Manufactured Dwelling Parks on Non-Residential Lands
- House Bill 3395 – Residential Use of Commercial Lands

The City is also using this opportunity to make other changes to the code for clarity and ease of use including:

- Significant changes to SDC 4.7.100 for various districts;
- Changes to SDC 4.7.375 through SDC 4.7.385 for Architectural Design and multiple unit housing;
- Changes to SDC 5.15.110 Minimum Development Standards and SDC 5.17.110 for Site Plan Review for multiple unit housing; and
- Changes to SDC 6.1.110 Definitions.

Amendments to the City's Development Code must be reviewed and adopted by the Board of Commissioners (the Board) for the regulation of lands between Springfield City Limits and the Springfield Urban Growth Boundary (UGB), which are urbanizing areas subject to Lane Code Chapter 10. This proposal is in accordance with the urban transition agreement made between Lane County and the City, which requires joint development and adoption of land use regulations within the Springfield urbanizing area.

At the June 10, 2024 Joint Public Hearing, the Board and City Council may decide if they should continue the public hearing to allow for additional public comment. If the Board and Council decide to close the public hearing, staff requests that Board begin deliberations that evening to determine if there are any desired changes to the recommended amendments. The Springfield City Council is scheduled to hold a second reading for adoption of the Ordinance on July 1, 2024. If the City Council adopts the city Ordinance, the Board is tentatively scheduled for its third reading of the Ordinance on July 30, 2024.

III. BACKGROUND & ANALYSIS

A. Board Action and Other History:

The Springfield Development Code (SDC) contains the implementing regulations for construction and development of land in Springfield. It was co-adopted in 1986, and since

then, the code has been amended over 60 times. The last SDC amendment was in January 2023, when the Board co-adopted amendments relating to the Springfield Comprehensive Plan Map and Land Use Element (Ordinance 23-07). Prior to that, the last amendment was in 2022 relating to the Springfield’s Floodplain Overlay District (Ordinance 21-08).

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. The Metro Plan policies and land use designations apply to areas under the jurisdiction of the Metro Plan. The Metro 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. The dividing line between the two cities is Interstate 5, and the City of Springfield is the Home City for the metro lands east of I-5.

The City of Springfield has the responsibility and the authority to administer its land use regulations on urbanizable land within the Springfield UGB. This is provided by the urban transition agreement between the City and Lane County, passed with Ordinance No. 16-86 (**Attachment 2**). Urbanizable lands are those unincorporated lands between the Springfield City Limits and the Springfield UGB.

The Springfield Planning Commission held a public hearing on April 2, 2024. The procedural requirements completed for this public hearing are described in detail in the City staff report provided as **Attachment 1, Exhibit C**. On April 2, 2024, the Springfield Planning Commission passed an Order and recommendation for approval to be forwarded to the Springfield City Council and Lane County Board of Commissioners (*included as Attachment 3, with the associated City exhibits omitted*).

In accordance with Lane Code Chapter 14 procedural requirements, notice of the joint public hearing scheduled before the Board of Commissioners Springfield City Council and will be published in the Register Guard and mailed to all parties who submitted comments during the Springfield Planning Commission public hearing and interested parties in advance of the public hearing as required.

B. Policy Issues:

The delivery of effective and efficient urban services by the cities within the urbanizable area of the Metro Plan is supported by the urban transition agreement between the County and the metro cities.

The applicable Comprehensive Plan policies are found in the Metro Plan and are addressed in the City’s staff report and findings of fact (**Attachment 1, Exhibit C**). Approval of this Ordinance adopting an amendment to Lane Code Chapter 10 will ensure consistency for the updated land use regulations guiding development in the Springfield urbanizable area.

C. Board Goals:

While approval of Ordinance 24-04 will only affect the regulation of lands within the Springfield UGB, the amendments support the following Lane County Strategic Priority:

Vibrant Community:

2.b Pursue programs and practices that reduce impacts on and

leverage the natural environment to enhance livability and economic development.

Enhancements to the land use provisions of the Springfield Development Code will further the Vibrant Communities Key Strategic Initiative 2.b by ensuring development within the County occurs in a safe, orderly and efficient manner mainly through protection of life and development from flood hazard.

Financial and/or Resource Considerations:

No direct financial or resource considerations apply to the adoption of the proposed ordinance by Lane County. The adoption of a consistent development code for the entire Springfield urbanizable area does eliminate duplication and greatly enhances the efficiency of development permit processing, leading to higher levels of customer satisfaction and more efficient provision of government services.

Health Implications:

Actual health implications are difficult to predict, but generally, the proposed code amendments implement standards for development that aim to reduce any possible impacts on health and safety.

D. Analysis & Approval Criteria:

12.300.030 - Metro Plan Amendment Criteria.

The following criteria will be applied by the Board of Commissioners and other applicable governing body or bodies in approving or denying a Metro Plan amendment application:

- A. The proposed amendment is consistent with the relevant Statewide Planning Goals; and**
- B. The proposed amendment does not make the Metro Plan internally inconsistent.**

Finding 1. Ordinance 24-04, to adopt amendments to Lane Code Chapter 10.600 and incorporate the amendments to the SDC, is provided as **Attachment 1** of this memo. **Attachment 1, Exhibit A**, contains the draft City Ordinance and the proposed draft code revisions to the SDC. Findings of consistency with the applicable criteria of the Statewide Planning Goals, and the Springfield Development Code are included as **Attachment 1-Exhibit C** to this memo, the Staff Report and Findings of Fact provided by Springfield planning staff. Lane County herein incorporates by reference the findings in the Springfield staff report. An in-depth summary and analysis of the changes being made to the SDC is provided within the City's staff report and findings of fact, provided as **Attachment 1, Exhibit C** of this memo, and a summary of the key changes being proposed has been included in the memo as **Attachment 4**. Additionally, the Springfield City Council Briefing Memo has been included as **Attachment 5** (dated 6/10/2024).

E. Motion Options:

May 14, 2024 (1st Reading):

MOVE TO APPROVE THE FIRST READING OF ORDINANCE NO. 24-04, AND TO SET THE SECOND READING AND JOINT PUBLIC HEARING WITH THE CITY OF

SPRINGFIELD CITY COUNCIL FOR JUNE 10, 2024 (AT 6:00 PM DATE AND TIME CERTAIN IN A HYBRID MEETING FORMAT; WITH A 5:30PM WORK SESSION).

June 10, 2024 (2nd Reading/Joint Public Hearing):

- 1) MOVE TO TENTATIVELY APPROVE ORDINANCE NO. 24-04 AS PRESENTED AND SET A THIRD READING AND DELIBERATIONS FOR JULY 30, 2024;
- 2) MOVE TO REVISE ORDINANCE 24-04 AS DIRECTED BY THE SPRINGFIELD CITY COUNCIL AND/OR THE BOARD OF COMMISSIONERS AND RETURN FOR A THIRD READING (DATE CERTAIN: JULY 30, 2024) AND DELIBERATIONS ON THE REVISED ORDINANCE (SUMMARIZE REVISIONS);
- 3) MOVE TO SET A THIRD READING AND CONTINUE THE PUBLIC HEARING (DATE AND TIME CERTAIN), AND DIRECT STAFF TO REVISE ORDINANCE NO. 24-04 AS DIRECTED BY THE BOARD AND/OR CITY COUNCIL (SUMMARIZE REVISIONS);
- 4) MOVE TO NOT APPROVE ORDINANCE 24-04.

IV. RECOMMENDATION

Staff recommends **Option 1** above.

V. TIMING & FOLLOW UP

If the Board moves to approves the First Reading of the ordinances on May 14, 2024, a Second Reading and Joint Public Hearing with the Springfield City Council will occur on June 10, 2024, as has been tentatively scheduled. Following the June 10th Joint Public Hearing, the Springfield City Council is scheduled to deliberate and take action on the city ordinance on July 1, 2024. The Board has been tentatively scheduled for deliberations and action at their meeting on July 30, 2024.

VI. SUMMARY:

Adoption of the proposed SDC Amendments (**Motion Option 1**) will provide consistency between development regulations applicable to properties that lie inside and outside the Springfield City Limits and within the Springfield Urban Growth Boundary, under County/City *Metro Plan* coordination agreements. Staff finds this application meets all applicable approval criteria, and recommends the Board of County Commissioners approve Ordinance 24-04 (Springfield Development Code Amendments for Housing Opportunities in Non-Residential Areas).

VII. ATTACHMENTS

1. Draft Ordinance No. 24-04
 - **Exhibit A:** Draft City Ordinance with Exhibits
 - **Exhibit B:** Proposed Changes to Lane Code 10.600-15 (*BCC & Legislative versions*)
 - **Exhibit C:** Staff Report & Findings of Fact
2. Ordinance No. 16-86 with Exhibits
3. Springfield Planning Commission Order and Recommendation (*without city exhibits*)
4. Summary of Key changes to the Springfield Development Code
5. Springfield City Council Briefing Memorandum (dated 6/10/2024)

Attachment 1

Draft Ordinance No.: 24-04

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO: 24-04

In the Matter of Amending Lane Code Chapter 10.600 to Adopt Amendments to Incorporate Changes in State Law and Modernize the Springfield Development Code for the Urbanizing Area Between the City Limits and Urban Growth Boundary of the City of Springfield and Adopting a Savings and Severability Clause (File No. 509-PA24-05526).

WHEREAS, on November 24, 1986, the Lane County Board of Commissioners enacted Ordinance No. 16-86 to adopt the City of Springfield land use regulations for urbanizable lands within the Springfield Urban Growth Boundary in accordance with an urban transition agreement with the City of Springfield; and

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

WHEREAS, amendments to Lane Code Chapter 10.600-15 are necessary for the City of Springfield to implement concurrent amendments to the Springfield Development Code within the urbanizing area within the Springfield Urban Growth Boundary; and

WHEREAS, the City of Springfield Planning Commission reviewed the proposal in a public hearing and deliberated on April 2, 2024, where they provided and Order and recommendation for approval to the Springfield City Council and the Lane County Board of Commissioners; and

WHEREAS, the Springfield City Council and the Board of County Commissioners conducted a joint public hearing on June 10, 2024; and

WHEREAS, the Springfield City Council deliberated on July 1, 2024, and adopted Ordinance ____; and

WHEREAS, the Board of County Commissioners deliberated on July 30, 2024, and is now ready to take action.

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

1. The provision of the Springfield Development Code, as adopted by Lane County Ordinance No. 16-86 and amended by Lane County 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, 16-07, 4-09, 7-11, 3-12, 13-05, 13-07, 14-13, 14-15, 16-05, 18-06, 19-05, 21-08, 22-03, 23-08, 23-07, and 24-04 are hereby further amended to include amendments as depicted in **Exhibit A** (City Ordinance No. ____) incorporated by this reference. These amendments are adopted and incorporated herein by this reference for application to the urbanizable lands within the Springfield Urban Growth Boundary and are not codified into Lane Code.
2. Chapter 10 of Lane Code is hereby amended by removing and inserting the following sections:

REMOVE THESE SECTIONS

10.600-15

INSERT THESE SECTIONS

10.600-15

Said section is attached hereto as **Exhibit B** and incorporated herein by this reference. The purpose of this substitution and addition is to amend Lane Code Chapter 10 to include reference to this Board of County Commissioner's action adopting amendments to the City of Springfield land use regulations to be applied by the City of Springfield on urbanizable lands within the Springfield Urban Growth Boundary.

3. The Findings of Fact attached as **Exhibit C** and incorporated by this reference are adopted in support of the above amendments.

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

Nothing herein is intended to, nor acts to amend, replace, or otherwise conflict with any other ordinances of Lane County or any other Code or statutory provisions unless expressly so stated.

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

Effective date of Ordinance. The effective date of this Ordinance is as provided in the Chapter IX of the Springfield Charter and Section 2.110 of the Springfield Municipal Code, 30 days from the date of passage by the Council and approval by the Mayor; or upon the date that an ordinance is enacted by the Lane County Board of County Commissioners approving the same amendments as provided in Sections 1 through 3 of this Ordinance; or upon acknowledgment under ORS 197.625; whichever occurs last.

ENACTED this ____ day of _____, 2024

Laurie Treiger, Chair
Lane County Board of Commissioners

Recording Secretary for this Meeting of the Board

EXHIBIT A

**CITY OF SPRINGFIELD, OREGON
ORDINANCE NO. _____ (GENERAL)**

**AN ORDINANCE AMENDING THE SPRINGFIELD DEVELOPMENT CODE RELATED TO
INCOME-QUALIFIED HOUSING ON PROPERTY OWNED BY RELIGIOUS NONPROFITS,
INCOME-QUALIFIED HOUSING IN NON-RESIDENTIAL DISTRICTS, AND VARIOUS OTHER
SECTIONS; ADOPTING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND
PROVIDING AN EFFECTIVE DATE**

WHEREAS, Springfield City Council adopted the Springfield Development Code (SDC) on May 5, 1986, and has subsequently adopted amendments thereto by ordinance;

WHEREAS, Springfield City Council adopted a significant update to the Springfield Development Code in adopting Ordinance 6443 on May 16, 2022, for the purpose of resolving complexities and outdated code provisions relating to housing and residential use sections (Phase I of Development Code Update) and employment use standards and procedures for commercial and industrial development (Phase II if the Development Code Update);

WHEREAS, Ordinance 6446 amended the Springfield Development Code on November 20, 2023 for unintentional omissions, inaccurate references, and errors, following the adoption of Ordinance 6443;

WHEREAS, the City Council finds it in the public interest to amend the Springfield Development Code to support efficient, timely, and clear development review as part of Springfield's Housing Strategy through amendments to the income-qualified housing-related code sections from bills that were passed by the 2023 Oregon Legislature and to make other changes to the code for clarity and ease of use for various sections.

WHEREAS, consistent with the Community Engagement Plan adopted by the Committee for Citizen Involvement, the City of Springfield has provided several opportunities for public involvement on the proposed amendments, including: a project webpage, updates through social media newsletters to interested parties on the Development Code and Housing lists, workshops, and the public hearings described below.

WHEREAS, the Springfield Planning Commission conducted a public hearing on the Springfield Development Code amendments on April 2, 2024, and forwarded recommendations to the Springfield City Council and Lane County Board of Commissioners to approve the proposed amendments;

WHEREAS, the Springfield City Council held a joint public hearing with the Lane County Board of Commissioners on these amendments on June 10, 2024, and is now ready to act based upon the above recommendations and evidence and testimony already in the record and the evidence and testimony presented at the joint elected officials' public hearing;

WHEREAS, timely and sufficient notice of the public hearings have been provided according to SDC 5.1.615 and OAR 660-018-0020; and

WHEREAS, substantial evidence exists within the record to demonstrate that the Springfield Development Code amendments meet the requirements of the Springfield Comprehensive Plan, Metro

Plan, Springfield Development Code, Lane Code, and applicable state and local law as described in the findings attached as Exhibit B,

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF SPRINGFIELD ORDAINS AS FOLLOWS:

Section 1. The Springfield Development Code is amended as provided in Exhibit A, which is attached hereto and incorporated herein by reference.

Section 2. The findings set forth in Exhibit B are adopted as findings in support of this Ordinance.

Section 3. Construction of Ordinance. In amending the Springfield Development Code, it is not the intent of the City of Springfield to create new land use regulations that give rise to Ballot Measure 49 claims or similar claims. In the event that a land use regulation amended as described herein is capable of two interpretations, one which may give rise to a claim for compensation pursuant to ORS 195.300 to 195.336 or similar claims, and one which does not, the land use regulation must be interpreted in a way that does not give rise to said claim.

Section 4. Savings Clause. Except as specifically amended herein, the Springfield Development Code will continue in full force and effect. The prior code and land use regulations repealed or amended by this Ordinance remain in full force and effect to authorize prosecution of persons in violation thereof prior to the effective date of this ordinance.

Section 5. Severability Clause. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof.

Section 6. Effective Date. The effective date of this Ordinance is as provided in the Chapter IX of the Springfield Charter and Section 2.110 of the Springfield Municipal Code, 30 days from the date of passage by the Council and approval by the Mayor; or upon the date that an ordinance is enacted by the Lane County Board of Commissioners approving the same amendments as described in Section 1 of this Ordinance; or upon acknowledgment of this ordinance under ORS 197.625; whichever occurs last.

ADOPTED by the Common Council of the City of Springfield this ____ day of _____, ____,
by a vote of ____ for and ____ against.

APPROVED by the Mayor of the City of Springfield this ____ day of _____, ____.

Mayor

ATTEST:

City Recorder

Legislative Version of Springfield Development Code Amendments: Housing Opportunities in Non-Residential Areas to Implement House Bills 2984, 3151 and 3395 and for Minor Code Corrections

Springfield City Council and Lane County Board of County Commissioners
Public Hearing Draft – June 10, 2024

CODE AMENDMENTS

Various Sections of the Springfield Development Code (SDC) are amended to implement requirements in House Bills 2984, 3151, and 3395 passed in 2023.

- House Bill 2984 requires local governments to allow conversion of a building from commercial to residential use without requiring a zone change or conditional use permit, as long as the land is not zoned to allow for industrial uses.
- House Bill 3151's major impact on Springfield is to allow manufactured dwelling parks serving households with incomes of 120 percent or less of area median income (AMI), to be added to the definition of "affordable housing". The bill also adds property owned by a housing authority, manufactured dwelling park nonprofit cooperative, or nonprofit corporation organized as a public benefit corporation whose primary purpose is the development of affordable housing, to the list of properties where local government is required to allow "affordable housing". This will result in changes to SDC 4.7.405, which allows for the development of income-qualified housing on non-residential lands if certain conditions are met. The code amendments will change the title of SDC 4.7.405 to be about "Income-Qualified Housing" to address the broader definition of various affordability levels.
- House Bill 3395 allows housing within commercial land use districts if it is affordable to households with incomes of 60 percent of the area median income (AMI) or less, or for mixed-use structures with ground floor commercial with residential units that are affordable to moderate income (80-120% AMI) households. The bill requires cities to apply the residential density level most comparable to the commercial density currently allowed in the land use district. The bill explicitly exempts cities from having to conduct a new economic analysis or comprehensive plan update; however, cities may still wish to consider the impact to employment lands availability and accommodate these impacts at a later date.

The amendments are shown in legislative format (deleted text with strike-through **red** font and new text with **double underline red** font. Changes shown since the Planning Commission Recommendation on April 2, 2024, are **highlighted in yellow**. Commentary is shown in *purple font*, preceding the text to which it is referring.

Commentary: For simplicity, the fee waiver standards in this section are amended to remove proof of registered non-profit status and amend the term 'affordable housing' to income-qualified housing' in line with these code amendments. To match the definition of area median income provided in the definitions section of SDC 6.1.110 the reference to the Federal Housing and Urban Development (HUD) income limits was also removed from this section.

2.1.100 – General Provisions

2.1.135 Fees.

- (A) The City Council shall establish fees by separate Resolution for the performance of the actions and reviews required by this code. The list of fees is available at the Development ~~Services~~ Public Works Department.
- (B) Payment of these fees is required at the time of application submittal. No application will be accepted without payment of the appropriate fee in full, unless the applicant qualifies for a fee waiver, as specified in subsection (C), below.
- (C) **Fee Waivers.** The following fee waivers apply only within the Springfield city limits to the following agencies and/or persons:
 - (1) **~~Nonprofit Income-Qualified Affordable~~ Housing Providers.**
 - (a) Development fees required by this code may be waived for up to 50 ~~income-qualified affordable~~ housing units per year or more, upon the determination of need by the Director in order to encourage the construction of ~~affordable income-qualified~~ housing. ~~Affordable housing is Income-qualified housing is~~ defined as ~~newly constructed~~ housing that is constructed either for:
 - (i) Rental housing for households with incomes below 60 percent of the area median income, ~~as determined by the Federal Housing and Urban Development (HUD) income limits in effect at the time of submittal~~; or
 - (ii) Home ownership housing sold to households with incomes below 80 percent of the area median income, ~~as determined by the HUD income limits in effect at the time of submittal~~.
 - (b) The property owner ~~must~~ shall enter into a contractual agreement with the City for a 5-year period of affordability for each project to assure compliance with the stated intent of the project. In addition, all of the approval criteria listed below ~~must~~ shall be met:
 - ~~(i) Proof of registered nonprofit status;~~
 - ~~(ii)~~ (i) Adequate documentation that the housing meets appropriate standards regarding household income, rent levels, sales price, location, and number of units;

- ~~(iii)~~ (ii) For rental housing, adequate documentation that the housing ~~shall~~ must remain exclusively available to low-income households at affordable rents for the period of affordability;
- ~~(iv)~~ (iii) For home ownership housing, adequate documentation that this housing is sold exclusively to low-income households at an affordable sales price, and additional documentation that if the housing is resold within the period of affordability, the housing ~~shall~~ must only be sold to another low-income household at an affordable sales price;
- ~~(v)~~ (iv) Adequate documentation that if, within the period of affordability, the use of the property is no longer for low-income housing, the owner ~~shall~~ must pay the waived development fee from which the owner or any prior owner was exempt; and
- ~~(vi)~~ (v) Recording of appropriate covenants and documentation to ~~insure~~ ensure compliance with the requirements specified in this subsection.

- (2) **Low Income Citizens.** Development fees required by this code may be waived by the Director when the applicant is considered to be low income, as determined by the HUD income limits in effect at the time of submittal.

Commentary: *Notable amendments to Table 3.2.210 include:*

- *Adding the Commercial to Residential Conversion Standards to the Residential Districts (R-1, R-2, or R-3)*
- *Income-Qualified Housing is not included as a separate permitted use in the residential districts or districts where housing is allowed outright subject to special standards. Listing income-qualified housing as a permitted use where housing is already allowed outright would have the effect of putting in place special rules for income qualified housing that don't apply to market rate housing. The code includes income-qualified housing as a special permitted use only in land use districts where the standards for income-qualified housing are more permissive than those for market-rate housing.*
- *In the existing table, multiple unit housing is subject to 4.7.375 thru 4.7.385, which also includes 4.7.380. To clarify that not all of the multiple unit housing standards will apply depending on if the applicant elects to use the Clear and Objective or Discretionary tract, the multiple unit housing standards are listed separately. Both 'P' and 'S' are referenced in the R-2 and R-3 column for multiple unit housing since Site Plan Review is sometimes required.*
- *Fixing any reference to code standards that were incorrect or changed with these code amendments in the table.*

3.2.200 – Residential Districts (R-1, R-2, R-3)

Table 3.2.210 Permitted Uses				
Uses	Districts			Applicable code standards
	R-1	R-2	R-3	
Residential				
Single-Unit Dwelling, detached (SD-D)	P	N	N	
Duplex	P*	P*	N	SDC 3.2.245
Triplex/Fourplex	P*	P*	P*	SDC 3.2.250 and 3.2.255
Townhouse (Single-Unit Dwelling, attached, e.g., row houses, etc.)	P*	P*	P*	SDC 3.2.250 and 3.2.265
Cottage Cluster Housing	P*	P*	P*	SDC 3.2.250 and 3.2.260
Courtyard Housing	P*	P*	P*	SDC 3.2.270335
Emergency Medical Hardship	P*	P*	P*	SDC 4.7.400
Accessory Dwelling Units (ADUs)	P*	P*	P*	SDC 3.2.275
Single Room Occupancy (SROs)	P	P	P	
Short Term Rental				
Type 1	P*	P*	P*	SDC 4.7.355
Type 2	D*	D*	D*	SDC 4.7.355
Manufactured Dwelling Park	P,S*	P,S*	N	SDC 4.7.345
Multiple Unit Housing	N	P*	P*	SDC 4.7.375, 4.7.380, and thru 4.7.385
Family Child Care Home	P	P	P	
Child Care Center	PS*	PS*	PS*	SDC 4.7.340
Residential Care Facility; 5 or fewer people	P*	P*	P*	SDC 4.7.350
Conversion from commercial to residential use	S*	S*	S*	SDC 4.7.215
Residential Care Facility; 6 or more people	P,S*	P,S*	P,S*	SDC 4.7.350
Public and Institutional* (SDC 4.7.375)				
Automobile Parking, Public Off-Street Parking	N	D	D	
Club (see definition SDC 6.1.110)(C)	N	N	N	
Community Service; includes Governmental Offices	N	D	D	

Table 3.2.210 Permitted Uses				
Uses	Districts			Applicable code standards
	R-1	R-2	R-3	
Community Garden	D	D	D	
Educational Facilities: Elementary and Middle Schools	D*	D*	D*	SDC 4.7.195 and 5.9.110
Emergency Services; Police, Fire, Ambulance	D, S	D, S	D, S	
Parks and Open Space, including Playgrounds, Trails, Nature Preserves, Athletic Fields, Courts, Swim Pools, and similar uses	P/D*	P/D*	P/D*	SDC 4.7.200 330
Place of Worship	D, S*	D, S*	D, S*	SDC 6.1.110 4.7.370
Commercial* (SDC 4.7.375)				
Home Business	P*	P*	P*	SDC 4.7.365
Professional Office	S*	S*	S*	SDC 4.7.335 4.7.190
Mixed-Use Buildings	S*	S*	S*	SDC 4.7.180(C) and 4.7.375
<u>Public Utility Facilities</u>				SDC 4.7.160
<u>High impact public utility facility</u>	<u>S/D*</u>	<u>S/D*</u>	<u>S/D*</u>	
<u>Low impact public utility facility</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Certain wireless telecommunications systems facilities</u>	SDC 4.3.145			

P = Permitted Use; S = Site Plan Required; D = Discretionary Use Permit Required; N = Not Allowed;

* = Permitted in conformance with cited code standards.

Commentary: House Bill 3395 established a density for single room occupancy (SRO) units. The bill states that “single room occupancy means a residential development with no fewer than four attached units. Within an urban growth boundary, each local government shall allow the development of a single room occupancy: (a) With up to six units on each lot or parcel zoned to allow for the development of a detached single-family dwelling; and (b) With the number of units consistent with the density standards of a lot or parcel zoned to allow for the development of residential dwellings with five or more units.” This is interpreted to mean, that in the R-1 district, a lot or parcel can contain up to 6 SRO units. In the R-2 and R-3 districts where multiple-family dwellings are allowed, the density of SROs will match the density in the applicable district. Table 3.2.215 has been amended to reflect this change.

3.2.215 Lot Area and Dimensions.

Table 3.2.215 Residential District Density Standards and Minimum Lot Size

Where a minimum lot size listed in this table conflicts with the maximum net density, by resulting in development that exceeds the applicable maximum net density, the maximum net density standard will prevail. This may result in an increase in the minimum lot size provided in this table. Where no minimum lot size is listed, the minimum lot size is determined solely based on the applicable maximum net density.

Minimum lot sizes listed in this table for middle housing types apply to the parent lot and not to any lots resulting from a middle housing land division approved under SDC 5.12.200.

Density standards and minimum lot sizes within the Hillside Overlay District are provided in SDC 3.3.520.

Density (see SDC 3.2.235 below)	R-1	R-2	R-3
Single unit dwelling, detached	6 units per net acre minimum 14 units per net acre maximum 3,000 sq ft minimum lot size	N/A	
<u>Single room occupancy</u>	<u>Up to 6 SRO units per lot or parcel</u> <u>3,000 sq ft minimum lot size</u>	<u>79 SRO units per net acre minimum</u> <u>168 SRO units per net acre maximum</u>	<u>168 SRO units per net acre minimum</u> <u>252 SRO units per net acre maximum</u>
Duplex	6 units per net acre minimum No maximum density 3,000 sq ft minimum lot size	14 units per net acre minimum 28 units per net acre maximum 3,000 sq ft minimum lot size	N/A
Triplex and fourplex	6 units per net acre minimum No maximum density Triplex: 5,000 sq ft minimum lot size Fourplex: 7,000 sq ft minimum lot size	14 units per net acre minimum 28 units per net acre maximum	28 units per net acre minimum 42 units per net acre maximum

Table 3.2.215 Residential District Density Standards and Minimum Lot Size

Where a minimum lot size listed in this table conflicts with the maximum net density, by resulting in development that exceeds the applicable maximum net density, the maximum net density standard will prevail. This may result in an increase in the minimum lot size provided in this table. Where no minimum lot size is listed, the minimum lot size is determined solely based on the applicable maximum net density.

Minimum lot sizes listed in this table for middle housing types apply to the parent lot and not to any lots resulting from a middle housing land division approved under SDC 5.12.200.

Density standards and minimum lot sizes within the Hillside Overlay District are provided in SDC 3.3.520.

Density (see SDC 3.2.235 below)	R-1	R-2	R-3
Townhome	6 units per net acre minimum 25 units per net acre maximum 1,000 sq ft minimum lot size	14 units per net acre minimum 28 units per net acre maximum 1,000 sq ft minimum lot size	28 units per net acre minimum 42 units per net acre maximum 1,000 sq ft minimum lot size
Cottage cluster	4 units per net acre minimum No maximum density 5,000 sq ft minimum lot size	14 units per net acre minimum 28 units per net acre maximum 5,000 sq ft minimum lot size	28 units per net acre minimum 42 units per net acre maximum 5,000 sq ft minimum lot size
Multiple unit housing	N/A	14 units per net acre minimum 28 units per net acre maximum	28 units per net acre minimum 42 units per net acre maximum
<u>Manufactured dwelling park</u>	<u>6 units per net acre minimum</u> <u>14 units per net acre maximum</u> <u>1 acre minimum lot size</u>	<u>14 units per net acre minimum</u> <u>28 units per net acre maximum</u> <u>1 acre minimum lot size</u>	<u>N/A</u>

Density fractions will be rounded as provided in SDC 3.2.235(A).

Commentary: Add the height standards from SDC 4.7.405(G) for income-qualified housing in residential districts to SDC 3.2.230 and amend (A) to state that Table 3.2.230 refers to maximum building height.

- Note: Subsection (D)(3) 'Density and height in residential districts' was moved to a new section following the Planning Commission Public Hearing on April 2, 2024. Subsection (G) was created to clarify that the standards apply to any income-qualified housing in residential districts and not just development under ORS 197A.445.

3.2.230 Height.

- (A) The following building height ~~maximums~~standards are intended to facilitate allowed residential densities while promoting land use compatibility.

Table 3.2.230 Height	R-1	R-2	R-3
All Lots, except where specifically addressed below	35 feet	50 feet	none

- (B) Incidental equipment, as defined in SDC 6.1.110 may exceed the height standard.
- (C) Within the Hillside Development Overlay District, the maximum building height, as defined and calculated in SDC 6.1.110, is 45 feet.
- (D) Income-Qualified Housing in residential districts allowed pursuant to SDC 4.7.405(C) may meet the height standards of SDC 4.7.405(G).

Commentary: House Bill 3395 established a density standard for single room occupancy (SRO), which requires that for the purposes of calculating density, 6 single room occupancy units is equal to 1 dwelling unit and that SRO units are permitted when “consistent with the density standards of a lot or parcel zoned to allow for the development of residential dwellings with five or more units.” The density standards for income-qualified housing in SDC 4.7.405 has also been added.

- Note: Subsection (D)(3) 'Density and height in residential districts' was moved to a new section following the Planning Commission Public Hearing on April 2, 2024. Subsection (G) was created to clarify that the standards apply to any income-qualified housing in residential districts and not just development under ORS 197A.445.

3.2.235 Density.

- (A) The following net density standards apply to all new development in the R-1, R-2, and R-3 districts, except as specified in subsection (B) of this section. The net density standards shown in Table 3.2.215 are intended to ensure efficient use of buildable lands and provide for a range of needed housing, in conformance with the Springfield Comprehensive Plan. Where the density standards apply, the net density must be within the density range for the respective zoning district, except that density fractions 0.5 units per net acre or greater will be rounded up to the next whole number, and less than 0.5 unit per net acre will be rounded down to the preceding whole number.

The density standards may be averaged over more than 1 development phase (i.e., as in a subdivision or within the area subject to an adopted Master Plan). Within the Hillside Development Overlay District, the net density standards may be met through a density transfer bonus as provided in SDC [3.3.520](#)(D).

- (B) The net density requirements specified in Table [3.2.215](#) do not apply as follows:
- (1) Residential care homes/facilities.
 - (2) Accessory dwelling units (ADUs).
 - (3) Bed and breakfast inns.
 - (4) Nonresidential uses, including neighborhood commercial uses, public and institutional uses, and miscellaneous uses that do not include a dwelling unit.
 - (5) Buildings that are listed in the Inventory of Historic Sites within the Springfield Area Comprehensive Plan Exhibit “A” or buildings designated on the Historic National Landmarks Register.
 - (6) Residential infill, as defined in [SDC 6.1.100](#), is exempt from minimum density standards, except within the HD Overlay District as provided in SDC [3.3.505](#) to [3.3.540](#).
 - (7) Partitions on properties that are large enough to be divided into 5 or more lots are exempt from minimum density standards as long as the size of the resulting parcels and siting of dwellings allow future development on these parcels at minimum densities.
 - (8) Income-Qualified Housing allowed pursuant to SDC 4.7.405(G) that complies with SDC 4.7.405(D)(G).
- (C) Net density is defined in SDC [6.1.100](#) as the number of dwelling units for each acre of land in residential use, excluding: dedicated streets; dedicated parks; dedicated sidewalks; and other public facilities.

For the purposes of calculating residential net density, 6-4 single room occupancy (SRO) units equal 1 dwelling unit. Fractional dwellings will be rounded to the next higher number, e.g., 5-7 SRO rooms equal 2 dwellings. In the R-2 and R-3 districts, the number of SRO units must be consistent with the R-2 and R-3 density standards.

Commentary: Add the Income-Qualified Housing and Commercial to Residential Conversion Standards to the Commercial Districts, Table 3.2.320 Permitted Uses and fix any reference to code standards that were incorrect or changed with these code amendments in the table. The reference to the Metro Plan was updated to align with recent amendments related to adoption of the Springfield Comprehensive Plan Map and Land Use Element, which shows all plan designations in Springfield’s UGB, including reflecting adopted refinement plan diagrams.

3.2.300 – Commercial Districts

3.2.320 Permitted Uses.

Table 3.2.320 Permitted Uses					
Land Use	Commercial District				Applicable code standards
	NC**	CC	MRC	GO	
Commercial					
Retail Sales and Service (non-automobile dependent/oriented)	p*	P	P	p*	SDC 4.7.230 and 4.7.235 3.2.330
Retail Sales and Service (automobile dependent)	N	p*	p*	N	SDC 4.7.115
Retail Sales and Service (automobile oriented)	N	p*	p*	N	SDC 4.7.115
Marijuana Business: marijuana retail outlet (recreational or medical)	N	p*	p*	N	SDC 4.7.177
Recreation Facilities	p*	p*	p*	N	SDC 4.7.205
Eating and Drinking Establishments (with drive-through)	P	P	P	N	
Eating and Drinking Establishments (without drive-through)	P	P	P	p*	SDC 4.7.145 3.2.330
Offices and Clinics	P	P	P	P	
Animal Hospital, Animal Clinic, or Kennel	N	p*	N	N	SDC 4.7.110
Garden Supply or Feed Store	N	P	p*	N	SDC 4.7.150 3.2.330
Manufactured unit as a temporary construction office, security quarters, or general office	p*	p*	p*	p*	SDC 4.7.185 , 4.8.110 , and 4.8.120
Manufactured home as a manufactured home sales office	p*	p*	p*	N	SDC 4.8.115
Lodging					
Hotels and Motels	N	P	P	N	
Short Term Rentals (Type 1 and 2)	p*	p*	N	N	SDC 4.7.355
Hostel	P	P	N	N	

Table 3.2.320 Permitted Uses					
Land Use	Commercial District				Applicable code standards
	NC**	CC	MRC	GO	
Emergency Housing	N	P	N	N	
RV Park	N	P*	N	N	SDC 4.7.220
Industrial					
Manufacture or assembly of goods or products to be sold on premises	N	P*	N	N	SDC 4.7.175 3.2.330
Warehouse and Wholesale Sales	N	P*	N	N	SDC 4.7.175 3.2.330
Residential					
Residential uses in areas designated mixed use in: the Metro Plan Springfield Comprehensive Plan ; a Refinement plan; or in mixed use district in this code	P*	P*	<u>P*</u>	N	SDC 3.2.330 4.7.210
Conversion from commercial to residential use	<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>	SDC 4.7.215
One single-unit dwelling, attached or detached, as a secondary use	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>	SDC 3.2.220 thru 3.2.225
Income-Qualified Housing	<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>	SDC 4.7.370 and 4.7.405
Family Child Care Home	P	P	P	P	
Child Care Center	<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>	SDC 4.7.340
Transportation Facilities					
Dock, Boat Ramp, and Marinas	N	D	N	N	
Heliport or Helistop	N	P*	P*	N	SDC 4.7.240
Transit Station	N	P*	P*	N	SDC 4.7.240
Linear Park	P	P	P	P	
Bicycle Paths and Pedestrian Trails	P	P	P	P	
Other					
Secondary Use (as defined)	P	D	D	P*	SDC 4.7.320 3.2.330

Table 3.2.320 Permitted Uses					
Land Use	Commercial District				Applicable code standards
	NC**	CC	MRC	GO	
Accessory Use (as defined)	P*	P*	P*	P*	SDC 4.7.360
Agricultural cultivation of vacant land	N	P	P	N	
Public and Institutional					
Private/Public Elementary and Middle Schools	D*	D*	N	N	SDC 4.7.195 and 5.9.110
Branch Educational Facilities	P	P	P	N	
Place of Worship	P*	P*	P*	P*	SDC 6.1.1104.7.370
Club (see definition SDC 6.1.110)	P	P	P	N	
Hospital	P	P	P	N	
Community Service; includes Governmental Offices	P	P	P	P	
High impact public utility facilities	P*/D	P*/D	P*/D	P*/D	SDC 4.7.160
Low impact public utility facilities	P	P	P	P	
Communication towers, including antennas and relay equipment	N	D	D	N	
Wireless Telecommunications System (WTS) Facilities	See SDC 4.3.145	See SDC 4.3.145	See SDC 4.3.145	See SDC 4.3.145	SDC 4.3.145

P = Permitted Use; D = Discretionary Use permit required; N = Not Allowed;

* Permitted subject to cited code standards.

** Subject to SDC 4.7.375, where applicable.

Commentary: The applicable standard in (B) was incorrectly listed as 4.2.105(N). That error was corrected below.

3.2.325 Development Standards.

(B) Setbacks.

- (1) Setbacks provide separation between commercial and non-commercial uses for fire protection/security, building maintenance, sunlight and air circulation, noise buffering, and visual separation. All developments must meet applicable fire and

building code standards, which may require greater setbacks than those listed in this section (e.g., for combustible materials, etc.).

- (2) Required setbacks are measured from the special street setback in SDC 4.2.105(~~MN~~), where applicable.

Commentary: The standards in this section were moved from 4.7.100 as they only apply to the commercial districts; specifically, SDC 4.7.145 and 4.7.235 (Eating and Drinking Establishments and Small Scale Repair and Maintenance Services (in the NC District)), SDC 4.7.110 (Animal Overnight Accommodations (permitted in the CC District only)) and 4.7.175 (Manufacturing as a Secondary Use in Commercial Districts (permitted in the CC District)), SDC 4.7.230 (Secondary Retail Sales in the GO District), and SDC 4.7.210 (Residential Uses in Commercial Districts).

3.2.330 Development Standards – Specific.

(A) NC Development Standards.

- (1) Small scale repair and maintenance services must take place entirely indoors, and buildings must be utilized to ensure that noise or odor do not disturb the normal operation and tranquility of neighboring residential and business areas.

(B) CC Development Standards.

- (1) In the CC District, the manufacturing or assembly of goods or products must occur indoors, must not generate more noise, odor or other physical attributes than the permitted uses, must occupy less than 50 percent of the floor area of the building, and the goods or products must be sold on premises.
- (2) In the CC District, Buildings used for the overnight accommodation of animals, and structures that enclose animals outside of buildings, must be constructed to ensure that noise or odor do not disturb the normal operation or tranquility of neighboring residential, business, campus industrial or public land uses.

(C) MRC Development Standards.

- (1) Garden supply and feed and seed stores must be permitted only as secondary uses in the MRC District. The bulk storage or sales of fertilizer, feed or plant materials that require heavy equipment for loading is prohibited.

(D) GO Development Standards.

- (1) The cumulative total area of sit-down restaurants and delicatessens, secondary retail uses and exercise studios in the GO District must be limited to no more than 10 percent of the gross floor area of the office building in which they are sited.

(E) Commercial Districts in Areas Designated Mixed-Use on the Springfield Comprehensive Plan Map. In commercial districts in areas designated mixed use on

the Springfield Comprehensive Plan Map or a Refinement Plan diagram, Plan District map, or Conceptual Development Plan, multiple unit housing developments must meet the standards as specified in the applicable regulation. R-2 and R-3 District standards contained in this code must be followed where the Springfield Comprehensive Plan Map, a Refinement Plan diagram, Plan District map, or Conceptual Development Plan does not specify development standards, or in areas where no applicable regulation has been prepared.

Commentary: Add the Income-Qualified Housing Standards to the Industrial Districts, Table 3.2.420 Permitted Uses and fix any reference to code standards that were incorrect or changed with these code amendments in the table.

3.2.400 – Industrial Districts

3.2.420 Permitted Uses.

(A) The land uses listed in Table [3.2.420](#) are permitted in each of the applicable districts, subject to the provisions of this section.

Table 3.2.420 Permitted Uses					
Land Use	Industrial District				Applicable code standards
	**CI	LMI	HI	*SHI	
Industrial					
Heavy Manufacturing and Production	N	D	P	P	
Light Manufacturing, Fabrication, and Repair	D	P	P	P	
Industrial Service	P	P	P	P	
*Warehouse and Wholesale Sales	P	P	P	P	SDC 4.7.2453.2.428
Waste-Related	N	N	D	D	
Explosives or fireworks, manufacturing, warehouse, or distribution.	N	D	D	N	
Corporate Office/Headquarters	P(4)	P	P	P	SDC 4.7.100
Outdoor storage directly related to an approved use	N	P	P	P	
Automobile wrecking, or towing service operations	N	N	D	N	
Industrial Park	N	P	P	P	
Business Park	P	N	N	N	
Slaughterhouse	N	N	D	N	
Other					

Table 3.2.420 Permitted Uses					
Land Use	Industrial District				Applicable code standards
	**CI	LMI	HI	*SHI	
*Secondary Use (as defined)	P	D	D	D	SDC 3.2.42815
*Accessory Use (as defined)	P	P	P	P	SDC 3.2.415
*Marijuana Production facility	N	N	P	P	SDC 4.7.177
*Marijuana Processing facility	N	P	P	N	SDC 4.7.177
*Marijuana Wholesale facility	N	P	P	N	SDC 4.7.177
*Marijuana Retail outlet or sales, as primary or secondary use	N	N	N	N	SDC 4.7.177
*Recreational Facilities	N	P	P	P	SDC 4.7.205
Child Care Centers	P	P	N	N	SDC 4.7.340
Bicycle paths and pedestrian trails	P	P	P	P	
Linear Parks	P	P	P	P	
Agricultural cultivation of vacant land	P	P	P	P	
<u>Income-Qualified Housing</u>	<u>P*</u>	<u>P*</u>	<u>N</u>	<u>N</u>	<u>SDC 4.7.405</u>
Public and Institutional					
Education facilities (schools)	N	D	N	N	SDC 4.7.195
*High impact public utility facilities	D	P	P	P	SDC 4.7.160
Low impact public utility facilities	P	P	P	P	
*Wireless Telecommunications System (WTS) Facilities	N	See SDC 4.3.145	See SDC 4.3.145	See SDC 4.3.145	SDC 4.3.145

P = Permitted Use; D=Discretionary Use permit required; N=Not Allowed;

* Permitted subject to cited code standards; In the SHI District, the standard is found in SDC 3.2.425(A)(1).

** Uses in the CI District must meet the operational performance standards specified in SDC 3.2.430.

Commentary: The standards in this section were moved from SDC 4.7.170 Manufactured Dwelling as a Permanent Office and SDC 4.7.245 Warehouse Commercial Retail and Wholesale as the uses are specific to the Industrial Districts.

3.2.428 Development Standards—Specific.

(A) Manufactured Dwelling as a Permanent Office Use. A manufactured dwelling, provided it meets City and State construction and safety standards for the proposed use, may be used as a permanent office building in the Light-Medium Industrial and Heavy Industrial Districts provided the following conditions are met prior to occupancy:

- (1) A permanent foundation is provided for the manufactured dwelling.**
- (2) Siding must be compatible with adjacent structures; the roof must have a minimum 16 percent pitch.**
- (3) Foundation covers, skirting, landscaping and backfill are required.**

- (4) Compliance with these regulations is a condition of continued use of the manufactured dwelling on the property.

(B) Warehouse Commercial Retail and Wholesale.

- (1) Buildings must be located in the front of lots/parcels, where possible, to minimize the visibility of outdoor storage yards or areas.
- (2) Any outdoor storage yard or area must be surrounded by a sight-obscuring fence.

EXCEPTION: Sales of heavy equipment and trucks does not require fencing.

- (3) In the Downtown Exception Area, the storage and display of rental equipment must be confined within a building.
- (4) For mini-storage facilities, an on-site manager's living quarters must be permitted when the living quarters are constructed as part of and attached to a new or existing mini-storage facility.
- (5) **Light-Medium Industrial and Warehousing.** For Warehouse-Commercial use, at least 50 percent of the structure must be used for storage of materials and 50 percent or less may be used for combined retail and office floor space.

Commentary: Add the Income-Qualified Housing and Commercial to Residential Conversion Standards to the Medical Services Zoning District, Table 3.2.510 Permitted Uses and fix any reference to code standards that were incorrect or changed with these code amendments in the table.

3.2.500 – Medical Services Zoning District

3.2.510 Schedule of Use Categories.

The following buildings and uses are permitted in this district as indicated subject to the provisions, additional restrictions and exceptions specified in this code. Secondary retail uses **shall must** be limited to 20 percent of the total gross floor area of all buildings on the site.

<i>Uses/Use Categories</i>	<i>MS District</i>
Primary Uses	
Hospital services	P
Medical clinics	P
Physicians services	P
Medical laboratory services	P
Dental services	P
Dental laboratories	P
Primary Uses	-
Housing for the elderly and handicapped, independent of care facilities	P

<i>Uses/Use Categories</i>	<i>MS District</i>
Residential care facilities	P
<u>Conversion from commercial to residential use (SDC 4.7.215)</u>	<u>P</u>
<u>Income-Qualified Housing (SDC 4.7.370 and 4.7.405)</u>	<u>P</u>
Child care center <u>(SDC 4.7.340)</u>	P
Adult day care facilities subject to any applicable State regulations	P
Certain Wireless Telecommunications Systems Facilities (SDC <u>4.3.145</u>)	P
Health Services	P
Medical Office Buildings	P
<i>Secondary Uses</i>	
Dispensing pharmacies	P
Prosthesis, hearing and speech aids sales and service	P
Home medical equipment rental and sales	P
Cafeterias, medical related recreational facilities, low impact public utility facilities, and heliports and helistops serving and constructed in conjunction with on-site development.	P

Commentary: *Notable amendments to this section include:*

- *Add Income-Qualified Housing and Commercial to Residential Conversion Standards to the Mixed-Use Zoning Districts, 3.2.610 Schedule of Use Categories.*
- *Fix incorrect references using P* or S* for permitted uses subject to cited standards to instead be listed as S as noted in the key prior to the previous Development Code Amendment Project. Remove the reference to SDC 4.7.100 in the description of “S” Special Standards to be consistent with other code sections that permit uses subject to certain SDC sections.*
- *Change the heading from ‘Residential Uses in Areas Designated Mixed-Use in the Metro Plan or Refinement Plans’ to just ‘Residential Uses’. Since these mixed-use districts were established to implement areas designated Mixed-Use by the Metro Plan (now Springfield Comp Plan) or on adopted refinement plans this title is redundant and doesn't add any helpful detail.*
- *Fix any reference to code standards that were incorrect or changed with these code amendments in the table.*

3.2.600 – Mixed-Use Zoning Districts

3.2.610 Schedule of Use Categories.

The following uses are permitted in the districts as indicated, subject to the provisions, additional restrictions and exceptions specified in this code. Uses not specifically listed may be approved as specified in SDC 5.11.100.

“P” = PERMITTED USE subject to the standards of this code.

“S” = SPECIAL STANDARDS subject to ~~special-cited locational and siting standards to be met prior to being deemed a permitted use (SDC 4.7.100).~~

“D” = DISCRETIONARY APPROVAL subject to review and analysis under Type 3 procedure (as a discretionary use under SDC 5.9.100 except where other criteria are indicated in the applicable special standards).

“N” = NOT PERMITTED

SITE PLAN REVIEW SHALL IS BE REQUIRED for all development proposals within all mixed use districts unless exempted elsewhere in this code.

Use Categories/Uses	Districts		
	MUC	MUE	MUR
<i>Accessory Use Structures</i>			
Accessory Structures (SDC 4.7. 360 105)	N	P	S
<i>Agricultural and Animal Sales and Services</i>			
Agricultural cultivation of undeveloped land	N	P	P
Garden supplies	P	N	N
<i>Automotive Repair and Service</i>			
Garage, repair	N	P	N
Parking lots and parking structures (SDC 4.7.180)	S	P	S
Tires, batteries and accessories	N	P	N
Operation, maintenance, repair, expansion and replacement of automobile, light truck sales, new and used, including accessory repair garages, parts and accessory sales on land where such uses lawfully existed as of June 3, 2002, owned, leased and controlled by a single entity	P* *Only in Downtown Mixed-use area	N	N
<i>Business and Professional Offices and Personal Services</i>			
Accountants, bookkeepers and auditors	P	P	P
Advertising/marketing agencies	P	P	P
Architects, landscape architects and designers	P	P	P
Art studios, fine	P	N	P
Art restoration	P	N	P
Attorneys	P	P	P
Audio/video production studio	P	P	N
Authors/composers	P	N	P
Banks, credit unions and savings and loans	P	P	P
Barber and beauty shops	P	P	P
Blue printing, photostatting, and photo developing	P	P	N
Business schools	P	N	N
Business, labor, scientific and professional organizations and headquarters	P	P	P
Catering services	P	P	N
Clinics and research/processing laboratories	P	P	P
Collection agencies	P	N	P
Commodity contract brokers and dealers	P	P	P
Computer and information services	P	P	P
Dentists	P	P	P
Detective and protective agencies	P	N	P
Doctors	P	P	P
Drafting, graphic and copy services	P	P	P
Employment agencies and services	P	P	P
Engineers and surveyors	P	P	P

Use Categories/Uses	Districts		
	MUC	MUE	MUR
Financial planning, investment services	P	P	P
Graphic art services	P	P	P
Gymnastics instruction	P	P	N
House cleaning services	P	N	N
Insurance carriers, agents, brokers and services	P	P	P
Interior decorator and designers	P	N	P
Laundry, dry cleaners, including self-service, and ironing services	P	P	N
Loan companies, other than banks	P	P	P
Locksmiths	P	P	P
Lumber brokers	P	P	P
Mailing services/mail order sales	P	P	P
Management and planning consultants	P	P	P
Manufactured unit as a temporary construction office, night watchperson's quarters or general office (SDC 4.8.110 , 4.7.185 , and 4.7.1703.2.428)	P/S	P/S	N
Motion picture studio/distribution	P	P	N
Non-profit organizations	P	N	P
Opticians	P	P	P
Performing arts instruction	P	N	P
Photocopying	P	P	P
Photography studios	P	P	P
Planners, land use	P	P	P
Printing/publishing	P	P	N
Psychologists and counselors	P	P	P
Real estate sales and management	P	N	P
Scientific and educational research	P	P	P
Security systems services	P	P	N
Self-defense studio	P	P	N
Shoe repair	P	P	P
Stenographers and secretarial services	P	P	P
Stockbrokers	P	P	P
Swimming pool cleaning	P	N	N
Tailors	P	N	P
Tanning salons	P	N	P
Title companies	P	N	P
Telephone answering services	P	P	P
Travel agencies	P	P	P
TV and radio broadcasting studios (does not include antennae)	P	P	N
Typing services	P	P	P
Window cleaning	P	N	N
Communications Facilities			
	N	D	N

Use Categories/Uses	Districts		
	MUC	MUE	MUR
Communications towers, including antennas and relay equipment. Certain Wireless Telecommunications Systems Facilities (See SDC 4.3.145)			
Child Care Facilities			
Child Care Center (See standards in SDC 4.7.340 for MUR)	P	P	S
Eating and Drinking Establishments			
Cafeteria (serving employees only)	P	P	N
Cocktail lounges	P	P	N
Delicatessens and sit down restaurants including espresso shops	P	P	P
Drive up restaurants and espresso shops (SDC 4.7.180)	S	P	N
Taverns and brew pubs	P	P	N
Educational Facilities - Public and Private Elementary and Middle Schools			
1 to 5 students in a private home (in a 24-hour period)	N	N	P
6 or more students in a private home	N	D	D
Private/public elementary and middle schools (SDC 4.7.195)	N	D	D
Secondary schools and colleges	N	D	N
Residential Care Facilities			
Residential Care Facility	N	N	D
Home Business			
Home Business (SDC 4.7.365)	S	S	S
Manufacture and/or Assembly of:			
Appliances	N	P	N
Apparel and other finished products made from canvas, cloth, fabrics, feathers, felt, leather, textiles, wool, yarn and similar materials	P	P	N
Communication equipment, including radio and television equipment	N	P	N
Costume jewelry, novelties, buttons and misc. notions	N	P	N
Cutlery, hand tools and hardware	N	P	N
Electronic components and accessories	N	P	N
Electronic transmission and distribution equipment	N	P	N
Engineering, laboratory, scientific, and research instruments	N	P	N
Finished wood manufacturing and assembly including cabinets and door frames	N	P	N
Furniture, including restoration	N	P	N
Greeting cards, business forms and other business related printing	N	P	N
Measuring, analyzing, and controlling instruments	N	P	N
Medical, dental, and surgical equipment and supplies	N	P	N
Medicinal chemicals and pharmaceutical products	N	P	N
Metal fabrication and machine shops	N	P	N
Musical instruments	N	P	N
Prosthetic and orthopedic devices	N	P	N
Office computing and accounting equipment	N	P	N
Optical instruments, including lenses	N	P	N
Perfumes and toiletries	N	P	N

Use Categories/Uses	Districts		
	MUC	MUE	MUR
Photographic equipment and supplies	N	P	N
Signs and advertising display	N	P	N
Toys, sporting and athletic goods	N	P	N
Watches, clocks, and related components	N	P	N
Other Industrial Uses			
Industrial/Business Parks (SDC 3.2.450)	N	S	N
Media productions, including TV and radio broadcasting, motion picture production and newspaper/book/periodical publishing	P	P	N
Regional distribution headquarters, including indoor storage	N	P	N
Research development and testing laboratories and facilities	N	P	N
Accessory structures	N	P	N
Administrative professional or business offices	N	P	N
Public Utility Facilities			
High impact facilities (SDC 4.7.160)	N	S	N
Low impact facilities	P	P	N
Recreational Facilities (SDC 4.7.205)			
Arcades	P	P	N
Art studios, performing	P	P	N
Auditoriums	N	P	N
Bingo parlors	N	P	N
Bowling alleys	P	P	N
Dance halls	N	P	N
Exercise studios	P	P	P
Gyms and athletic clubs	P	P	N
Hot tub establishments	P	P	P
Miniature auto race track (e.g., slot car track)	P	N	P
Miniature golf	P	N	N
Movie theaters, indoor, single screen	P	P	N
Non-alcoholic night club (SDC 4.7.205)	S	P	N
Off-track betting facility	P	P	N
Parks, private and public	P	P	P
Playground	P	P	P
Play/tot lot	P	P	P
Pool halls	P	P	N
Recreation center	P	P	N
Skating rinks	N	P	N
Tennis, racquetball and handball courts	P	P	P
Theater, legitimate (live stage)	P	P	N
Religious, Social and Civic Institutions			
Branch educational facilities	P	P	D
Charitable services	P	N	D
Places of Worship (SDC 6.1.1104-7.370)	D	N	D
Community and senior centers	P	N	P

Use Categories/Uses	Districts		
	MUC	MUE	MUR
Fraternal and civic organizations	P	N	N
Hospitals	P	P	N
Public offices, including, but not limited to: administrative offices, libraries, museums, courts, and detention facilities.	P	N	D
Private/Public Elementary and Middle Schools (SDC 4.7.195)	N	D	D
Residential Uses in Areas Designated Mixed Use in the Metro Plan Springfield Comprehensive Plan or Refinement Plans			
Accessory structures (SDC 4.7.105)	S	P	S
Single-unit dwellings, detached; and townhomes	P	N	P
Duplexes (SDC 3.2.245)	NP	N	PS
<u>Single Room Occupancy (SDC 3.2.235(C))</u>	<u>P</u>	<u>N</u>	<u>P</u>
<u>Middle Housing (SDC 3.2.250)</u>	<u>S</u>	<u>N</u>	<u>S</u>
Multiple unit housing (SDC 4.7.375, 4.7.380, and 4.7.385)	<u>SP</u>	<u>SP</u>	<u>SP</u>
Short Term Rental			
Type 1 (SDC 4.7.355)	<u>SP*</u>	N	<u>SP*</u>
Type 2 (SDC 4.7.355)	<u>S*</u>	N	<u>S*</u>
<u>Income-Qualified Housing ** (Income-Qualified Housing is permitted subject to either (1) the approval standards in the district for residential uses; or (2) the approval standards in SDC 4.7.370 and 4.7.405.</u>	<u>S**</u>	<u>S**</u>	<u>S**</u>
<u>Conversion from commercial to residential use (SDC 4.7.215)</u>	<u>S</u>	<u>N</u>	<u>S</u>
Retail Sales			
Antiques	P	N	P
Apparel	P	N	P
Art galleries and museums	P	N	P
Art supplies	P	N	P
Bakeries	P	P	P
Bicycles	P	N	P
Books	P	N	P
Cameras and photographic supplies	P	N	P
Candies, nuts and confectioneries	P	N	P
China, glassware and metalware	P	N	P
Cigars and cigarettes	P	N	N
Computers, calculators and other office machines	P	P	N
Convenience stores	P	P	P
Dairy products	P	P	P
Department stores	P	N	N
Drapery, curtains and upholstery	P	N	P
Dry goods and general merchandise	P	N	P
Electrical supplies	P	N	N
Fabrics and accessories	P	N	P
Film drop off and pick up (not a drive-through)	P	N	P
Fish	P	N	N

Use Categories/Uses	Districts		
	MUC	MUE	MUR
Floor coverings	P	N	P
Florists	P	N	P
Fruits and vegetables	P	N	P
Furniture	P	N	N
Furriers	P	N	N
Groceries	P	N	P
Hardware	P	N	N
Hobby supplies	P	N	N
Household appliances	P	N	N
Jewelry	P	N	N
Liquor outlets (State)	P	N	N
Luggage and leather	P	N	N
Magazines and newspapers	P	N	N
Mail order houses	P	N	N
Marijuana business: production, processing, wholesaling, retail	N	N	N
Meats	P	N	N
Medical and dental supplies	P	N	N
Musical instruments and supplies	P	N	N
Novelties and gifts	P	N	N
Office equipment	P	P	N
Paint, glass and wallpaper	P	N	N
Pharmacies	P	P	P
Pottery	P	N	N
Radios, televisions and stereos	P	N	N
Second hand and pawn shops	P	N	N
Sewing machines	P	N	N
Shoes	P	N	P
Small electrical appliances	P	N	N
Sporting goods	P	N	P
Stationary	P	P	P
Supermarkets	P	N	N
Toys	P	N	P
<i>Small Scale Repair and Maintenance Services (SDC 4.7.180)</i>			
Business machine repair	S	P	P
Electrical appliance repair	S	P	N
Furniture repair	S	P	N
Janitorial services	N	P	N
Small engine repair	S	N	N
Watch repair	P	P	P
<i>Transient Accommodations</i>			
Emergency shelter facilities	N	N	P
Hotels (SDC 4.7.180)	S	N	N
Youth hostels	P	N	N

Use Categories/Uses	Districts		
	MUC	MUE	MUR
<i>Transportation Facilities (SDC 4.7.240)</i>			
Heliports	N	P	N
Helistops	N	P	N
Linear park	P	P	P
Public transit station, without park and ride lot	P	P	P
<i>Transportation Related, Non-Manufacturing</i>			
Key/card lock fuel facilities	N	P	N
<i>Warehouse Commercial Retail and Wholesale Sales and Distribution</i>			
Cold storage lockers	N	P	N
Electrical supplies and contractors	N	P	N
Floor covering sales	N	P	N
Indoor storage, other than mini-warehouses, and outdoor storage areas/yards	N	P	N
Large electrical appliance sales	N	P	N
Merchandise vending machine operators	N	P	N
Plumbing and heating supplies and contractors	N	P	N
Unfinished furniture	N	P	N
Uses listed under automotive and retail which are wholesale uses	N	N	N
Regional distribution headquarters, including indoor storage	N	P	N
Warehouse/commercial uses engaged primarily in the wholesaling of materials to the construction industry	N	N	N
Wholesale trade, warehousing, distribution and storage (to include mini-storage)	N	N	N
<i>Secondary Uses Serving or Related to On-Site Commercial or Industrial Uses</i>			
Manufacture or assembly of goods or products to be sold on-premises	P	P	N
Accessory structures	N	P	N
Administrative professional or business offices	P	P	P
Blueprinting, photostatting, and photo developing	P	P	N
Cafeteria (serving employees only)	N	P	N
Child care facilities (primarily serving employees on site)	P	P	P
Developed recreation area (serving the development area)	N	P	P
Heliports and helistops	N	P	N
Financial institutions	P	P	P
Manufactured home used as a night watch person's quarters (SDC 4.7.185)	N	S	N
Outdoor storage of materials directly related to a permitted use (SDC 3.2.630(B)(3))	N	P	N

Commentary: Existing standards in the MUC and MUE district such as requirements for minimum floor area, do not apply to the income-qualified housing standards in 4.7.370 and 4.7.405. These provisions have been added below.

3.2.630 Mixed-Use Development Standards—Specific.

(A) MUC Development Standards.

(1) Preservation of the Commercial Land Supply.

- (a)** One hundred percent of a new mixed-use building footprint may be developed for commercial uses.
- (b)** A minimum of 60 percent of the ground floor area within a new building in the MUC District ~~shall~~ must be dedicated to commercial uses to ensure that commercial land is preserved for primarily commercial purposes. Up to 100 percent of any building may be developed for residential uses so long as 60 percent of the total ground floor area within the development area is devoted to commercial uses.

EXCEPTION: This provision ~~shall~~ does not apply when commercial uses are proposed for an existing residential building within a commercial district that was within a commercial district prior to June 3, 2002. Nor is it applicable to Income-Qualified Housing allowed under SDC 4.7.370 or 4.7.405.

- (c)** The commercial uses on an MUC site ~~shall~~ must be developed prior to or concurrently with other proposed uses. Concurrency may be established by approval of a Master Plan that provides a mix of uses that includes commercial and other proposed uses.

EXCEPTION: This provision ~~shall~~ does not apply to residential and/or limited manufacturing uses that are in existence as of June 3, 2002.

- (2) Maximum Footprint for Retail Uses.** The maximum building footprint for a grocery store ~~shall be~~ is 70,000 square feet. The maximum building footprint for other single tenant wholesale or retail uses ~~shall~~ must be 50,000 square feet. The maximum footprint for all other uses ~~shall~~ must be based upon lot ~~or~~ /parcel coverage and building setbacks.
- (3) Minimum Floor Area Ratio.** A minimum floor area ratio (FAR) of 0.40 ~~shall be~~ is required for all new development or redevelopment in the MUC portion of the Downtown Mixed-Use Area. A FAR of 0.30 is required for new development on lots/parcels greater than 1 acre in the MUC District outside of the Downtown Mixed-Use Area. FAR is defined for this purpose as the amount of gross floor area of all buildings and structures on the building lot ~~or~~ /parcel divided by the total lot ~~or~~ /parcel area.

EXCEPTION: Existing auto and truck dealerships in the Downtown Mixed-Use Area as specified in SDC [3.2.610](#) under the automotive and truck sales, storage, repair and service category are exempt from the minimum floor area ratio requirement.

(B) MUE Development Standards.

(1) Preservation of the Industrial Land Supply.

- (a) A minimum of 60 percent of the gross floor area within a MUE District ~~shall~~ must be dedicated to industrial uses to ensure that industrial land is preserved for primarily industrial purposes.

EXCEPTION: Pre-existing structures and uses ~~shall be~~ are covered under the provisions of SDC [5.8.100](#) that addresses continuing non-conforming uses. This provision does not apply to Income-Qualified Housing allowed under SDC 4.7.370 or 4.7.405.

- (b) “Businesses and Professional Offices and Personal Services” listed in SDC [3.2.610](#) ~~shall~~ may not have a ground floor area of more than 5,000 square feet for any single use.
- (c) The industrial uses on an MUE site ~~shall~~ must be developed prior to or concurrently with any other commercial or residential uses. Concurrency may be established by approval of a Master Plan that provides a mix of uses that includes commercial and other proposed uses.

EXCEPTION: Commercial and/or residential uses that are in existence as of June 3, 2002.

(2) Minimum Floor Area Ratio. A minimum floor area ratio of 0.25 is required for all new development or redevelopment in the MUE District.

(3) On-Site Design Standards specified in SDC [3.2.445](#) apply to development in the MUE District with the following exemptions:

- (a) Outdoor storage is allowed, but storage areas ~~shall~~ are not ~~be~~ permitted in front or street-side yards.
- (b) Outdoor storage ~~shall~~ must be screened from the view of adjacent properties and from public rights-of-way as specified in SDC [4.4.110](#). Painted structural screens ~~shall~~ must match the building color scheme of the development area.
- (c) The minimum landscaped open space and the maximum impermeable surface standards specified in SDC [3.2.445](#) shall be reduced to 25 percent and 75 percent respectively.

(C) MUR Development Standards.

(1) Preservation of the Residential Land Supply.

- (a) A minimum of 80 percent of the gross floor area within a MUR District must be dedicated to multiple unit housing to ensure that medium and high density land is preserved for primarily residential purposes.

EXCEPTION: Pre-existing structures and uses ~~shall~~ are ~~be~~ covered under the provisions of SDC [5.8.100](#) that addresses continuing non-conforming uses.

- (b) The residential uses on an MUR site ~~shall~~ must be developed prior to or concurrently with any other commercial or industrial uses. Concurrency may be established by approval of a Master Plan that provides a mix of uses that includes commercial and other proposed uses.

EXCEPTION: Commercial and/or industrial uses that are in existence as of the adoption of this MUR District.

(2) Minimum/Maximum Residential Densities.

- (a) Minimum residential densities for strictly residential development within the MUR District ~~shall~~ must be 20 units per gross acre.
- (b) Minimum residential densities for developments that include mixed uses within the MUR District shall be 12 units per gross acre.

EXCEPTION: If less than 20 units per gross acre are provided, the development ~~shall~~ must include a minimum of 10 percent of the total gross floor area in nonresidential uses.

- (c) There ~~are is~~ no maximum residential densityies established for the MUR District other than that imposed directly through compliance with the maximum building height.

~~**EXCEPTION:** Building heights shall regulate maximum densities.~~

(3) Nonresidential Uses.

- (a) Nonresidential uses in the MUR District ~~shall~~ must not exceed 5,000 square feet of ground floor area for each separate use and ~~shall~~ must be limited to a maximum of 20 percent of the total gross floor area in the development area.
- (b) Nonresidential uses developed as part of a mixed use building that includes housing ~~shall~~ must be developed to maintain a minimum density of 12 dwelling units per acre. When a development site is composed of 2 or more phases, each phase ~~shall~~ must also meet this standard.

EXCEPTION: Civic uses ~~shall~~ are not ~~be~~ a permitted use in the MUR District.

- (4) All development in the MUR District complies with the architectural design standards in SDC [4.7.375](#).

Commentary: Add the Income-Qualified Housing and Commercial to Residential Conversion Standards to the Public Land and Open Space District, SDC 3.2.710 Schedule of Use Categories and fix any reference to code standards that were incorrect or changed with these code amendments in the table. Remove the reference to SDC 4.7.100 in the description of “S” Special Standards to be consistent with other code sections that permit uses subject to certain SDC sections.

This is a revised version of the schedule of uses in SDC 3.2.710. Uses previously marked with an “S” for special development standards are now listed as P with reference to applicable code standards. This approach matches the formatting for updated use tables in recent development code updates to commercial, industrial, and residential districts. See below for an explanation of the PLO District’s legislative history of treatment of uses previously listed under “secondary uses” heading.*

Legislative History of SDC 3.2-710 (formerly SDC 23.020)

May 1986 – Ordinance 5326 adopted Springfield Development Code to replace prior comprehensive zoning code.

- Header as adopted was “Secondary Public Lands and Open Space”

November 1986 to 1991

- Header was changed in a reprinting at some point.
- No amendments to Section 23.020 were adopted by Ordinance during that time.

February 2006 – Ordinance 6154

- First time that “secondary use” header was adopted in an ordinance.
- Purpose of amendments was to add to the use list under “Government”
- Recommend that uses added in or after Ordinance 6154 be limited to secondary uses since that information was in front of Council. (Conversely, recommend that other uses added before 2006 not be limited to secondary uses unless specifically described that way, since that limitation was arguably not in front of City Council at time use was added to code.)

Notes on Proper Classification of Specific Uses in “Secondary Use” column

Agricultural cultivation of undeveloped land

- Internally inconsistent to allow only as “secondary use” if secondary use is defined as use that is secondary to a primary permitted use, because existence of primary permitted use would mean that land is not “undeveloped”
- Original to May 1986 Springfield Development Code (Ordinance 5326)

Cafeteria and restaurants primarily serving the patrons of the development

- Wording reflects intention to allow only as a secondary use

- Original to May 1986 Springfield Development Code
- Recommend updating to “Eating and drinking establishments as a secondary use primarily serving the development area” (to be consistent with terms used in other districts)

Child care facilities

- Before 2021 legislation and code update project, in other zones child care centers were noted as primarily serving the employees of the development or as secondary to the development, where not intended to be a primary use.
- Original to May 1986 Springfield Development Code
- Recommend changing to “Child care center” to match current defined term. Family child care home not allowed because residence is not allowed.

Heliports and helistops

- Special standards apply in SDC 4.7.240. Recommend keeping discretionary use.
- Original to May 1986 Springfield Development Code

Office and storage yards that are incidental to a primary use

- “Administrative Offices” are an outright permitted use in the PLO zone (added in 2006)
- Original to May 1986 Springfield Development Code
- Recommend updating to “Outdoor storage yards as a secondary use” to match current defined term (outdoor storage yard)

Mortuaries and chapels associated with cemeteries

- Wording reflects intention to allow only as a secondary use, recommend keeping discretionary use.
- Original to May 1986 Springfield Development Code

Maintenance and security residences, excluding mobile homes

- Recommend keeping as discretionary use, discretionary review implies secondary or accessory to public land use.

Low impact public facilities

- Recommend these be permitted outright not as secondary use
- Original to May 1986 Springfield Development Code

High impact public facilities (SDC 4.7.160)

- Recommend these continue to be permitted under standards in SDC 4.7.160 that discuss adoption in PFSP as alternative to DU approval
- Original to May 1986 Springfield Development Code

Certain Wireless Telecommunications Systems Facilities

- Added by Ordinance 5849 (3/17/1997)
 - Wireless telecommunications facilities added as uses across the development code to comply with the 1996 Telecommunications Act.
 - PLO zone noted in Article 32 standards as “preferred site” for WTS facilities rather than “conditionally suitable site” or “acceptable site.”
 - Many types of WTS facilities in PLO zone were allowed based on building permit only. No mention anywhere in standards of being a “secondary use” in any context.
- Not consistent with current FCC rules to allow only as a secondary use in the PLO zone

- Ordinance 6359 (10/17/2016) specifically amended WTS facilities allowed in PLO zone, no mention in analysis of where WTS would be allowed in PLO was Council informed that they would only be allowed in properties as secondary to a primary use

Wellness center

- Ordinance 6009 (4/1/2002) added "Wellness Center" as a special use, special use standards state the nature of it as a secondary use. Those secondary use standards are still in effect.
- Recommend relocating to Government category because special standards state it is secondary to community centers which are listed in Government category

Parking structures

- Ordinance 6154 (2/6/06) added "Parking structures"
- Minutes from 11/5/06 planning commission public hearing indicate that "Mr. Karp [Senior Planner] added parking structures to that secondary use just in case there is ever a need for one."
- Recommend listing this use as a secondary use since the use was added in an ordinance that included the "Secondary Uses" heading in the table and minutes reflect intent to add it as a secondary use.

3.2.700 – Public Land and Open Space District

3.2.710 Schedule of Use Categories.

The following buildings and uses are permitted in this district as indicated subject to the provisions, additional restrictions and exceptions specified in this code.

"P" = Permitted Use; **PERMITTED USE** subject to the standards of this code.

"S" = **SPECIAL DEVELOPMENT STANDARDS** subject to special locational and/or citing standards as specified in SDC 4.7.100.

"D" = Discretionary Use permit required; **DISCRETIONARY USE** subject to review and analysis under Type III procedure (SDC 5.9.100) at the Planning Commission or Hearings Official level.

N = Not Allowed;

* Permitted subject to cited code standards

SITE PLAN REVIEW SHALL BE REQUIRED, unless exempted elsewhere in this code. The land uses listed in Table 3.2.710 are permitted subject to Site Plan Review approval and the provisions of this section.

<u>Table 3.2.710 Permitted Uses Use-Categories/Uses</u>	<u>PLO District</u>	<u>Applicable code Standards</u>
Land Use-Primary Uses (SDC 4.7.203)		
Education		
Colleges	S-P*	SDC 3.2.720
High Schools	S-P*	SDC 3.2.720
Private/Public Elementary and Middle Schools	S-P*	SDC 3.2.720
Government		
Administrative offices	S-P*	SDC 3.2.720
Courts	S-P*	SDC 3.2.720
Fire Stations	D	
Justice Center, a building, including, but not limited to: a police station, courts, administrative offices and a jail	D	

Table 3.2.710 Permitted Uses Use-Categories/Uses	PLO District	Applicable code Standards
Land Use-Primary Uses (SDC 4.7.203)		
Libraries	S-P*	SDC 3.2.720
Museums	S-P*	SDC 3.2.720
Neighborhood and community centers	S-P*	SDC 3.2.720
Performing arts centers	S-P*	SDC 3.2.720
Plazas and other sites of public interest	S-P*	SDC 3.2.720
Police satellite facilities	D	
Post offices	S-P*	SDC 3.2.720
Public transit facilities	D	
Senior/Adult Activity Centers	S-P*	SDC 3.2.720
Sports complexes/stadiums	D	
Wellness Center	P*	SDC 3.2.720
Parks and Open Spaces		
Public and private parks and recreational facilities:		
Community parks	S-P*	SDC 3.2.720
Linear park	P	
Neighborhood parks	P	
Private areas of greater than 1 acre reserved for open space as part of a cluster or hillside development	P	
Publicly and privately owned golf courses and cemeteries	D	
Regional parks	S-P*	SDC 3.2.720
R.V. parks and campgrounds outside of a regional park and without sanitary sewer service as a temporary use subject to termination when within 1,000 feet of sanitary sewer	D	
R.V. parks and campgrounds within a regional park	S-P*	SDC 3.2.720
Residential		
Conversion from commercial to residential	(SDC 4.7.215)	
Income-Qualified Housing	(SDC 4.7.370 and 4.7.405)	
Other Secondary Uses (SDC 4.7.203)		
Agricultural cultivation of undeveloped <u>vacant</u> land	P	
Child care centers <u>facilities</u>	P*	SDC 4.7.340
Cafeteria and restaurants primarily serving the patrons of the development <u>Eating and drinking establishments as a secondary use primarily serving the development area</u>	P	
Heliports and helistops	D	
High impact public facilities (SDC 4.7.160)	D P*	SDC 4.7.160
Low impact public facilities	P	
Maintenance and security residences, excluding <u>manufactured dwellings</u> mobile homes	D	
Mortuaries and chapels associated with cemeteries	D	
<u>Office and Outdoor</u> storage yards that are incidental to as a primary secondary use	P*	SDC 4.4.110
Parking structures <u>as a secondary use</u>	SP*	SDC 3.2.720

Table 3.2.710 Permitted Uses Use-Categories/Uses	PLO District	Applicable code Standards
Land Use-Primary Uses (SDC 4.7.203)		
Certain-Wireless Telecommunications Systems (WTS) Facilities	(SDC 4.3.145)	
Wellness-center	S	

***Commentary:** The standards in this section were moved from 4.7.100 as they only apply to the Public Land and Open Space District; specifically, SDC 4.7.200 (Public and Private Parks (in the PLO District), SDC 4.7.203 (Public Land and Open Space), and SDC 4.7.250 Wellness Centers in the PLO District. The reference to the Metro Plan land use designation was updated to align with recent amendments related to adoption of the Springfield Comprehensive Plan Map and Land Use Element, which shows all plan designations in Springfield's UGB, including reflecting adopted refinement plan diagrams.*

3.2.720 Development Standards—Specific.

- (A) Primary access must be on arterial or collector streets except as provided or exempted elsewhere in SDC 3.2.700.
- (B) Stadiums, swimming pools and other major noise generators must be located at least 30 feet from residential property lines and must be screened by a noise attenuating barrier.
- (C) Community and regional parks must comply with the standards specified below.
 - (1) Primary access must be on arterial or collector streets unless specified or exempted elsewhere in this section.
 - (2) Stadiums, swimming pools and other major noise generators within parks must be located at least 30 feet from residential property lines and screened by a noise attenuating barrier.
 - (3) Community and regional parks must be designated on a Park Facilities Plan adopted by the City, or be approved in accordance with Type 3 review procedure (Discretionary Use).
 - (4) A Traffic Impact Study must be prepared by a Traffic Engineer and approved by the City Engineer.
- (D) For all special uses, a Traffic Impact Study must be prepared as specified in SDC 4.2.105(B).
- (E) R.V. parks and campgrounds within regional parks must comply with the standards specified in SDC 4.7.220(B).
- (F) Private/Public Elementary and Middle Schools must meet the standards specified in SDC 4.7.195.

(G) Wellness centers must comply with the standards specified below.

(1) The building is owned by a public agency.

(2) The center is secondary to a primary public community recreation center on the same development site. The square footage that is dedicated to non-public, wellness-related uses may not exceed 50 percent of the combined total area (within the center and within the primary recreation facility) that is dedicated to public, recreation-related uses.

(H) Pedestrian amenities for public buildings in mixed use designations must comply with the standards in SDC 3.2.625(G).

Commentary: Fix any reference to code standards that were incorrect or changed with these code amendments in the table. Remove the reference to special locational and/or siting standards in the description of “S” Special Standards to be consistent with other code sections that permit uses subject to certain SDC sections.

3.3.800 – Urbanizable Fringe Overlay District

3.3.815 Schedule of Use Categories When There Is an Underlying Residential, Commercial, or Industrial District.

The following uses may be permitted in the underlying residential, commercial, or industrial district subject to the provisions, additional restrictions and exceptions specified in this code. **EXCEPT AS SPECIFIED IN SDC 3.3.810(B), URBAN USES (e.g., multiple-unit housing or churches) NOT LISTED IN THE UF-10 OVERLAY DISTRICT ARE NOT PERMITTED.**

“P” = PERMITTED USE subject to the standards of this code.

“S” = SPECIAL DEVELOPMENT STANDARDS subject to ~~special locational and/or~~ city standards ~~as specified~~.

“D” = DISCRETIONARY USE subject to review and analysis under Type 3 procedure (SDC 5.9.100) at the Planning Commission or Hearings Official level.

“N” = NOT PERMITTED

* = SITE PLAN REVIEW REQUIRED

Use Categories/Uses	Underlying Land Use District		
	Residential	Commercial	Industrial
Agricultural uses and structures	P	P	P
Detached single-unit dwellings, manufactured homes, duplexes and accessory dwelling units (SDC 3.3.825)	P	N	N

Home Business (SDC 4.7.365)	S	S	S
Neighborhood parks that do not require urban services (SDC 4.7.330 4.7.200)	S*	N	N
Partitions (SDC 3.3.825 (AE)(2))	P	N	N
Property line adjustments	P	N	N
High impact facilities (SDC 4.7.160)	S*	S*	S*
Low impact facilities	P	P	P
Temporary sales/display of produce, the majority of which is grown on the premises (SDC 4.8.125)	P	P	P
Tree felling (SDC 5.19.100)	P	P	P
R.V. parks and campgrounds (SDC 4.7.220)	S*	N	N
RV parks and campgrounds that do not require urban services (SDC 4.7.220)	N	D*	D*
Expansion of non-conforming uses existing on the effective date of Lane County's application (on either the /ICU or I/U District to the property) (SDC 3.3.385(F))	N	D*	D*
Expansion or replacement of lawful uses permitted in the underlying commercial or industrial district (SDC 3.3.825 (CF))	N	P*	P*
Expansion or replacement of lawful discretionary uses in the underlying land use district (SDC 3.3.825 (CF))	N	D*	D*
New permitted and specific development standards in the underlying land use district within existing structures (SDC 3.3.825 (CF))	N	P*	P*
Manufactured home dwelling as a permanent office use in an industrial district (SDC 3.2428) or manufactured dwelling as a (night watch man's person quarters) or manufactured unit (office) in an industrial district (SDC 4.7.185 and 4.7.170)	N	N	S*
Certain wireless telecommunications systems facilities	See SDC 4.3.145	See SDC 4.3.145	See SDC 4.3.145
Linear park	P	P	P

Commentary: The standards in SDC 3.3.825 were reorganized to make the code clearer and easier to interpret; the overall content of the section was not changed. The standards in (E) of this section were moved from 4.7.100 as they only apply to the Urbanizable Fringe District; specifically, SDC 4.7.200 (Public and Private Parks (in the Urbanizable Fringe Overlay District)).

3.3.825 Development StandardsAdditional Provisions.

(A) Connection to the Sanitary Sewer System.

- (1)** The City ~~shall~~ must not extend water or sanitary sewer service outside the city limits, unless a health hazard, as defined in ORS 222.840 et seq., is determined to exist. Annexation of the affected territory so served is required if the territory is within the urban growth boundary and is contiguous to the city limits.

- (a) The City may extend water or sanitary sewer outside the city limits or urban growth boundary to provide these services to properties within the city limits. As provided in ORS 222.840 et seq., the City and a majority of the electors of the affected territory may agree to an alternative to annexation to mitigate the health hazard, including extraterritorial extension of services without annexation.
 - (b) ~~(B)~~ The Lane County Sanitarian ~~shall~~ must certify that the proposed individual waste water disposal system meets D.E.Q. standards prior to Development Approval.
 - (c) ~~(C)~~ Lane County is considered an affected party and ~~shall~~ must be notified of all development applications.
- (2) Any property to be partitioned that is within the distances specified in OAR 340-071-0160(4)(A) for connection to the City's sanitary sewer system requires annexation to the City prior to Partition Tentative Plan submittal, unless the Director determines that a topographic or man-made feature makes the connection physically impractical. In the event of such determination, the Partition application may be approved without annexation.
- (B) ~~(D)~~ **Siting of Residential Uses.** Detached single-unit dwellings, duplexes, and accessory dwelling units are permitted in the R-1 ~~base-zoned~~ district only, and must be sited to allow the future division and/or more intensive use of the property. The applicable on-site sewage disposal facility ~~shall~~ must be conditional, and made a part of any permit necessary to achieve the standards of this Overlay District. The following standards apply:
- (1) The siting of single-unit dwellings, duplexes and accessory dwelling units on any lot or ~~or~~ parcel 5 acres or more in size and ~~zoned in the~~ R-1 district requires approval of a Future Development Plan as specified in SDC 5.12.120(E).
 - (2) Additional development restrictions that limit the location of buildings and on-site sewage disposal facilities ~~shall~~ must be applied where necessary to reserve land for future urban development.
 - (3) Where there is an existing single-unit dwelling on properties within the R-2 or R-3 land use district, 1 or 2 accessory dwelling units are permitted, irrespective of the parcel size, provided that the property can in the future meet the necessary densities for applicable district as shown on a Future Development Plan as specified in SDC 5.12.120(E).
- ~~(E) — Connection to the Sanitary Sewer System. Any property to be partitioned that is within the distances specified in OAR 340-071-0160(4)(A) for connection to the City's sanitary sewer system shall require annexation to the City prior to Partition Tentative Plan submittal, unless the Director determines that a topographic or man-made feature makes the connection physically impractical. In the event of such determination, the Partition application may be approved without annexation.~~

- (C) **Commercial and Industrial Districts.** Uses requiring Discretionary review, uses requiring specific development standards, new permitted uses and expansion of permitted uses in commercial and industrial districts ~~shall~~ must demonstrate that the use will not generate singly or in the aggregate additional need for key urban services.
- (D) **Public Land and Open Space District.** R.V. parks and campgrounds ~~shall~~ must be located on land classified Public Land and Open Space (PLO) and be subject to the specific development standards specified SDC [4.7.220](#).
- (E) **Public and Private Park Uses. Neighborhood Parks must be shown on the Springfield Comprehensive Plan or an adopted refinement plan, or be reviewed under Type 3 Discretionary Use procedures.**

Commentary: Add the Income-Qualified Housing and Commercial to Residential Conversion Standards to the Glenwood Riverfront Mixed-Use Plan District, SDC 3.4.250 Schedule of Use Categories and fix any reference to code standards that were incorrect or changed with these code amendments in the table.

3.4.200 – Glenwood Riverfront Mixed-Use Plan District

3.4.250 Schedule of Use Categories.

In Subareas A, B, C and D, the following uses shall be permitted in the base zoning districts as indicated, subject to the provisions, additional restrictions and exceptions specified in this code. Uses not specifically listed may be approved as specified in SDC [3.4.260](#). Prohibited uses are listed in SDC [3.4.255](#).

“P” = PRIMARY USE subject to the standards of this code. Primary uses are defined in SDC [6.1.110](#) as “the principal use approved in accordance with this code that usually occupies greater than 50% of the gross floor area of a building or greater than 50% of a development area.”

“S” = SECONDARY USE subject to the standards of this code. Secondary uses are defined in SDC [6.1.110](#) as “Any approved use of land or a structure that is incidental and subordinate to the primary use, and located on the same development area as the primary use. Secondary uses shall must not occur in the absence of primary uses.”

“N” = NOT PERMITTED

SITE PLAN REVIEW SHALL BE REQUIRED for all development proposals within Subareas A, B, C and D.

Categories/Uses	Residential Mixed-Use	Commercial Mixed-Use	Office Mixed-Use	Employment Mixed-Use
<i>Accessory Uses</i>				
A use or uses within a primary use building that is for the residents’ or employees’ benefit and that does not generally serve the public, including, but not limited to, building maintenance facilities, central mail rooms, child care, conference rooms,	P	P	P	P

Categories/Uses	Residential Mixed-Use	Commercial Mixed-Use	Office Mixed-Use	Employment Mixed-Use
employee restaurants and cafeterias, indoor recreation areas, and indoor recycling collection centers.				
Commercial/Retail				
Eating and drinking establishments whose principal activity involves the sale and/or service of prepared foods and beverages directly to consumers, including, but not limited to, bakeries, cafes, delicatessens, restaurants, coffee shops, brew pubs, and wine bars.	S	P	S	S
Personal services whose principal activity involves the care of a person or a person's apparel, including, but not limited to, fitness centers, spas, hair stylists, shoe repair, dry cleaners, tailors, and daycare.	S	P	S	S
Professional, scientific, research and technical services are small-scale commercial office enterprises whose principal activity involves providing a specialized service to others. These activities can be housed in office storefronts, office buildings, or in residential or live/work units where such residential use is permitted by this code and include, but are not limited to, legal advice and representation, accounting and income tax preparation, banking, architecture, engineering, design and marketing, real estate, insurance, physicians, and counselors.	S	P	P	P
Retail sales and services are commercial enterprises whose principal activity involves the sale and/or servicing of merchandise (new or reused) directly to consumers. Examples include, but are not limited to, bookstores, grocers, pharmacies, art galleries, florists, jewelers, and apparel shops.	S	S	S	S
Educational Facilities*				
Public/private educational facilities for primary and secondary education	S	N	N	N
Public/private educational facilities that include, but are not limited to, higher education aimed at adults; business, professional, technical, trade and vocational schools; job training; and vocational rehabilitation services.	N	P	P	P
Employment				
Business parks	N	N	P	P
Hospitals	N	N	N	P
Light manufacturing uses engaged in the manufacture (predominantly from previously prepared materials) of finished products or parts, including processing, fabrication, assembly, treatment, testing, and packaging of these products. The uses are not potentially dangerous or environmentally incompatible with office employment uses and all manufacturing uses, and storage of materials occurs entirely indoors. These uses include, but are not limited to, manufacture of electronic instruments, preparation of food products, pharmaceutical manufacturing, and research and scientific laboratories.	N	N	N	P
Office employment uses are typically housed in buildings where there is limited interaction between the public and the proprietor. These uses are associated with the performance of a range of	N	P	P	P

Categories/Uses	Residential Mixed-Use	Commercial Mixed-Use	Office Mixed-Use	Employment Mixed-Use
administrative, medical, high tech, nanotechnology, green technology, pharmaceutical and biotechnology, information technology, information management, and research and development functions. These uses include, but are not limited to, call centers, corporate or regional headquarters, physicians' clinics, software development, media production, data processing services, and technical support centers.				
Recycling facilities that occur completely within buildings and are located only on the west side of McVay Highway.	N	N	N	P
Warehousing and distribution uses for the storage and regional wholesale distribution of manufactured products and for products used in testing, design, technical training or experimental product research and development permitted in conjunction with business headquarters.	N	N	N	S
Hospitality				
Conference/visitor centers include, but are not limited to, conference hotels, visitor information centers, museums, and conference/exposition centers.	N	P	N	N
Hotels include, but are not limited to, inns, bed and breakfasts, guesthouses, extended stay hotels or apartment hotels, limited service hotels, and full service hotels. Hotels may be converted to apartments where such residential use is permitted by this code and the Oregon Structural Specialty Code, related building codes, fire codes and referenced standards in effect at the time of application for a building permit.	N	P	P	N
Residential (High-Density)				
Residential occupancy of a dwelling unit by a household that includes, but is not limited to, apartments, condominiums, live/work units, lofts, row houses, townhouses, and elderly-oriented congregate care facilities.	P	P	P	N
<u>Income-Qualified Housing**</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Conversion from commercial to residential***</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>
Parking				
Public or private parking lots/structures	S	S	S	S
Public Open Space				
Riverfront linear park/multi-use path	P	P	P	P
Park blocks to include recreational facilities and stormwater management facilities.	P	N	N	N
Public Utilities and Other Public Uses				
Low impact facilities are any public or semi-public facility that is permitted subject to the design standards of this code, including, but not limited to, wastewater; stormwater management; electricity and water to serve individual homes and businesses; other utilities that have minimal olfactory, visual or auditory impacts; street lights; and fire hydrants.	P	P	P	P
Public uses, including, but not limited to, fire and police stations.	N	N	P	N
Wireless Telecommunications Systems Facilities. Only flush mounting the entire antenna on a building shall be permitted if the connecting cables cannot be seen; they are color matched to	P	P	P	P

Categories/Uses	Residential Mixed-Use	Commercial Mixed-Use	Office Mixed-Use	Employment Mixed-Use
the building; and they match the façade of the building. If conditions do not favor flush mounted antennas, a stand-alone monopole antenna not more than 15 feet high, measured from the place of attachment on the roof, shall be permitted if the antenna is set back so that it cannot be seen from street.				

* Educational facilities include, but are not limited to, classrooms, auditoriums, labs, gyms and libraries.

** Income-Qualified Housing is permitted subject to either (1) the approval standards in the district for residential uses; or (2) the approval standards in SDC 4.7.370 and 4.7.405.

***Conversion from commercial to residential use is permitted subject to the standards in SDC 4.7.215.

Commentary: Add the Income-Qualified Housing and Commercial to Residential Conversion Standards to the Booth Kelly Mixed-Use Plan District, SDC 3.4.300 Schedule of Use Categories and fix any reference to code standards that were incorrect or changed with these code amendments in the table. Remove the reference to SDC 4.7.100 in the description of “S” Special Standards to be consistent with other code sections that permit uses subject to certain SDC sections.

3.4.300 – Booth Kelly Mixed-Use Plan District

3.4.320 Schedule of Use Categories.

(A) The following uses are permitted subject to Site Plan Review approval, unless exempted elsewhere in this section. It is expected that interim uses of buildings existing prior to the adoption of this section will take place until redevelopment of the entire BKMU Plan District occurs under an approved Conceptual Development Plan.

(B) The following buildings and uses are permitted in this Plan District as indicated subject to the provisions, additional restrictions and exceptions specified in this code.

“P” = **PERMITTED USE** subject to the standards of this code.

“S” = **SPECIAL DEVELOPMENT STANDARDS** subject to ~~special locational and/or~~ cited standards ~~as specified in SDC 4.7.100.~~

“D” = **DISCRETIONARY USE** subject to review and analysis under Type 3 procedure (SDC 5.9.100) at the Planning Commission or Hearings Official level.

“N” = **NOT PERMITTED**

SITE PLAN REVIEW IS REQUIRED, unless exempted elsewhere in this code.

Use Categories/Uses	BKMU District
Residential Uses	
Multiple-Unit Housing (SDC 4.7.375 — 4.7.390)	S
Single Room Occupancy	P
Income-Qualified Housing (SDC 4.7.370 and 4.7.405)	S
Conversion from commercial to residential use (SDC 4.7.215)	S
Business and Professional Offices and Personal Services	
Accountants, bookkeepers and auditors	P
Advertising/marketing agencies	P
Architects, landscape architects and designers	P
Art studios, fine and performing	P
Art restoration	P
Attorneys	P
Audio/video production studio	P
Authors/composers	P
Bank, credit unions and savings and loans	P
Barber and beauty shops	P
Business schools	P
Catering services	P
Clinics and research/processing laboratories	P
Collection agencies	P
Commodity contract brokers and dealers	P
Computer and information services	P
Child care facilities (See SDC 4.7. 125 340)	S
Dentist	P
Detective and protective agencies	P
Diaper service	P
Doctors	P
Grafting, graphics and copy services	P
Employment agencies	P
Engineers and surveyors	P
Financial planning, investment services	P
Funeral services	P
Graphic art services	P
Gymnastics instruction	P
House cleaning services	P
Insurance carriers, agents, brokers and services	P
Interior decorator and designers	P
Laundry, dry cleaning, including self service, and ironing services	P
Loan companies, other than banks	P
Locksmiths	P
Lumber brokers	P
Mailing services/mail order sales	P
Management and planning consultants	P
Manufactured unit as a temporary construction or general office or sales office	P
Motion picture studio/distribution	P
Newspaper office and production	P
Non-profit organizations	P

<i>Use Categories/Uses</i>	<i>BKMU District</i>
Opticians	P
Performing arts instruction	P
Photocopying	P
Photography studios	P
Planners, land use	P
Printing/publishing	P
Private investigator	P
Psychologists and counselors	P
Real estate sales and management	P
Scientific and educational research	P
Security systems services	P
Self-defense studio	P
Shoe repair	P
Stenographers and secretarial services	P
Stockbrokers	P
Swimming pool cleaning	P
Tailors	P
Tanning salons	P
Telephone answering services	P
Title companies	P
Travel agencies	P
TV and radio broadcasting studios	P
Typing services	P
Window cleaning	P
Certain Wireless Telecommunications Systems Facilities	See SDC 4.3.145
<i>Eating and Drinking Establishments</i>	
Cocktail lounges	P
Delicatessens	P
Sit down restaurants	P
Taverns	P
<i>Recreational Facilities (SDC 4.7.205)</i>	
Amusement park	P
Arcades	P
Art studios, fine and performing	P
Athletic field	P
Auditoriums	S
Batting cages	S
Bingo parlors	P
Bowling alleys	P
Dance halls	S
Exercise studios	P
Exhibition hall	P
Golf driving range	P
Gyms and athletic clubs	P
Hot tub establishments	P
Hydrotubes	S
Miniature auto race track	P

<i>Use Categories/Uses</i>	<i>BKMU District</i>
Miniature golf	P
Movie theaters, indoor	P
Movie theaters, drive-in	S
Non-alcoholic nightclubs	P
Off-track betting facility	P
Parks, private and public	P
Play/tot lot	P
Playground	P
Pool halls	P
Recreation center	P
Riding stable	P
Shooting range	S
Skating rinks	S
Stadiums	S
Swimming pools	P
Tennis, Racquetball and handball courts	P
Theater, legitimate	P
Velodromes	S
Water skiing facilities	P
<i>Retail Sales</i>	
Antiques	P
Apparel	P
Art galleries and museums	P
Art supplies	P
Auction / flea markets	P
Automobiles <u>(SDC 4.7.115)</u>	NS
Bakeries	P
Bicycles	P
Boats <u>(SDC 4.7.115)</u>	SP
Books	P
Camera and photographic supplies	P
Campers	N
Candy, nuts and confectionery	P
China, glassware and metal ware stores	P
Cigars and cigarettes	P
Computers, calculators and other office machines	P
Convenience stores	P
Dairy products	P
Department stores	P
Drapery, curtains and upholstery	P
Dry goods, and general merchandise	P
Electrical supplies	P
Equipment rental and leasing	P
Fabrics and accessories	P
Factory Outlet stores	P
Farm equipment	P
Feed, grain and hay stores	P

<i>Use Categories/Uses</i>	<i>BKMU District</i>
Film drop-off and pick-up	P
Fish	P
Floor coverings	P
Florists	P
Fruits and vegetables	P
Furniture	P
Furriers	P
Groceries	P
Hardware	P
Hobby supplies	P
Household appliances	P
Jewelry	P
Liquidation Outlets	P
Luggage and leather	P
Magazines and newspapers	P
Mail order houses	P
Manufactured (mobile) / modular homes	P
Meats	P
Medical and dental supplies	P
Musical instruments and supplies	P
Novelties and gifts	P
Office equipment	P
Paint, glass and wallpaper	P
Pharmacies	P
Pottery	P
Radios, televisions and stereos	P
RVs, fifth wheelers and trailers <u>(SDC 4.7.115)</u>	P
Sewing machines	P
Shoes	P
Small electrical appliances	P
Sporting goods	P
Stationary stores	P
Supermarkets	P
Toys	P
Transient merchants	P
Weapons dealers	P
<i>Social and Public Institutions</i>	
Charitable services	P
Community and senior centers	P
Educational branch facilities	P
Fraternal and civic organizations	P
Labor unions	P
Public offices	P
<i>Transient Accommodations</i>	
Emergency shelter / facilities	P
Hotels	P
Motels	P

Use Categories/Uses	BKMU District
RV parks	P
Youth hostels	P
Transportation Facilities (SDC 4.7.240)	
Docks and marinas	D
Heliports	S
Helistops	S
Linear park	P
Train stations	S
Transit stations	D
Warehouse Commercial Retail and Wholesale Sales	
Cold storage lockers	D
Electrical supplies	P
Floor covering sales	P
Large electrical appliance sales	P
Lumber yards and building materials	D
Merchandise vending machine operators	P
Mini warehouses, other inside storage	P
Outdoor storage areas/yards	P
Plumbing and heating supplies and contractors	P
Unfinished furniture	P
Warehouse/commercial uses engaged primarily in the wholesaling of materials to the construction industry (SDC 3.4.3304-7.245)	PS
Wholesale trade, warehousing, distribution and storage	P
Manufacture and/or Assembly of:	
Appliance	P
Apparel and other finished products made from canvas, cloth, fabrics, feathers, felt, leather, textiles, wool, yarn and similar materials	P
Chemical and chemical products	P
Communication equipment, including radio and television equipment	P
Compounding, or treatment of the following previously prepared materials: bone, cellophane, clay, cork, Fiberglas, glass, hair, horns, metal, paper, plastics, shells, stones, synthetic resins, textiles, tobacco, wool and yarns.	P
Concrete blocks. Cinder blocks and septic tanks	P
Costume jewelry, novelties, buttons and misc. notions	P
Cutlery, hand tools and hardware	P
Dairy products, including butter, cream, cheese, milk, yogurt	P
Electronic components and accessories	P
Electronic transmissions and distribution equipment	P
Engineering, laboratory, scientific and research instruments	P
Finished wood manufacturing and assembly, including cabinets, door frames and picture frames	P
Food processing and packaging to include candy and other confectionary products, vegetables, meat, poultry and seafood	P
Furniture, including restoration	P
Greeting cards, business forms and other business related printing	P
Industrial machinery	P
Lumber, wood and paper products	P
Manufactured/modular housing and allied components	P

Use Categories/Uses	BKMU District
Measuring, analyzing and controlling instruments	P
Medical, dental and surgical equipment and supplies	P
Medicinal chemicals and pharmaceutical products	P
Metal and metal alloy products	P
Metal fabrication machine shops	P
Musical instruments	P
Office computing and accounting equipment	P
Optical instruments, including lenses	P
Paints, varnishes, lacquers, enamels and allied products	P
Prosthetic and orthopedic devices	P
Perfumes and toiletries	P
Photographic equipment and supplies	P
Signs and advertising display	P
Toys, sporting and athletic goods	P
Transportation equipment including airplanes, auto, boats, buses, helicopters, motorcycles, railroad cars, RVs, trailers and trucks	P
Watches, clocks and related components	P
Other Primary Industrial Uses (SDC 4.7.245)	
Business, labor, scientific and professional organizations	P
Cleaning and dyeing plants	P
Ice and cold storage plants	P
Lubricating oils and greases	P
Media productions, including TV and radio broadcasting, motion picture production and newspaper/books/periodical publishing	P
Plating, and coating works	P
Regional distribution headquarters	P
Research development and testing laboratories and facilities	P
Recycling facilities	P
Warehouse/commercial uses engage primarily in the wholesaling of materials to the construction industry (SDC 3.4.330)	PS
Transportation Related, Non-manufacturing	
Automotive and heavy equipment repair and service including the recapping and re-treading of tires	P
Maintenance facilities for passenger bus vehicles or motor freight vehicles	P
Education	
College level education facilities	P
Trade schools	P
Public and Private Parks (SDC 3.4.3304.7.200)	
Pocket/neighborhood parks	PS
Community parks	PS
Public Utility Facilities	
Communications towers, transmitters and relays	D
High impact facilities (SDC 4.7.160)	S
Low impact facilities	P
Fish hatcheries	P

3.4.325 Base Zone Development Standards.

Commentary: The standards in SDC 3.4.325 were reorganized to make the code clearer and easier to interpret and to remove references to code that no longer apply; the content of the section was not changed.

(A) **Lot Area, Dimensions, and Coverage.** The minimum lot ~~or~~ /parcel size in the BKMU Plan District ~~shall be~~ is 6,000 square feet for residential and commercial uses and 10,000 square feet for industrial uses. No land division is permitted prior to approval of a Conceptual Development Plan for the BKMU Plan District. The Director may waive the requirement that buildable City lots/parcels have frontage on a public street as specified in SDC 4.2.120(A).

(B) **Setbacks.**

~~(1)~~ ~~Unless modified by solar access standards, l~~andscaped setbacks from the exterior boundaries of the BKMU Plan District and setbacks abutting existing and future public or private rights-of-way dedicated on the approved Conceptual Development Plan ~~shall~~ must be 10 feet for buildings and 5 feet for parking and driveways. Zero lot line structures are permitted.

~~(2)~~ ~~(C)~~ Where an easement is larger than the required setback standard, no building or above grade structure, except a fence, ~~shall~~ may be built upon or over that easement.

(C) **Height.**

~~(1)~~ ~~(D)~~ There ~~shall be~~ are no building height standards in the BKMU Plan District unless abutting an R-2 use. In this case, the following building height limitation applies:

~~(2)~~ When abutting an R-2 use, the building height limitation ~~shall~~ must be no greater than that permitted in R-2 use for a distance of 50 feet.

~~(3)~~ ~~(E)~~ Incidental equipment may exceed the height standards if no additional floor space exceeding that necessary for the equipment is provided

Commentary: The standards in this section were moved from 4.7.100 as they only apply to the Booth Kelly Mixed-Use District; specifically, SDC 4.7.200 (Public and Private Parks (in the BKMU District)), SDC 4.7.210 (Residential Uses in Commercial Districts (in the BKMU District)), and SDC 4.7.245 (Warehouse Commercial Retail and Wholesale (in the BKMU District)).

3.4.330 Booth Kelly Mixed-Use Development Standards—Specific

(A) **Residential Uses.**

(1) In the BKMU Plan District, residential uses must be encouraged as second story uses above commercial and industrial uses and must not occupy more than 35 percent of the land area within the BKMU Plan District. All R-2 development standards specified in SDC 3.2.200 apply.

(B) **Commercial Uses.**

- (1) **Warehouse Commercial Retail and Wholesale.**
 - (a) Buildings must be located to minimize the visibility of outdoor storage yards or areas.
 - (b) Outdoor storage yards must only be permitted as a secondary use.
 - (c) Any outdoor storage yard or area must be surrounded by a sight obscuring fence.
- (2) **Light-Medium Industrial and Warehousing.** For Warehouse-Commercial use, at least 50 percent of the structure is used for storage of materials and 50 percent or less may be used for combined retail and office floor space.

(C) Standards for Public and Private Parks

- (1) Public parks must be designated in the Springfield Comprehensive Plan including the Willamalane Park and Recreation District Comprehensive Plan or be approved in accordance with a Discretionary Use application as specified in SDC 5.9.100.
 - (a) Community Parks must be designated on a Park Facilities Plan adopted by the City, or be approved in accordance with Type 3 review procedure (Discretionary Use).
 - (b) A Traffic Impact Study must be prepared by a Traffic Engineer and approved by the City Engineer.

4.7.100 – Specific Development Standards

Commentary: As this standard only applies to the CC District, it should be moved to SDC 3.2.330 [Commercial Districts] Development Standards – Specific.

~~4.7.110 Animal Overnight Accommodations.~~

~~Buildings used for the overnight accommodation of animals, and structures that enclose animals outside of buildings, shall be constructed to ensure that noise or odor do not disturb the normal operation or tranquility of neighboring residential, business, campus industrial or public land uses.~~

Commentary: To make the code clearer and easier to interpret, the standards in SDC 4.7.115 were reorganized; the overall content of the section was not changed.

4.7.115 Motor vehicle sales, rental, or service; equipment sales, rental, or service; and RV, Boat, and manufactured dwelling sales, rental, or service.

(A) Motor vehicle, equipment, RV, boat, or watercraft sales (new or used) or rental use.:

- (1) Must occupy an office/sales building (new construction) or any existing structure of at least 1,000 square feet, with non-metallic siding and roofing, and located where possible on the front portion of the lot or parcel.**
 - (a) The use must install a decorative iron or masonry fence, raised planter, or combination thereof that will prevent a motor vehicle, equipment, RV, or boat from encroaching on sidewalks.**
 - (b) A used vehicle sales use is not allowed to expand onto additional property not previously occupied by and approved for used vehicle sales use within the previous 90 days.**
 - (c) All truck rental facilities must have approved concrete wheel stops and a 4-foot high fence where permitted in this code, preferably chain or cable, with bollards placed at 5-foot intervals and secured in the ground with concrete footings of appropriate size and depth to prevent trucks from driving on sidewalks or over curbs. These barriers must be located between the sidewalk and the paved parking or travel area.**
- (2) Sales of used motor vehicle, equipment, RV, boat, or watercraft are permitted only as secondary uses in the Downtown Exception Area, i.e., where a new sales use is the primary use. If a new sales use terminates business in the Downtown Exception Area, and that new sales use also included the sale of used motor vehicle, equipment, RV, or boat, the used sales may continue to be sold from those premises and the business will be classified as a pre-existing nonconforming use.**

(B) Manufactured Dwelling and RV Sales

- (1) A permanent office/sales building of at least 1,000 square feet, with non-metallic siding and roofing, which may be a Manufactured Home, must be located where possible on the front of the lot or parcel, prior to the sale or rental of any manufactured dwelling, RV, or accessory product.**
- (2) Are Prohibited in the Downtown Exception Area.**

(C) Motor vehicle repair and service

- (1) All activities associated with motor vehicle, RV, and boat repair and service, with the exception of maintenance activities including the pumping of gas or changing tires, must take place within a building constructed to ensure that noise or odors do not disturb the normal operation or tranquility of neighboring residential, commercial, campus industrial or public land uses. Storage of motor vehicles and boats to be repaired must be screened by a sight-obscuring fence. A 5-foot wide landscape strip must be installed along the street frontage of all service stations.**

(B) In the BKMU Plan District, boat, and RV sales must be located entirely indoors and primarily sell new units.

~~4.7.115 Auto, Manufactured Dwelling, RV, Boat, Motorcycle and Truck Sales, Service and Rentals.~~

~~(A) — Prior to the sale or rental of any vehicle:~~

~~(1) — Auto and truck dealers shall occupy an office/sales building (new construction) or any existing structure of at least 1,000 square feet, with non-metallic siding and roofing, and located where possible on the front portion of the lot/parcel. Used car and truck sales or car rentals shall be permitted only as secondary uses in the Downtown Exception Area, i.e., where a new car dealership is the primary use. If a new car dealership terminates business in the Downtown Exception Area, and that new car dealership also included the sale of new cars, used cars may continue to be sold from those premises and the business shall be classified as a pre-existing nonconforming use. The business shall install a decorative iron or masonry fence, raised planter or combination thereof that will prevent vehicles from encroaching on sidewalks. Under no circumstances shall the used car sales business be allowed to expand onto additional property not occupied by used car sales within the previous 90 days.~~

~~(2) — All truck rental facilities shall have approved concrete wheel stops and a 4-foot high fence where permitted in this code, preferably chain or cable, with bollards placed at 5-foot intervals and secured in the ground with concrete footings of appropriate size and depth to prevent trucks from driving on sidewalks or over curbs. These barriers shall be located between the sidewalk and the paved parking or travel area.~~

~~(B) — Mobile/Manufactured Dwelling and RV Sales Are Prohibited in the Downtown Exception Area.~~ ~~A permanent office/sales building of at least 1,000 square feet, with non-metallic siding and roofing, which may be a Class A Manufactured Home, shall be located where possible on the front of the lot/parcel, prior to the sale or rental of any vehicle, home or accessory product.~~

~~(C) —~~ ~~All activities associated with motor vehicle repair and service, with the exception of maintenance activities including the pumping gas or changing tires, shall take place within a building constructed to ensure that noise or odors do not disturb the normal operation or tranquility of neighboring residential, commercial, campus industrial or public land uses. Storage of motor vehicles to be repaired shall be screened by a sight-obscuring fence. Service stations in the NC District shall be limited to 2 pumps. A 5-foot wide landscape strip shall be installed along the street frontage of all service stations.~~

~~(D) —~~ ~~Storage of boats and motorcycles to be repaired shall be screened by a sight-obscuring fence.~~

~~(E) —~~ ~~In the BKMU Plan District, automobile, boat, camper and RV sales shall be located entirely indoors and primarily sell new units.~~

Commentary: As this standard only applies to the GO District, it should be moved to SDC 3.2.330 [Commercial Districts] Development Standards – Specific.

~~4.7.145 Eating and Drinking Establishments.~~

~~The cumulative total area of sit-down restaurants and delicatessens, secondary retail uses and exercise studios in the GO District shall be limited to no more than 10 percent of the gross floor area of the office building in which they are sited.~~

Commentary: As this standard only applies to Garden Supply and Feed Stores in the MRC District, it should be moved to SDC 3.2.330 [Commercial Districts] Development Standards – Specific.

~~4.7.150 Garden Supply and Feed Stores.~~

~~Garden supply and feed and seed stores shall be permitted only as secondary uses in the MRC District. The bulk storage or sales of fertilizer, feed or plant materials that require heavy equipment for loading is prohibited.~~

Commentary: Following the recent Development Code Update Project, the use ‘Manufactured Dwelling as a Permanent Office’ was removed from the code (it was listed in 3.2.410 as part of the ‘Secondary Uses Serving or Related to On-Site Industrial Uses’). During that code rewrite, the distinction between Type 1 and Type 2 manufactured dwelling units was also removed. This standard should be moved to SDC 3.2.428 Development Standards [Industrial Districts]—Specific, as the use is specific to the Light Medium Industrial and Heavy Industrial Districts and listed as a ‘secondary use’ in the permitted use table 3.2.420.

~~4.7.170 Manufactured Dwelling as a Permanent Office.~~

~~**Permanent Office.** A manufactured dwelling, provided it meets City and State construction and safety standards for the proposed use, may be used as a permanent office building in the Light-Medium Industrial and Heavy Industrial Districts provided the following conditions are met prior to occupancy:~~

- ~~(A) — A permanent foundation is provided for the manufactured dwelling.~~
- ~~(B) — Siding shall be compatible with adjacent structures; the roof shall have a minimum 16 percent pitch.~~
- ~~(C) — Foundation covers, skirting, landscaping and backfill shall be required.~~
- ~~(C) — The manufactured dwelling shall be a Type 1 or Type 2 unit.~~
- ~~(D) — Compliance with these regulations shall be a condition of continued use of the manufactured dwelling on the property.~~

***Commentary:** Following the recent Development Code Update Project, the applicable standard in the permitted uses table of SDC 3.2.320 was incorrectly listed as 4.7.145. The correct standard for the ‘Manufacture or assembly of goods or products to be sold on premises’ is this standard – 4.7.175. That error was corrected in the permitted use table. This use is also only permitted in the CC District. Therefore, this standard should be moved to SDC 3.2.330 [Commercial Districts] Development Standards – Specific.*

4.7.175 Manufacturing as a Secondary Use in Commercial Districts.

~~Manufacture or assembly of goods or products shall occur indoors, shall not generate more noise, odor or other physical attributes than the permitted uses, shall occupy less than 50 percent of the floor area of the building, and the goods or products shall be sold on premises.~~

***Commentary:** The mixed-use code sections will be changed at a later date. Amended standards in this section focus on outdated or incorrect references.*

- Remove references to the “S” designation in Tables 3.2.320 Commercial Permitted Uses, 3.2.420 Industrial Permitted Uses, and 3.2.210 Residential Permitted Uses as the “S” designation was removed during the Development Code Update Project.*
- The Residential and Child Care Standards in (C)(3) were changed during previous Development Code Update Projects.*
- The Professional Offices standards in 4.7.190 was moved to SDC 4.7.335 Professional Offices in Residential Districts.*

4.7.180 Mixed Use Districts.

- (A) Specific development standards for the MUC District ~~shall be~~ are the same as those specified in SDC ~~3.2.3240~~ as an ~~“S”~~ use and listed in applicable subsections of SDC 4.7.100, and the following:

EXCEPTIONS:

- (1) Drive-through uses may conflict with safe and convenient movement of pedestrians and bicycles within MUC Districts. A drive-through use, for the purposes of this section, is defined as a business activity involving buying or selling goods or provision of services wherever one of the parties conducts the activity from within a motor vehicle. Facilities ~~usually~~ associated with a drive-through usually involve queuing lines, service windows, service islands, and service bays for vehicular use. Drive-through uses are therefore not permitted in MUC Districts unless the use is incidental to a primary site use, and when designed in conformance with the following standards:
 - (a) The drive-through use ~~shall~~ must be limited to service windows which are part of a primary use structure, and no more than 2 queuing lanes.
 - (b) Drive-up facilities ~~shall~~ must be designed so that circulation and drive-up windows are not adjacent to sidewalks or between buildings and the street, to the maximum extent practicable.

(2) Parking Lots and Parking Structures, Public and Private.

- (a) In MUC Districts, surface parking lots abutting public streets ~~shall~~ must include perimeter landscaping and ~~shade trees~~ parking lot planting as specified in SDC 3.2.3245 and 4.4.1050.
 - (b) Parking structures located within 20 feet of pedestrian facilities, including, but not limited to: public or private streets, pedestrian accessways, greenways, transit stations, shelters, or plazas, ~~shall~~ must provide a pedestrian-scale environment on the façade facing the pedestrian facility. One or more of the following techniques may be used:
 - (i) Provide retail or office uses on the ground floor of the parking structure facing the pedestrian facility;
 - (ii) Provide architectural features that enhance the ground floor of a parking structure adjacent to the pedestrian facility, for example, building articulation, awnings, canopies, building ornamentation and art; and/or
 - (iii) Provide pedestrian amenities in the transition area between the parking structure and pedestrian facility, including landscaping, trellises, seating areas, kiosks, water features with a sitting area, plazas, outdoor eating areas, and drinking fountains.
 - (c) In MUC Districts, parking lots ~~shall~~ must be located beside or behind buildings, internal to the development on a site. Existing or new outparcel buildings between a large parking lot and the street ~~shall~~ must be used to help define the streetscape, and lessen the visual impact of the parking lot from the street.
 - (d) Small scale repair and maintenance services. In MUC Districts these services ~~shall~~ must take place entirely indoors, and buildings ~~shall~~ must be constructed and utilized to ensure that noise or odor ~~does~~ does not disturb the normal operation and tranquility of neighboring residential and business areas.
- (B) Specific development standards for uses within the MUE District ~~shall be~~ are the same as those specified in SDC 3.2.4240 as an ~~“S”~~ “S” use and listed in applicable subsections of this section.
- (C) Specific development standards for uses within the MUR District ~~shall be~~ are the same as those specified in SDC 3.2.210 as an ~~“S”~~ “S” use and listed in applicable subsections of this section as they apply to R-2 MDR and R-3 HDR development.

EXCEPTIONS:

- (1) Professional offices specified in SDC 4.7.3354-7.190 are exempt from those specific development standards, but ~~shall~~ must meet the standards for development specified in SDC 3.2.630(C)(3).

- (2) The MUR District allows uses that are not allowed in the ~~MDR-R-2~~ and ~~R-3 HDR~~ Districts. Permitted uses are listed in SDC 3.2.610. Nonresidential uses that are not “professional office” related but have “S” designations in SDC 3.2.610, ~~shall~~ must comply with the development standards listed in SDC 3.2.630(C)(3).
- (3) Residential and Child Care Uses ~~shall~~ must comply with the specific development standards listed in SDC ~~4.7.425~~340 and 4.7.350.

Commentary: Following the recent Development Code Update Project, the distinction between Type 1 and Type 2 manufactured dwelling units was removed. Therefore, remove (D) and clarify throughout 4.7.185 that the night watchman’s quarters refer to a “manufactured home” and not a “manufactured unit”.

4.7.185 Night Watchman’s Quarters.

A manufactured home unit, provided it meets City and State standards for safety and construction, may be used as a permanent residence for employees of businesses or property owners in Community Commercial, Light Medium Industrial, and Heavy Industrial Districts when their presence is required for security purposes by the employer 24 hours a day; provided the following standards are met.

- (A) A permanent foundation ~~shall~~ must be provided for the manufactured ~~unit~~home, unless the manufactured ~~unit~~ home will be used for less than 120 days.
- (B) The manufactured ~~unit~~ home ~~shall~~ must be removed from the premises within 30 days if the business requiring security personnel or the property owner ceases operation.
- (C) Foundation cover-skirting, landscaping, and backfill ~~shall be~~ is required.
- ~~(D) — The manufactured unit is either a Type 1 or Type 2.~~

Commentary: Move this section to 4.7.335 Professional Offices in Residential Districts as the standards in this section are specific to professional offices in residential districts.

4.7.190 Professional Offices.

- ~~(A) — Professional offices in residential districts are permitted when:~~
 - ~~(1) — The lots/parcels are adjacent to CC, MUC or MRC Districts; and~~
 - ~~(2) — The majority of the square footage of the structure on the lot/parcel is not more than 100 feet from CC, MUC or MRC Districts. Where public right-of-way separates the residential district from the commercial district, the right of way width is not counted in the measurement.~~

- ~~(B) — A professional office exceeding 2,000 square feet of gross floor area shall abut an arterial or collector street.~~
- ~~(C) — No parking shall be permitted within the front yard setback. Required parking shall be screened from the public view.~~
- ~~(D) — For structures on the Springfield Historic Inventory, any external modification shall be fully compatible with the original design.~~
- ~~(E) — Professional offices permitted are limited to: accountants, architects, attorneys, computer programmers, designers, engineers, insurance agencies, investment counselors, licensed real estate agents, medical and dental practitioners, counselors, planners, and studios for artists, interior decorators and photographers, and similar general office uses engaged in support services to their businesses and/or their parent companies.~~
- ~~(F) — A minimum of 25 percent of the lot/parcel shall be landscaped.~~

Commentary: The screening standards listed in (A) are incorrect. They have been amended to reference SDC 4.4.110 Screening.

4.7.195 Public/Private Elementary/Middle Schools.

- (A) Schools are identified in the Metro Plan or Springfield Comprehensive Plan as key urban services, ~~which shall and must~~ be provided in an efficient and logical manner to keep pace with demand. Schools may be located in any ~~zone-district~~ that permits schools. A unique relationship exists between schools and the community, which requires special consideration when applying screening standards. Maintaining clear sight lines for the security and safety of children is desirable and may be achieved through the use of non-opaque fencing and/or landscaping. The screening standards in SDC ~~4.4.110 5.17.100~~ are applied only when required to screen playground structures, spectator seating facilities, parking, storage yards and trash receptacles or where significant conflicts are determined by the Director.

Commentary: The standards in this section specific to the Residential Districts, Booth Kelly Mixed-Use District (BKMU), Public Land and Open Space District (PLO), and the Urbanizable Fringe Overlay District (UF-10) will be moved to their applicable district (SDC 3.4.330 Booth Kelly Mixed-Use Development Standards—Specific, 3.2.720 Base Zone Development Standards [in the PLO District]—Specific, 3.3.825 Development Standards [in the UF-10 District]), and 4.7.330 Public and Private Parks in Residential Districts).

~~4.7.200 Public and Private Parks.~~

~~Public parks shall be designated in the Metro Plan including the Willamalane Park and Recreation District Comprehensive Plan or be approved in accordance with a Discretionary Use application as specified in SDC 5.9.100.~~

(A) — ~~Standards for Public and Private Parks in the BKMU District.~~

- ~~(1) — Community Parks shall be designated on a Park Facilities Plan adopted by the City, or be approved in accordance with Type 3 review procedure (Discretionary Use).~~
- ~~(2) — A Traffic Impact Study shall be prepared by a Traffic Engineer and approved by the City Engineer.~~

(B) — ~~Standards for Public and Private Parks in the PLO District.~~

- ~~(1) — Primary access shall be on arterial or collector streets unless specified or exempted elsewhere in this section.~~
- ~~(2) — Stadiums, swimming pools and other major noise generators within parks shall be located at least 30 feet from residential property lines and screened by a noise attenuating barrier.~~
- ~~(3) — Community and regional parks shall be designated on a Park Facilities Plan adopted by the City, or be approved in accordance with Type 3 review procedure (Discretionary Use).~~
- ~~(4) — A Traffic Impact Study must be prepared by a Traffic Engineer and approved by the City Engineer.~~

(C) — ~~Standards for the Urbanizable Fringe Overlay District.~~ Neighborhood Parks must be shown on the Metro Plan or an adopted refinement plan, or be reviewed under Type 3 Discretionary Use procedures.

Commentary: These standards are specific to the Public Land and Open Space standards. Therefore, move these standards to SDC 3.2.720 Base Zone Development Standards [in the PLO District]—Specific.

4.7.203 Public Land and Open Space.

- ~~(A) — Primary access shall be on arterial or collector streets except as provided or exempted elsewhere in SDC 3.2.700.~~
- ~~(B) — Stadiums, swimming pools and other major noise generators shall be located at least 30 feet from residential property lines and shall be screened by a noise attenuating barrier.~~
- ~~(C) — Community and regional parks shall comply with the criteria specified in SDC 4.7.200(B).~~
- ~~(D) — For all special uses, a traffic impact study shall be prepared as specified in SDC 4.2.105(A)(4).~~
- ~~(E) — R.V. parks and campgrounds within regional parks shall comply with the standards specified in SDC 4.7.220(D).~~

Commentary: Remove this section and move the standards to their respective district.

- For standard (A), move this standard to SDC 3.2.330 Development Standards [in Commercial Districts] – Specific as this standard is specific to commercial districts in areas designated mixed-use.
- For standard (B), remove this standard from the code. The phrase ‘the residential development standards of the applicable mixed-use zoning and/or overlay district apply to the residential use’ is an obvious statement and redundant if it was moved to the mixed-use zoning district standards in either SDC 3.2.600 or SDC 4.7.180.
- For standard (C), it was originally listed in Table 3.2.215 but was removed during the 2022 Development Code Update Project. Remove this standard and apply the correct references to Setbacks (SDC 3.2.220) and Height (SDC 3.2.230) in Table 3.2.320 Permitted Uses in Commercial Districts.
- For standard (D), move this standard to SDC 3.4.330 Booth Kelly Mixed-Use Development Standards—Specific as there is no reference to this standard in the Booth Kelly Mixed-Use District.

~~4.7.210 Residential Uses in Commercial Districts.~~

- ~~(A) — In areas designated mixed use on the Springfield Comprehensive Plan Map or a Refinement Plan diagram, Plan District map, or Conceptual Development Plan, multiple unit housing developments must meet the standards as specified in the applicable regulation. R-2 and R-3 District standards contained in this code must be followed where the Springfield Comprehensive Plan Map, a Refinement Plan diagram, Plan District map, or Conceptual Development Plan does not specify development standards, or in areas where no applicable regulation has been prepared.~~
- ~~(B) — In areas with mixed use zoning, the residential development standards of the applicable mixed use zoning and/or overlay district apply to the residential use.~~
- ~~(C) — One single-unit dwelling, detached or attached to a commercial building in the NC or CC Districts as a secondary use, shall comply with the residential development standards of SDC 3.2.215 concerning setbacks and height.~~
- ~~(D) — In the BKMU Plan District, residential uses shall be encouraged as second story uses above commercial and industrial uses and shall not occupy more than 35 percent of the land area within the BKMU Plan District. All MDR development standards specified in SDC 3.2.200 apply.~~

Commentary: House Bill 2984 requires local governments to allow conversion of a building from commercial to residential use without requiring a zone change or conditional use permit, as long as the land is not in an industrial district. The conversion is subject to the following special standards.

4.7.215 Conversion from Commercial to Residential Use

- (A) The conversion of a building or a portion of a building from a commercial use to a residential use is permitted in land use districts where residential uses are a permitted or conditional use subject to the standards and requirements of said district.
- (B) The conversion of a building or a portion of a building from a commercial use to a residential use is also permitted in land use districts that do not allow residential uses unless the building is:
 - (1) In an industrial district.
 - (2) Not able to be adequately served by water, sewer, storm water drainage or streets at the time that the conversion is complete;
 - (3) In the Hillside Overlay District;
 - (4) In the Floodplain Overlay District;
 - (5) Within Water Quality Limited Watercourse riparian areas specified in SDC 4.3.115(A); and
 - (6) Within development setbacks for locally significant wetlands and riparian areas as specified in SDC 4.3.117(C).

Commentary: This standard is specific to the GO District; therefore, move this standard to SDC 3.2.330 [Commercial Districts] Development Standards – Specific.

~~4.7.230 Secondary Retail Sales in the GO District.~~

~~The cumulative total area of secondary retail uses, exercise studios, and sit-down restaurants and delicatessens in the GO District shall be limited to no more than 10 percent of the gross floor area of the office building in which they are sited.~~

Commentary: This standard is specific to the NC District; therefore, move this standard to SDC 3.2.330 [Commercial Districts] Development Standards – Specific.

~~4.7.235 Small Scale Repair and Maintenance Services.~~

~~In the NC District, these services shall take place entirely indoors, and buildings shall be utilized to ensure that noise or odor do not disturb the normal operation and tranquility of neighboring residential and business area.~~

Commentary: Remove this section and move the standards to their respective district. For standards (A) through (F), move the standards to SDC 3.2.428 Development Standards [Industrial Districts]—Specific, as the use is specific to the Industrial Districts. For standards (G)(1) through (4), move the standards to SDC 3.4.330 Booth Kelly Mixed-Use Development Standards—Specific.

~~4.7.245 Warehouse and Wholesale Sales.~~

~~(A) Buildings shall be located in the front of lots/parcels, where possible, to minimize the visibility of outdoor storage yards or areas.~~

~~(B) Any outdoor storage yard or area shall be surrounded by a sight-obscuring fence.~~

~~**EXCEPTION:** Sales of heavy equipment and trucks does not require fencing.~~

~~(C) In the Downtown Exception Area, the storage and display of rental equipment shall be confined within a building.~~

~~(D) Existing uses in this category shall adhere to the standards of subsections (B) and (C), above by May 5, 1991.~~

~~(E) For mini-storage facilities, an on-site manager's living quarters shall be permitted when the living quarters are constructed as part of and attached to a new or existing mini-storage facility.~~

~~(F) **Light-Medium Industrial and Warehousing.** For Warehouse-Commercial use, at least 50 percent of the structure shall be used for storage of materials and 50 percent or less may be used for combined retail and office floor space.~~

~~(G) Special provisions for the BKMU District:~~

~~(1) Buildings shall be located to minimize the visibility of outdoor storage yards or areas.~~

~~(2) Outdoor storage yards shall only be permitted as a secondary use.~~

~~(3) Any outdoor storage yard or area shall be surrounded by a sight-obscuring fence.~~

~~(4) **Light-Medium Industrial and Warehousing.** For Warehouse-Commercial use, at least 50 percent of the structure is used for storage of materials and 50 percent or less may be used for combined retail and office floor space.~~

Commentary: These standards are specific to the Public Land and Open Space standards. Therefore, move these standards to SDC 3.2.720 Base Zone Development Standards [in the PLO District]—Specific.

~~4.7.250 Wellness Centers in the PLO District.~~

~~(A) The building is owned by a public agency.~~

~~(B) The center is secondary to a primary public community recreation center on the same development site. The square footage that is dedicated to non-public, wellness-related uses shall not exceed 50 percent of the combined total area (within the center and within the primary recreation facility) that is dedicated to public, recreation-related uses.~~

4.7.300 – STANDARDS AND REGULATIONS FOR CERTAIN RESIDENTIAL USES AND CERTAIN USES IN RESIDENTIAL DISTRICTS

Commentary: The standards in this section were moved from 4.7.200 Public and Private Parks as the standards in this section are specific to public and private parks in residential districts.

4.7.330 Public and Private Parks in Residential Districts

Public parks must be designated in the Willamalane Park and Recreation District Comprehensive Plan or be approved in accordance with a Discretionary Use application as specified in SDC 5.9.100.

Commentary: The standards in this section were moved from 4.7.190 Professional Offices as the standards in this section are specific to professional offices in residential districts.

4.7.335 Professional Offices in Residential Districts

- (A)** Professional offices in residential districts are permitted when:
 - (1)** The lots or parcels are adjacent to CC, MUC or MRC Districts; and
 - (2)** The majority of the square footage of the structure on the lot or parcel is not more than 100 feet from CC, MUC or MRC Districts. Where public-right-of-way separates the residential district from the commercial district, the right-of-way width is not counted in the measurement.
- (B)** A professional office exceeding 2,000 square feet of gross floor area must abut an arterial or collector street.
- (C)** No parking is permitted within the front yard setback. Required parking must be screened from the public view.
- (D)** For structures on the Springfield Historic Inventory, any external modification must be fully compatible with the original design.
- (E)** Professional offices permitted are limited to: accountants, architects, attorneys, computer programmers, designers, engineers, insurance agencies, investment counselors, licensed real estate agents, medical and dental practitioners, counselors, planners, and studios for artists, interior decorators and photographers, and similar general office uses engaged in support services to their businesses and/or their parent companies.
- (F)** A minimum of 25 percent of the lot or parcel must be landscaped.

Commentary: This section was amended to comply with House Bill 3151 which permits income-qualified housing as a manufactured dwelling park provided the property serves households with incomes at 120 percent or less of the area median income (addressed in SDC 4.7.405(B)(3)) and if the park is owned as a nonprofit cooperative as defined in ORS 62.803.

However, the standards in this section do not apply to a manufactured dwelling park that meets the income-qualified housing standards in 4.7.405.

4.7.345 Manufactured Dwelling Park.

A manufactured dwelling park is subject the following criteria:

- (A) Minimum Area Required.** A manufactured dwelling park must consist of a minimum area of 1 acre.
- (B) Density.** The manufactured dwelling park must comply with the applicable net density standards in SDC [3.2.235](#) as applied to the entire development area.
- (C) Access.** A manufactured dwelling park access must be located on public streets improved to meet minimum standards and which are improved to a point intersecting a collector or arterial street.
- (D) Permitted Uses.** A manufactured dwelling park may contain manufactured homes and accessory structures permitted in this chapter, community laundry and recreation facilities, and other common buildings for use by park residents only, and 1 residence other than a manufactured dwelling for the use of a caretaker or a manager responsible for maintaining or operating the property.
- (E) Access Improvement Standards.** The manufactured dwelling park may be improved with private streets as provided in SDC [4.2.110](#). If parking is provided alongside the private street, the parking area must be at least 8 feet wide in addition to the minimum width of the private street.

(F) Income-Qualified Housing. The standards of this section do not apply to a manufactured dwelling park that meets the standards for income-qualified housing according to the standards in SDC 4.7.405.

Commentary: Reorganize the standards in SDC 4.7.370 to make the code clearer and easier to interpret. This section is now specific to income-qualified housing on property owned by religious nonprofits. Remove the definition of place of worship and move it to SDC 6.1.110 Meaning of Specific Words and Terms and remove (E)(1) as the standard conflicted with standard (E).

4.7.370 Income-Qualified Housing on Place of Worship and Property Owned by Religious Nonprofits.

(A) Purpose. A place of worship may include the following permitted associated uses as described in ORS 227.500.

(1) — Worship services.

(2) — Religion classes.

~~(3) — Weddings.~~

~~(4) — Funerals.~~

~~(5) — Meal programs.~~

~~(6) — Childcare, but not including private or parochial school education for prekindergarten through grade 12 or higher education.~~

(B) Income-qualified **Affordable** housing is permitted on property owned by a nonprofit corporation organized as a religious corporation as provided in this section, regardless of whether the property includes a place of worship as described in SDC 6.1.110 and ORS 227.500. This section is not intended to limit development of income-qualified affordable housing that is otherwise permitted in accordance with this code.

(B) ~~(C)~~ **Affordability.** As used in this section, “income-qualified affordable housing” means residential property whose affordability is enforceable as described in ORS 456.270 to 456.295 for a duration of no less than 60 years, and is affordable to households with incomes of 60 percent or less of the area median income as determined by the Oregon Housing Stability Council.

~~(D) — Except where the code specifically states otherwise, development of affordable housing under subsection (B) above is subject to the following standards of the underlying residential district, or if the property is not within a residential district, the standards applicable to the abutting residential district with greatest maximum density:~~

~~(1) — Lot area, dimensions, and coverage standards;~~

~~(2) — Setbacks;~~

~~(3) — Height standards;~~

~~(4) — On-site infrastructure standards applicable under Chapter 4; and~~

~~(5) — Architectural Design Standards in SDC 4.7.375 and Multiple Unit Housing (Clear and Objective Standards) in SDC 4.7.380.~~

(C) **(E) Nonresidential districts.**

(a) The city will approve the development of Affordable income-qualified housing permitted under subsection (A) and (B) ~~is permitted~~ on property that is not within a residential land use district or mixed-use residential land use district only if:

~~(1) — The property is within a R-1, R-2, R-3, MUR, or Glenwood RMU district; or~~

~~(i)~~ **(4)** The property directly abuts a R-1, R-2, R-3, MUR, or Glenwood RMU district; and

(ii) ~~(2)-The property~~ is not within a CI, LMI, HI, SHI, MUE, or Glenwood EMU district. (6443)

(b) Income-qualified housing allowed under this subsection will be subject only to the restrictions applicable to the contiguous residential district and without requiring that the property be rezoned for residential uses. If there is more than one contiguous residential property, the standards of the residential district with the greatest density apply.

Commentary: In 4.7.375, the Clear and Objective Standards in (C) include (1) Building Form, (2) Building Orientation, and (3) Detailed Design. There are no building form and building orientation for the Discretionary Option except for the standards in 4.7.385(B) and (C). For consistency and clarity, move the standards in 4.7.385(B) and (C) to this section and rename the existing 4.7.375(D)(3) to Detailed Design, Design Review Option for the Discretionary tract (in comparison to the Detailed Design, Menu Option for the Clear and Objective tract).

4.7.375 Architectural Design Standards.

(A) Purpose. The architectural standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles for certain types of development.

(B) Applicability. This section applies to the following types of buildings.

- (1)** Multiple unit housing.
- (2)** Public and institutional buildingss in Residential Districts.
- (3)** Commercial buildingss in Neighborhood Commercial District.
- (4)** Mixed-use buildings in Residential Districts and the Mixed-Use Residential District.
- (5)** All other types of permitted/conditional nonresidential use buildings listed in Table 3.2.210 when built in a Residential District.

(C) Standards (Clear and Objective). All buildings that are subject to this section must comply with all the following standards. The graphics provided with each standard are intended to show examples of how to comply and are for illustrative purposes only. Other building styles and designs can be used to comply, so long as they are consistent with the text of this section. An architectural feature may be used to comply with more than one~~1~~-standard.

- (1) Building Form.** All buildings must incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces, as shown in Figure 4.7-Q below. Along the vertical face of a structure, such features must occur at a minimum of every 40 feet, on each floor, and must contain at least 2 of the following features.

- (a) Recess (e.g., deck, patio, courtyard, entrance, or similar feature) that has a minimum depth of 6 feet.
 - (b) Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet; and/or
 - (c) Offsets or breaks in roof elevation of 2 feet or greater in height.
- (2) **Building Orientation.** All building elevations adjacent to a street right-of-way must provide doors, porches, balconies, and/or windows. A minimum of 40 percent of street-facing elevations, and a minimum of 30 percent of side and rear building elevations, must meet this standard. Percent of elevation is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows. The standard applies to each full and partial building story.
- (3) **Detailed Design.** All buildings must provide detailed design along all elevations which are visible from the street(s) adjacent to the property (i.e., front, rear and sides).
- (a) **Menu Option.** Detailed design may be provided, through a Type 1 approval process according to SDC 5.1.300, by using at least 6 of the following 13 architectural features on all applicable elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations).
 - (i) Dormers.
 - (ii) Gables.
 - (iii) Recessed entries.
 - (iv) Covered front porches.
 - (v) Pillars or posts.
 - (vi) Eaves (minimum 12-inch projection).
 - (vii) Window trim (minimum 3½ inches wide).
 - (viii) Bay windows.
 - (ix) Balconies.
 - (x) Offsets in the building face by a minimum of 18 inches.
 - (xi) Offsets or breaks in roof elevation of 2 feet or greater in height.

- (xii) Decorative patterns on the exterior finish (such as using shingles, wainscoting, and/or board and batten).
- (xiii) Variation in façade building materials, including, but not limited to, tile, brick, and wood.

(D) **Design Review Option (Discretionary Review Option).** Detailed design The architectural standards may be ~~provided met~~ by showing compliance with the following criteria through a Type 2 application process in accordance with SDC [5.1.400](#).

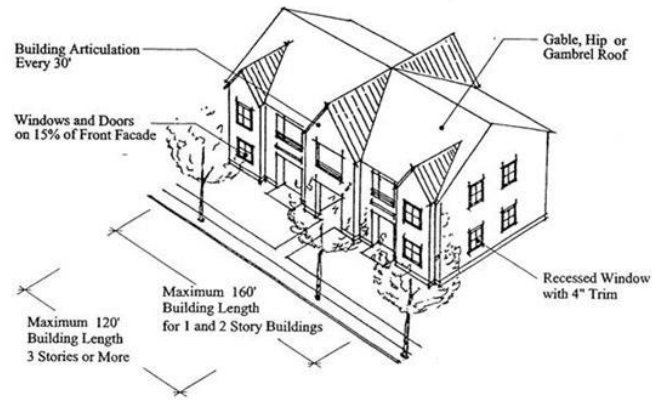
(1) **Building Form.** The Approval Authority must find that the proposed design promotes building forms that contribute positively to a sense of neighborhood and to the overall streetscape. This criterion may be met by complying with (A) or (B) below or by meeting SDC 4.7.390.

(a) **Type 2 Process (See Figure 4.7-M)**

- (i) Structures that have 1 or 2 stories must not have continuous horizontal distance exceeding 160 feet (measured from end wall to end wall). Structures that have 3 or greater stories must not have a continuous horizontal distance exceeding 120 feet (measured from end wall to end wall).
- (ii) A minimum of 15 percent of the front façade (area measurement) must contain windows or doors. All windows and doors must provide 4-inch trim or be recessed (i.e., into the front façade) to provide shadowing.
- (iii) Garages attached to living units and accessed from the street (front setback) must be recessed at least 4 feet behind the front façade of a dwelling structure.
- (iv) Exterior building elevations must incorporate design features including offsets, balconies, projections, window reveals, or similar elements to preclude large expansions of uninterrupted building surfaces. Along the vertical face of a structure, the features must occur at a minimum of every 30 feet, and on each floor must contain a minimum of 2 of the following features:
 - A. Recesses (e.g., deck, patio, courtyard, entrance, window reveals) that have a minimum depth of 3 feet;
 - B. Extensions (e.g., floor area, deck, patio, entrance) that have a minimum depth of 2 feet and minimum length of 4 feet; and/or
 - C. Offsets or breaks in roof elevation of 2 feet or greater in height.

Building Form

Figure 4.7-M



(b) Type 3 Process.

- (i) Design exterior building elevations to avoid large expanses of uninterrupted building surfaces.**
- (ii) Depict building scale consistent with nearby buildings: “scale” relates to the size of various features (including, but not limited to, entries, roof surfaces, facades, windows and materials) as compared to those features on nearby buildings.**
- (iii) Provide transitions to nearby buildings by massing: “mass” relates to the overall size or bulk of a building or its principal parts.**
- (iv) Provide porches, bays, and balconies that compliment nearby buildings.**
- (v) Provide roof variations through offsets, breaks and/or extensions.**
- (vi) Provide transition between the multiple unit housing and R-1 districts.**
- (vii) Protect on-site and off-site natural and designated historic features.**
- (viii) Provide human-scaled architectural detail.**
- (ix) Provide visual variety in elevations, architectural details, colors, and materials, compatible with existing development.**

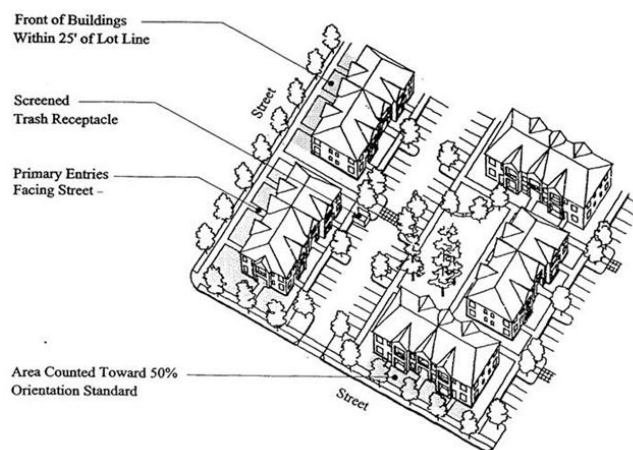
- (2) Building Orientation.** The Approval Authority must find that the proposed design contributes positively to the neighborhood and overall streetscape by carefully

relating building mass, frontages, entries, and yards to streets and to adjacent properties. This criterion may be met by complying with either (a) or (b) below.

- (a) **Type 2 Process.** Building oriented to the street along a minimum of 50 percent of the site's frontage (See Figure 4.7-N). The "orientation" standard is met when all of the following are met:
- (i) Primary building entrances must face the street.
 - (ii) The front of the buildings must be within 25 feet of the front lot or parcel line. However, open, courtyard space in excess of 25 feet may be placed in front of building entrances. Open courtyard space is defined as usable, hard-surfaced space with pedestrian amenities including benches, seating walls or similar furnishings.
 - (iii) Off-street parking or vehicular circulation must not be placed between buildings and streets used to comply with this standard.
 - (iv) Wetlands, slopes over 15 percent as specified in SDC 3.3.500, and wooded areas protected by SDC 5.19.100, must not be counted as "frontage" for determining required building orientation. For example, if jurisdictional wetlands and/or wetland buffer occupy 100 feet out of a total of 400 feet, then only 300 feet is counted as "frontage" for determining required building orientation. In this example, 150 feet (50 percent) is the required amount of frontage to meet the building orientation standard.

Building Orientation and Storage

Figure 4.7-N



(b) **Type 3 Process. Considering the following guidelines:**

- (i) Orient buildings to an internal circulation system that mimics a public street in appearance (including, but not limited to, sidewalks, landscaping, crosswalks, lighting, parallel parking), and does not diminish the appearance and safety of abutting primary public streets. Examples of “diminished appearance” include a fence along the sidewalk that isolates pedestrians between it and the street; the location of garbage and recycling receptacles, utility vaults, etc. in the “rear” yard (abutting a public street); and similar impacts on the streetscape.
- (ii) Other design elements that provide exceptional design, and on balance, justify approval of the development with less than full compliance with the building orientation standard. Examples of such design elements include protection of natural and cultural resources; minimization of slope and tree cutting impacts; provision of pedestrian amenities along the public street; and similar public benefits that effectively accomplish the intent of the standard.

(3) **~~(b)~~ Detailed Design, Design Review Option.** Detailed design may be provided by showing compliance with the following design criteria through a Type 2 application process in accordance with SDC 5.1.400.

- (a) **~~(i)~~** The general size, shape, and scale of the structure(s) are architecturally compatible with the site and with the surrounding neighborhood, unless such compatibility with existing structures does not reflect the long-term purpose or intent of the underlying land use district of the subject site.
- (b) **~~(ii)~~** If the project includes a structure or structures greater than 20,000 square feet in floor area, the design must incorporate changes in direction and divide large masses into varying heights and sizes by breaking up building sections, or by using such elements as variable planes, projections, bays, dormers, setbacks, canopies, awnings, parapets, changes in the roofline, materials, color, or textures.
- (c) **~~(iii)~~** Exterior finish on vertical surfaces must be primarily of materials such as masonry/wood siding, shingles, or stucco. The use of sheet metal or plywood must not exceed 50 percent of the wall area. No smooth-faced cinder block construction is permitted on front elevations. Cinder block construction for side and rear elevations is permitted by approval through the review process.

Commentary: Remove the reference to Clear and Objective Development Standards for Multiple Unit Housing Developments ‘in the R-2 and R-3 Districts’ as multiple unit housing is allowed in other districts besides R-2 and R-3.

4.7.380 Multiple Unit Housing (Clear and Objective Standards).

- (A) **Purpose.** The purpose of the multiple unit housing standards is to provide for higher density housing in locations that are convenient to commercial uses and future transit opportunities.
- (B) **Review.** Type 1 review process.
- (C) **Development Standards for Multiple Unit Housing Developments ~~in the R-2 and R-3 Districts~~.** The following standards apply to multiple unit housing developments unless otherwise stated. These standards do not apply to Cottage Cluster Housing developments.

Commentary: As stated above, move the standards in 4.7.385(B) Building Orientation and (C) Building Form to 4.7.375 (D) Design Review Option (Discretionary Review Option) for clarity and consistency. Other amendments include:

- Renumbering (B) through (H) following the removal of Sections (B) and (C); and*
- Amending references to sections that were changed with these amendments.*

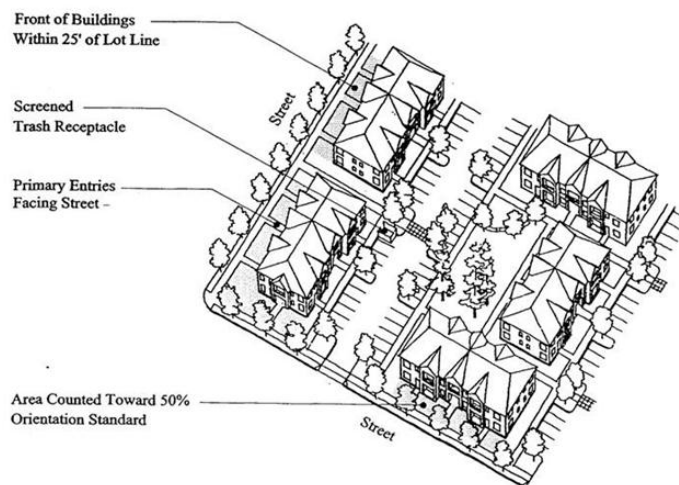
4.7.385 Multiple Unit Housing (Discretionary Option).

- (A) **Description.** The Approval Authority may approve a proposal that is not in compliance with the clear and objective multiple unit housing design standards listed in SDC [4.7.380](#) that are not allowed through SDC [4.7.390](#) through a Type 2 or 3 procedure in conjunction with review under the Site Plan Review approval process and standards in SDC 5.17.100. ~~In addition, the applicant may choose this Type 3 procedure when proposing an innovative design that may preclude compliance with 1 or more of the design standards under SDC 4.7.380.~~ The multiple unit housing ~~design~~ standards are: ~~Building Orientation; Building Form;~~ Storage; Transition and Compatibility Between Multiple unit housing and R-1 Development; Open Space; Landscaping; Pedestrian Circulation; Parking; and Vehicular Circulation. The Approval Authority must find that the application complies with or exceeds the criteria for each applicable design standard; criteria are listed under the type of review procedure to which they apply. ~~Upon appeal of a Type 2 approval granted under this section, the Type 2 criteria continue to apply. Criteria for design standards not relevant to the application do not require a finding by the Approval Authority, unless the guidelines in subsections (B) through (I) are implemented.~~
- ~~(B) — The Approval Authority must find that the proposed design contributes positively to the neighborhood and overall streetscape by carefully relating building mass, frontages, entries, and yards to streets and to adjacent properties. This criterion may be met by complying with either (B)(1) or (2) below.~~
- ~~(1) — Type 2 Process. Building oriented to the street along a minimum of 50 percent of the site's frontage (See Figure 4.7-M). The "orientation" standard is met when all of the following criteria are met:~~
- ~~(a) — Primary building entrances must face the street.~~

- ~~(b) — The front of the buildings must be within 25 feet of the front lot/parcel line. However, open, courtyard space in excess of 25 feet may be placed in front of building entrances. Open courtyard space is defined as usable, hard-surfaced space with pedestrian amenities including benches, seating walls or similar furnishings.~~
- ~~(c) — Off-street parking or vehicular circulation must not be placed between buildings and streets used to comply with this standard.~~
- ~~(d) — Wetlands, slopes over 15 percent as specified in SDC 3.3.500, and wooded areas protected by SDC 5.19.100, must not be counted as “frontage” for determining required building orientation. For example, if jurisdictional wetlands and/or wetland buffer occupy 100 feet out of a total of 400 feet, then only 300 feet is counted as “frontage” for determining required building orientation. In this example, 150 feet (50 percent) is the required amount of frontage to meet the building orientation requirement.~~

Building Orientation and Storage

Figure 4.7-M



~~(2) — Type 3 Process. Considering the following guidelines:~~

- ~~(a) — Orient buildings to an internal circulation system that mimics a public street in appearance (including, but not limited to, sidewalks, landscaping, cross-walks, lighting, parallel parking), and does not diminish the appearance and safety of abutting primary public streets. Examples of “diminished appearance” include a fence along the sidewalk that isolates pedestrians between it and the street; the location of garbage and recycling receptacles, utility vaults, etc. in the “rear” yard (abutting a public street); and similar impacts on the streetscape.~~
- ~~(b) — Other design elements that provide exceptional design, and on balance, justify approval of the development with less than full compliance with the building orientation standard. Examples of such design elements include protection of natural and cultural resources; minimization of slope and~~

tree-cutting impacts; provision of pedestrian amenities along the public street; and similar public benefits that effectively accomplish the intent of the standard.

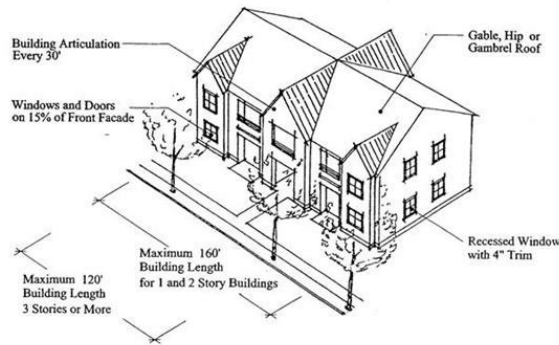
~~(C) — **Building Form.** The Approval Authority must find that the proposed design promotes building forms that contribute positively to a sense of neighborhood and to the overall streetscape. This criterion may be met by complying with either (C)(1) or (2) below or by meeting SDC 4.7.390.~~

~~(1) — **Type 2 Process (See Figure 4.7-N).**~~

- ~~(a) — Structures that have 1 or 2 stories must not have continuous horizontal distance exceeding 160 feet (measured from end wall to end wall). Structures that have 3 or greater stories must not have a continuous horizontal distance exceeding 120 feet (measured from end wall to end wall).~~
- ~~(b) — A minimum of 15 percent of the front façade (area measurement) must contain windows or doors. All windows and doors must provide 4 inch trim or be recessed (i.e., into the front façade) to provide shadowing.~~
- ~~(c) — Garages attached to living units and accessed from the street (front setback) must be recessed at least 4 feet behind the front façade of a dwelling structure; and~~
- ~~(d) — Exterior building elevations must incorporate design features including offsets, balconies, projections, window reveals, or similar elements to preclude large expansions of uninterrupted building surfaces. Along the vertical face of a structure, the features must occur at a minimum of every 30 feet, and on each floor must contain a minimum of 2 of the following features:
 - ~~(i) — Recesses (e.g., deck, patio, courtyard, entrance, window reveals) that have a minimum depth of 3 feet;~~
 - ~~(ii) — Extensions (e.g., floor area, deck, patio, entrance) that have a minimum depth of 2 feet and minimum length of 4 feet; and/or~~
 - ~~(iii) — Offsets or breaks in roof elevation of 2 feet or greater in height.~~~~

Building Form

Figure 4.7-N



(2) — Type 3 Process.

- ~~(a) — Design exterior building elevations to avoid large expanses of uninterrupted building surfaces.~~
- ~~(b) — Depict building scale consistent with nearby buildings; “scale” relates to the size of various features (including, but not limited to, entries, roof surfaces, façades, windows and materials) as compared to those features on nearby buildings.~~
- ~~(c) — Provide transitions to nearby buildings by massing; “mass” relates to the overall size or bulk of a building or its principal parts.~~
- ~~(d) — Provide porches, bays, and balconies that compliment nearby buildings.~~
- ~~(e) — Provide roof variations through offsets, breaks and/or extensions.~~
- ~~(f) — Provide transition between the multiple unit housing and R-1 districts.~~
- ~~(g) — Protect on site and off site natural and designated historic features.~~
- ~~(h) — Provide human scaled architectural detail.~~
- ~~(i) — Provide visual variety in elevations, architectural details, colors, and materials, compatible with existing development.~~

(B) ~~(D)~~ **Storage.** The Approval Authority must find that unsightliness, noise and odor of exterior utilities, garbage and recycling receptacle storage, and roof-mounted mechanical equipment is minimized by providing site facilities that are adequate and convenient for residents’ needs and ensuring that site facilities are practical, attractive, and easily maintained. This criterion may be met by complying with either ~~(D)~~(1) or (2) below or by meeting SDC [4.7.390](#).

(1) Type 2 Process.

- (a)** Adequate, accessible, and secure storage space must be provided for each dwelling. A minimum of 112 cubic feet of enclosed storage is required separate from the living unit. Garages and storage units

adjoining a dwelling (e.g., attached to decks and patios) qualify as storage space.

- (b) Garbage and recycling receptacles must be screened from view by placement of a solid wood fence, masonry wall, or similar sight-obscuring, gated enclosure, from 5 to 6 feet in height. Obscuring landscaping must be planted a minimum 24 inches in height at planting around all exposed sides of the wall or fence, unless breaks are provided for gates. The required screening must meet the standards of SDC [4.4.100](#).
- (c) No garbage and recycling receptacles are allowed in any front yard setback, or within 25 feet of property lines abutting the R-1 land use district or low-density residential designated ~~property-property~~.
- (d) Ground-mounted equipment, including exterior transformers, utility pads, cable television, telephone boxes, and similar utility services, must be placed underground. Alternatively, equipment placed above ground, must be placed to minimize visual impact; or screened with a wall or landscaping. When walls are used they must be tall enough to completely screen the equipment at the time of the equipment installation. Landscaping must be planted tall enough to attain 50 percent coverage after 2 years and 100 percent coverage within 4 years.

(C) ~~(E)~~ **Transition and Compatibility Between Multiple Unit Housing and R-1 District Development.** The Approval Authority must find that the development is located and designed in a manner compatible with surrounding development by creating reasonable transitions between multiple unit housing ~~and~~ sites and adjacent R-1 districts. This criterion may be met by complying with either subsection ~~(E)~~(1) or (2) below or by meeting SDC [4.7.390](#).

(1) **Type 2 Process.** Multi-unit developments adjacent to properties designated R-1 district must comply with the transition area and compatibility standards listed below, unless it can be demonstrated that adjacent R-1 district property is committed to a non-residential use (e.g., church) that is unlikely to change. In evaluating the status of an adjacent property, the Springfield Comprehensive Plan designation must take precedent over the current zone or use.

- (a) When a single unit dwelling is within 75 feet of the subject multiple unit housing development site and the single unit dwelling is on the same side of the street and same block as the multiple unit housing site, a setback similar to that of the nearest single unit dwelling must be used for the front yard. "Similar" means the multiple unit housing development setback is within 5 feet of the setback provided by the nearest single unit dwelling. For example, if the single unit dwelling setback is 20 feet, then the multiple unit housing building must be set back by 15 to 25 feet. The minimum front yard setback is 10 feet, as specified in SDC [3.2.220](#); and
- (b) A 25-foot buffer area must be provided between multiple unit housing development and property lines abutting an R-1 district property line, not

including those property lines abutting right~~s~~-of-way~~s~~. Within the 25-foot buffer area, the following standards apply:

- (i) No vehicular circulation (i.e., driveways, drive lanes, maneuvering areas, and private streets) is allowed within the buffer, unless driveway placement within a buffer is required in order to comply with City, County or ODOT access management standards;
- (ii) Site obscuring landscaping is required and must meet the standards of SDC [4.4.100](#);
- (iii) Building encroachments are allowed, provided no building may encroach more than 10 feet into the 25-foot buffer and no primary entrance can face the abutting R-1 district property. Buildings must not exceed ~~1-one~~ story or 21 feet ~~high~~ within the buffer, and must comply with all other applicable setbacks and transition areas specified elsewhere in this code;
- (iv) No active recreation areas (including, but not limited to: children's play areas, play fields, swimming pools, sports courts) are allowed within the 25-foot buffer (garden spaces are not considered active recreation areas);
- (v) Lighting must meet the standards in SDC [4.5.100](#);
- (vi) Mechanical equipment must be screened from view in conformance with the standards of SDC [4.4.100](#), and must be buffered so that noise does not typically exceed 45 to 50 decibels as measured at the R-1 property line. The City may require a noise study certified by a licensed acoustical engineer; and
- (vii) All rooftop equipment must be hidden behind parapets or other structures designed into the building.

(D) ~~(F)~~Open Space.

- (1) The Approval Authority must find that the open space component is located and designed in a manner compatible with surrounding development when:
 - (a) On site and abutting natural features are integrated into the open space system of the multiple unit housing development.
 - (b) Amenities such as seating, children's play areas, lighting, and recreation facilities are provided within common open space areas and proportional to the needs of the development.
 - (c) A range of usable open space types (general, common, and private) ~~is~~are provided and they are integrated with abutting public open space, if it exists.

- (d) Negative impacts to on-site or abutting wetlands, waterways, and natural areas are negligible.
- (2) This criterion may be met by complying with either subsection ~~(F)~~(2)(a) or (b) below or by meeting SDC [4.7.390](#).
 - (a) **Type 2 Process.** Multiple unit housing developments must provide both common open space and private open space as specified in the following standards (See Figure 4.7-Q).
 - (i) **General.** Inclusive of required yards, a minimum of 15 percent of the gross site area must be designated and permanently reserved ~~an-as~~ open space. The total required open space is the sum of setbacks, common open space, and private open space. Inventoried natural features (including regulated wetlands) and/or historic features on site may be counted toward up to 50 percent of common open space requirements. See Chapter 6 for definitions of open space; open space, common; and open space, private.
 - A. Multiple unit housing developments in mixed-use buildings are exempt from these standards.
 - B. Multiple unit housing developments at densities exceeding 30 units per gross acre must include a minimum of 10 percent of the gross site as open space, which may be any combination of yards, common open space, or private open space.
 - C. Multiple unit housing developments at densities less than 30 units per gross acre must provide open space as specified in the amounts specified below.
 - (ii) Common open space must be provided in all newly constructed multiple unit housing development as specified in the following standards:
 - A. A minimum of 0.25 square feet of common open space is required for each square foot of gross residential floor area;
 - B. Common open space areas provided to comply with this standard must be at least 500 square feet with no horizontal dimension less than 15 feet;
 - C. A maximum of 15 percent of the required common open space can be on slopes greater than 25 percent; ~~and~~
 - D. Multiple unit housing developments must designate within common open space a minimum of 250 square feet of active recreation area (including, but not limited to:

children's play areas, play fields, swimming pools, sports courts; garden spaces are not considered active recreation areas) for every 20 units or increment thereof. For example, a 60 unit development must provide a minimum area of 750 square feet for active recreation. No horizontal dimension can be less than 15 feet. Alternatively, as determined by the Director, qualified senior housing developments may be excluded from this requirement; however, all other common open space requirements apply;

- E. Placement of children's play areas must not be allowed in any required yard setback or transition area;
- F. Landscaping and/or natural vegetation must occupy a minimum of 50 percent of required common open space. On-site natural resources and historic features which are accessible to residents (including, but not limited to: ~~by~~ trails, boardwalks) may be used to partially or fully satisfy this requirements; and
- G. Indoor or covered recreational space (including, but not limited to: swimming pools, sports courts, weight rooms) must not exceed 30 percent of the required common open space area.

(iii) **Credit for Proximity to a Park.** A common open space credit as specified below is allowed when the development is located within walking distance of a public park. There must be a direct, ADA accessible pedestrian path between the development and the park, and the walking route must not cross an arterial street to use this credit.

- A. Up to a 75 percent credit to the common open space standard may be granted for multi-unit developments of up to 60 units (or for the first 60 units of a larger development) when the developments are within 0.25 mile (measured walking distance) to a public park; and there is a direct, improved, permanent, public, Americans with Disabilities Act (ADA)-accessible, maintained pedestrian trail or sidewalk between the site and the park. An exemption will be granted only when the nearby park provides active recreation area, as defined by subsection ~~(F)~~(2)(ii)(D), above.

- (iv) Phasing must not be used to circumvent common open space standards.
- (v) Common open space does not include required yards or transition areas unless authorized under SDC [4.7.385](#)~~(DF)~~(2)(b) or SDC [4.7.390](#).
- (vi) Private open space must be provided in all newly constructed multiple-unit housing developments, to comply with the following standards:

- A. All private open space must be directly accessible from the dwelling unit through a doorway;
- B. Dwelling units located at or below finished grade, or within 5 feet of finished grade, must provide a minimum of 96 square feet of private open space, with no dimension less than 6 feet; and
- C. Private open space provided may be deducted from the required amount of Common Open Space. For example, a project with 37,500 square feet of gross floor area requires 9,375 square feet of Common Open Space under subsection (F)(2)(ii)(A), above. If 2,400 square feet of Private Open Space is provided, the minimum Common Open Space requirement may be reduced to 6,975 square feet (9,375—2,400).

(b) **Type 3 Process.** Alternatively, this criterion may be found to be met by complying with the following guidelines:

- (i) Locate buildings, parking, and circulation to minimize adverse impacts on natural features.
- (ii) The amount of common recreation area is equal to the SDC [4.7.380](#)(C)(1) standard unless adjacent public recreation facilities, unique on-site facilities, or other similar open space/recreation facilities will be available to all residents of the site.
- (iii) Provide linkages between on-site common open space and abutting public open spaces when open space uses are compatible.
- (iv) The amount of private open space is equal to the SDC ~~4.7.300~~[4.7.385](#)(FD)(2)(a)(vi) standard above, unless equivalent opportunities for common open space are demonstrated (e.g., individual units enjoy common open space).

(E) ~~(G)~~Landscaping. The Approval Authority must find that landscaping, fences, and walls contribute to a quality living environment for all residents, improve the appearance of multiple unit housing developments, and promote transition between multiple unit housing development and surrounding land uses. This criterion may be met by complying with either subsection ~~(G)~~(1) or (2) below or by meeting SDC [4.7.390](#).

(1) **Type 2 Process.** This criterion may be met by ~~meeting~~ complying with the following standards.

- (a) A minimum of 15 percent of the site must be landscaped with a mix of vegetative ground cover, shrubbery and trees. Trees, a minimum 2 inches (dbh) in caliper, and shrubbery, a minimum of 24 inches in height, must be planted. Bark mulch, rocks and similar non-plant material may be used

to complement the cover requirement, but must not be considered a sole substitute for the vegetative ground cover requirement;

- (b) Street trees, a minimum 2 inches (dbh) caliper, must be placed within the planter strips between the curb and the sidewalk. Street trees must be planted 1 per every 30 linear feet (minimum) of street frontage, as specified in SDC [4.2.140](#);
- (c) Fences in front yards and along any frontage used to comply with the building orientation standard are limited to 3 feet in height. Fences in other yards must comply with the fence standards specified in SDC [4.4.115](#), and the vision clearance standards specified in SDC [4.2.130](#); and
- (d) The use of non-invasive and/or drought-tolerant landscaping is encouraged. All landscaping must be irrigated with a permanent irrigation system which may include drip irrigation unless a licensed landscape architect submits written verification that the proposed plant materials do not require irrigation. The property owner must maintain all landscaping.

(2) **Type 3 Process.** Alternatively, this criterion may be found to be met by complying with the following guidelines:

- (a) Plant outdoor spaces around multiple unit housing developments with a mix of vegetative ground cover, shrubbery, and trees. Also incorporate hard landscaping elements (e.g., paved sidewalks, courtyards) into the development.
- (b) Use plants to provide visual relief along blank exterior walls, reduce building mass and bulk, define and shelter open space, provide privacy, break up and shade parking areas and help define building entries and sidewalks.
- (c) Include enhancements, such as plazas, galleries, courtyards, widened sidewalks, benches, shelters, street furniture, artwork, or kiosks for pedestrian amenities.
- (d) Use vegetation, grade changes and low fences to define open space areas. Plant transition areas between multiple unit housing dwellings and surrounding R-1 and less intensive uses to minimize the visual impact of the development.
- (e) Incorporate a planting design that emphasizes:
 - (i) Visual surveillance by residents of common open space, parking areas, internal sidewalks, dwelling unit entries, abutting streets and public open spaces (i.e., mature plants do not block views of these areas).

- (ii) Climate controls for summer shading and solar access during winter, and/or shielding from winter winds. Balance this guideline with visual surveillance objectives, above.
- (f) Preserve significant trees and shrubbery on the site as reasonable. Significant trees mean trees which measure 5 inches DBE or greater. Significant shrubbery means shrubbery that is greater than 40 inches in height and is a non-invasive species. Trees and shrubs preserved to meet this standard must be identified on a Tree Protection Plan.
- (g) Provide small ornamental plants or other landscape features in coordination with the building's architecture to define the primary entry of a dwelling unit.
- (h) Avoid high solid fences and walls along streets (e.g., fences greater than 3 feet in height), unless required for noise abatement or retaining walls.
- (i) Incorporate landscaping, fences and walls that clearly delineate the public, communal and private areas of a development.
- (j) Provide street tree planting, as required by SDC [4.2.140](#) standards.
- (k) Incorporate landscaping, fences and walls that do not conflict with sight lines for vehicles and pedestrians, and that comply with the vision clearance standards specified in SDC 4.2-130.
- (l) Choose landscape species for efficient maintenance. Incorporate non-invasive, drought-resistant species.
- (m) Use noise-reducing, ornamental walls (e.g., masonry), as necessary, to minimize the transmission of noise.
- (n) Incorporate landscaping, fencing and/or walls with dwellings that are close to high noise sources such as active recreation, busy streets, railway lines, or industry.
- (o) Obscure or screen outlooks from windows, balconies, stairs, landings, terraces and decks or other private, communal or public areas within a multiple unit housing development. This can be accomplished with landscaping, fences or walls, where a direct view is available into the private open space of an existing adjacent single-unitfamily or multiple unit housing.
- (p) Screen private open space and balconies by solid translucent screens or perforated panels or trellises which have a maximum of 25 percent openings and are permanent, of durable materials and designed, painted or colored to blend with the development.

(E) ~~(H)~~ Pedestrian Circulation. The Approval Authority must find that pedestrian circulation systems are designed to provide separation between vehicles and pedestrians and provide clear, direct, safe, and identifiable connections within the multiple unit housing

development and to other neighborhood uses. This criterion may be met by complying with either subsection ~~(H)~~(1) or (2) below or by meeting SDC [4.7.390](#).

- (1) **Type 2 Process.** Multiple unit housing developments with more than 20 units must provide pedestrian circulation as specified in the following standards (See Figure 3.2-R).
- (a) Continuous internal sidewalks must be provided throughout the site. Discontinuous internal sidewalks are permitted only where stubbed to a future internal sidewalk on abutting properties, future phases on the subject property, or abutting recreation areas and pedestrian trails;
 - (b) Internal sidewalks must be separated a minimum of 5 feet from dwellings as measured from the sidewalk edge closest to any dwelling unit;
 - (c) The internal sidewalk system must connect all abutting streets to primary building entrances;
 - (d) The internal sidewalk system must connect all buildings on the site and must connect the dwelling units to the parking areas, bicycle parking, storage areas, all recreational facilities and common areas, and abutting public sidewalks and pedestrian trails;
 - (e) Surface treatment of internal sidewalks/accessways must be concrete, asphalt or masonry pavers, at least 5 feet wide. Multi-use accessways (e.g., for bicycles, pedestrians and emergency vehicles) must be of the same materials, and at least 10 feet wide. Where emergency vehicle access is required, there must be an additional 5 feet on either side of the accessway. The additional 5-foot area may be turf-block, grass-crete or similar permeable material on a base of gravel. The entire accessway used for emergency vehicle access must be capable of supporting fire equipment weighing 80,000 pounds;
 - (f) Where internal sidewalks cross a vehicular circulation area or parking aisle, they must be clearly marked with contrasting paving materials, elevation changes, speed humps, or striping. Speed humps are subject to review and approval by the Fire Marshal. Internal sidewalk design must comply with Americans with Disabilities (ADA) requirements;
 - (g) Where the internal sidewalks are parallel and abutting to a vehicular circulation area, the sidewalk must be raised or be separated from the vehicular circulation area by a raised curb, bollards, landscaping or other physical barrier. If a raised sidewalk is used, the ends of the raised portions must be equipped with curb ramps; and
 - (h) All on-site internal sidewalks must be lighted to a minimum of 2 foot-candles.
- (G) ~~(H)~~**Parking.** The Approval Authority must find that the placement of parking contributes to attractive street frontages and visual compatibility with surrounding areas and is located

with consideration for the safety of residents. This criterion may be met by complying with either subsection ~~(H)~~(1) or (2) below or by meeting SDC [4.7.390](#).

(1) **Type 2 Process.** Parking for multi-unit developments must be designed as specified in the following standards.

- (a) Parking lots must be placed to the side or rear of buildings as specified in the Building Orientation Standards. Parking must not be placed along that portion of the street where building frontages are used to comply with the building orientation standard;
- (b) Lighting must be provided for safety purposes, and focused/shielded to avoid glare on adjacent properties or dwellings as specified in SDC [4.5.100](#);
- (c) There must be 1 planter island for every 8 parking spaces. Planter islands must be a minimum of 6 feet wide, exclusive of the curb, the full length of a parking space containing 1 shade tree (a minimum 2 inches (dbh) in caliper at planting) and vegetative ground cover. Trees must be specimens capable of attaining 35 feet or more in height at maturity and must not produce excessive fruit, nuts, or sap (~~i.e.g.~~, ~~due~~ to pest damage). Bark mulch is not an acceptable substitute for vegetative ground cover in the planter island. Water quality features may be incorporated into planter islands. Landscape areas must be evenly distributed throughout the perimeter of interior parking areas, where practicable. See SDC [4.4.105](#)(F) for recommended shade trees;
- (d) A minimum ~~6~~-foot wide planter area must separate and visually screen parking from living area windows. The planter area must include a mix of ground cover, shrubbery, and trees with appropriate growth habit (i.e., for narrow planters and any height limitations including balconies, overhangs, and eaves). Shrubby in this planter area must be at least 24 inches in height at the time of planting, and trees a minimum of 2 inches (dbh) in caliper at the time of planting. See SDC [4.4.110](#);
- (e) Parking lots must be connected to all building entrances by means of internal sidewalks;
- (f) All parking stalls fronting a sidewalk, or landscaped area must be provided with a secure wheel bumper not less than 6 inches in height and set back from the front a minimum of 2 feet to allow for vehicle encroachment. Wheel bumpers, if used, must be a minimum of 6 feet in length. As an option, the sidewalk or planter may be widened 2 feet beyond the minimum dimension required to allow for vehicle encroachment. The sidewalks and planters must be protected by a curb not less than 6 inches in height. See also, SDC [4.6.120](#)(C);
- (g) On corner lots/parcels, parking areas must not be located within 30 feet of an intersection, as measured from the center of the curb return to the edge of the parking area (curb or wheel stop);

- (h) All parking, maneuvering and loading areas abutting a property line or right-of-way must provide perimeter lot ~~or~~ parcel landscaping. A minimum 5-foot wide planting strip must be planted with shade trees, a minimum 2 inches (dbh) in caliper, and a low level (e.g., 30 to 40 inches) evergreen hedge. See also SDC [4.4.105](#);
- (i) Decorative walls may be used in place of the hedge in subsection ~~(F)~~(1)(h), above, and be placed no closer than 4 feet from the property line. The decorative wall must be a minimum of 30 inches in height and no more than 40 inches in height, and must comply with the vision clearance standards specified in SDC [4.2.130](#). Decorative walls must be constructed of textured concrete masonry units (CMU) or similar quality material, and include a cap. The wall may be partially see-through (up to 40 percent) as appropriate for security purposes. The area between the wall and property line must be landscaped with shade trees;
- (j) Parking area landscaping must be designed to reduce storm water runoff (e.g., through infiltration swales and other measures), as practicable; and
- (k) Bicycle parking must be provided as specified in SDC [4.6.140](#) through [4.6.155](#) and may be incorporated into the landscaping design.

(H) ~~(J)~~ Vehicular Circulation.

- (1) The Approval Authority must find that on-site vehicular circulation systems are:
 - (a) Designed to be clearly identifiable, safe, pedestrian-friendly, and interconnected; ~~and-~~
 - (b) Designed to provide connectivity to the surrounding neighborhood streets while minimizing impacts on the arterial street system.
- (2) This criterion may be met by complying with either subsection ~~(J)~~(2)(a) or (b) below or by meeting SDC [4.7.390](#).
 - (a) **Type 2 Process.** Multiple unit housing developments must provide vehicular circulation as specified in the following standards.
 - (i) The on-site driveway (or private street) system must connect with public streets abutting the site;
 - (ii) Shared driveways must be provided whenever practicable to minimize cross turning movements on adjacent streets. On-site driveways and private streets must be stubbed to abutting ~~R-2/R-3~~ properties, at locations determined during Site Plan Review process to facilitate development of shared driveways; and
 - (iii) Parking areas must be accessed from alleys when properties abut an alley, or an alley can reasonably be extended to serve the development.

- (b) **Type 3 Process.** Alternatively, this criterion may be met by considering the following guidelines.
- (i) Design driveways and private streets to enhance connectivity to abutting streets.
 - (ii) Design internal site circulation to provide accessibility to and from the site.
 - (iii) Design the vehicular circulation system, together with other design elements, to reduce the apparent scale of large developments by organizing the site into smaller land units.
 - (iv) Where practicable, consolidate or share driveways and internal streets with driveways or internal streets serving abutting sites.
 - (v) Incorporate aesthetic and functional site design as it relates to vehicular circulation.
 - (vi) Provide vehicular circulation linkages that will integrate multiple family-unit housing development with the surrounding area.
 - (vii) Provide the separation of pedestrian, bicycle, and vehicular traffic.
 - (viii) Avoid out-of-direction travel between buildings and other facilities on the site (e.g., for delivery, service, etc.).
 - (ix) Locate service areas for ease of use and minimal conflict with circulation systems.
 - (x) Provide circulation systems that respond to site topography, natural contours, and natural resources, to minimize grading and resource impacts.
 - (xi) Provide shared parking with abutting sites where practicable.
 - (xii) Provide the use of alleys for vehicular access.
 - (xiii) Provide lighting for the safety of pedestrians and drivers.

***Commentary:** After discussion with the Mayor, City Council, and the Department of Public Works, amend the term ‘affordable housing’ to ‘income-qualified housing’ to avoid confusion between the terms. Across the United States, housing costs are considered “affordable” if the monthly rent or mortgage on a property add up to no more than 30% of gross household earnings. Income-qualified housing on the other hand, encompasses housing that is specifically for households making somewhere in the range of 0-120% of the Area Median Income.*

4.7.405 ~~Affordable Housing~~Income-Qualified Housing.

(A) Purpose. The purpose of this section is to allow development of ~~affordable-income-qualified~~ housing consistent with the requirements of ORS 197A.308~~445~~ and House Bill 3395 (2023). This section is not intended to limit development of ~~income-qualified affordable~~ housing that is otherwise permitted in accordance with this code.

Commentary: Reorganize the standards in SDC 4.7.405 (A) through (D) to make the code clearer and easier to interpret; this section now contains two separate but related sections from House Bills 2984 and 3151 which impact subsections (C) and (D), and House Bill 3395 which impacts subsections (E) and (F).

(B) Applicability.

- (1)** A proposed income-qualified housing project that meets the criteria in subsection (C) will be subject to the standards in subsection (D).
- (2)** A proposed income-qualified housing project that meets the criteria in subsection (E) will be subject to the standards in subsection (F).
- (3)** For a proposed income-qualified housing project that meets the criteria in both subsections (C) and (E) the applicant may choose to follow either the standards in subsections (D) or (F).

Commentary: House Bill 3151 amended ORS 197.308 (now ORS 197A.445) to include a manufactured dwelling park that serves populations with incomes of 120 percent of the area median income within the definition of income-qualified housing.

- *Note: Subsection (C) was amended following the Planning Commission Public Hearing on April 2, 2024, to include the use listed in subsection (4).*

(C) ORS 197A.445 Review. Income-qualified housing projects are allowed pursuant to ORS 197A.445 provided they meet the affordability criteria in subsection (1) and meet either the ownership criteria in (2) or the land use district criteria in subsection (3), the use criteria in (4), or any of the below standards. Income-qualified housing pursuant to ORS 197A.445 is only allowed in industrial districts if the criteria in subsection (5) are met.

- (1)** **(B) Affordability.** As used in this section, consistent with ORS 197A.308~~445~~, “income-qualified affordable housing” means residential property whose affordability is enforceable, as described in ORS 456.270 to 456.295 is enforceable for a duration of no less than 30 years, and:
 - (a)** **(1)** Each unit on the property is made available to own or rent to families with incomes of 80 percent or less of the area median income as determined by the Oregon Housing Stability Council; or
 - (b)** **(2)** The average of all units on the property is made available to families with incomes of 60 percent or less of the area median income; or-
 - (c)** A manufactured dwelling park is operated that serves only households with incomes of 120 percent or less of the area median income.

Commentary: ORS 197.308 (now ORS 197A.445) was amended with House Bill 3151 to include the addition of several affordable housing owners; namely, those owned by a nonprofit corporation, a housing authority, manufactured dwelling park nonprofit cooperative, or a utility provider.

(2) Ownership. Except as specified under subsection (4) below, income-qualified Affordable housing is permitted if the proposed affordable housing is on property that is: owned by:

(a) A public body, as defined in ORS 174.109; or

(b) A nonprofit corporation that is organized as a religious corporation; Income-qualified housing is permitted on property owned by a nonprofit corporation organized as a religious corporation, regardless of whether the property includes a place of worship.; or

(c) A nonprofit corporation that is organized as a public benefit corporation whose primary purpose is the development of income-qualified housing; or

(d) A housing authority, as defined in ORS 456.005; or

(e) A manufactured dwelling park nonprofit cooperative, as defined in ORS 62.803; or

(f) A utility provider which sells or conveys at below market price or as a gift to any of the owners above. Such conveyance must include an income-qualified housing covenant as provided in ORS 456.270 to 456.295.

Commentary: As noted above, this section was reorganized; notable amendments include:

- The addition of SDC 4.7.405 (D)(2)(f) to address the lack of income-qualified middle housing standards in SDC 4.7.405. Salem Code 704.010 is one of the few jurisdictions that addresses “affordable housing” pursuant to ORS 197A.445; they also list where middle housing is proposed as income-qualified housing, it must meet their middle housing design standards.
- The removal of some of the site suitability standards to exclude all properties within the Hillside Overlay District and Floodplain Overlay District. Upon closer review, there are no properties with slopes above 25 percent that are not within the Hillside Overlay District and areas within the special flood hazard are also part of the Floodplain Overlay District.
- The addition of SDC 4.7.405(D)(2)(g) to address where income-qualified housing is proposed in the Glenwood Mixed Use Riverfront Plan District where it is otherwise prohibited, the use must comply with the standards in SDC 3.4.265 through SDC 3.4.280.
- Note: Subsection (D)(3) ‘Density and height in residential districts’ was moved to a new section following the Planning Commission Public Hearing on April 2, 2024. Subsection (G) was created to clarify that the standards apply to any income-qualified housing in residential districts and not just development under ORS 197A.445.

- ~~(3)~~ ~~(2) **Land Use Districts.** The property is w~~Within the PLO, NC, CC, MRC, GO, MS, MUC, BKMU, Glenwood CMU, or Glenwood OMU Districts; or
- ~~(4)~~ ~~(3) **Use.**~~ Is a lawfully existing hotel or motel.
- ~~(5)~~ ~~(D) **Eligibility of Industrial Property.** Income-qualified Affordable~~ housing permitted under subsection ~~(C)(24)~~ above is permitted ~~on property zoned in~~ CI, LMI, MUE, or Glenwood EMU Districts, only if the property is:
- ~~(a)~~ ~~(4)~~ Publicly owned;
 - ~~(b)~~ ~~(2)~~ Directly abutting an R-1, R-2, R-3, MU~~RG~~, GRMU or PLO district; and
 - ~~(c)~~ ~~(3)~~ Not designated Heavy Industrial or Special Heavy Industrial on the comprehensive plan map or a refinement plan map.
- ~~(D)~~ ~~(E)~~ **ORS 197A.445 Standards.** Income-qualified housing projects proposed to be developed pursuant to ORS 197A.445(C), above, are subject to the following standards.
- ~~(1)~~ ~~**Site Suitability.** Notwithstanding subsections (C) and (D), the requirement to allow Income-qualified affordable~~ housing under this section does not apply to the following:
- ~~(a)~~ ~~(4)~~ Properties in the UF-10 district;
 - ~~(b)~~ ~~(2)~~ Properties that the review authority determines cannot or will not be adequately served by water, sewer, storm water drainage or streets at the time that the development is complete;
 - ~~(c)~~ Properties ~~prohibited for development under the standards applicable in the Hillside Overlay District, SDC 3.3.500;~~
 - ~~(3) Properties that contain a slope of 25 percent or greater as determined under SDC 3.3.520(A);~~
 - ~~(d)~~ ~~(4)~~ Properties in the Floodplain Overlay District ~~within the area of special flood hazard;~~
 - ~~(5) Properties prohibited for development under the standards applicable in the Hillside Overlay District;~~
 - ~~(e)~~ ~~(6)~~ Within Water Quality Limited Watercourse riparian areas specified in SDC 4.3.115(A); and
 - ~~(f)~~ ~~(7)~~ Within development setbacks for locally significant wetlands and riparian areas as specified in SDC 4.3.117(C).

(2) Development Standards. (F) — ~~Except where the code specifically states otherwise, d~~Development of income-qualified affordable housing under subsections (C) and (D) is subject to the following standards:

- (a) ~~(1)~~** Lot area, dimensions, and coverage standards applicable within the underlying land use district;
- (b) ~~(2)~~** Setbacks applicable within the underlying land use district;
- (c) ~~(3)~~** Height standards applicable within the underlying land use district;
- (d) ~~(4)~~** On-site infrastructure standards applicable under Chapter 4;
- (e) ~~(5)~~** Where multiple unit housing is proposed as income-qualified housing pursuant to this section, the use must comply with the Architectural Design Standards in SDC 4.7.375 and either Multiple Unit Housing (Clear and Objective Standards) in SDC 4.7.380 or Multiple Unit Housing (Discretionary Option) in SDC 4.7.385;
- (f)** Where middle housing is proposed as income-qualified housing pursuant to this section in a district where it is otherwise prohibited, the use must comply with the standards in SDC 3.2.250 through SDC 3.2.270; and
- (g)** Where income-qualified housing is proposed in the Glenwood Mixed Use Riverfront Plan District pursuant to this section where it is otherwise prohibited, the use must comply with the standards in SDC 3.4.265 through SDC 3.4.280.

(3) Density and height in residential districts. (G) — ~~Income-qualified Affordable housing within the R-1, R-2, R-3, MUR, and Glenwood RMU districts, is subject to the following maximum height and density standards, as required under ORS 197A.308(4)445.~~

(a) ~~(1)~~ — ~~R-1 District: 28 units per net acre maximum density; 47 feet maximum building height.~~

(b) ~~(2)~~ — ~~R-2 District: 42 units per net acre maximum density; 74 feet maximum building height.~~

(c) ~~(3)~~ — ~~R-3 District: 63 units per net acre maximum density; no maximum building height.~~

(d) ~~(H)~~ — ~~The density or height allowed under subsections ~~(aG)~~ through ~~(e)~~ above may be reduced based upon findings that the reduction is necessary to address a health, safety or habitability issue, including fire safety, or to comply with a protective measure adopted pursuant to a statewide land use planning goal.~~

Commentary: House Bill 3395 amended ORS 197.286 to 197.314 to include income-qualified housing in commercial districts and in mixed-use structures provided they meet the area median income thresholds shown in the code below consistent with the ORS. Notable additions include:

- A list of land use districts that “allow only commercial uses and not industrial uses” to be NC, CC, MRC, GO, MUC, Glenwood CMU or Glenwood OMU districts.
- Site suitability requirements where this type of housing is not permitted.
- Standards and procedures for this type of housing. A requirement in the House Bill is to apply the most comparable residential density to the allowed commercial uses in the subject district. Based off feedback from the workshops on February 28 and 29, 2024 and the Planning Commission work session on March 19, 2024, the comparable density contains minimum densities for commercial districts and the MUC district when they contain either residential structures or are part of a mixed-use development. There are no maximum densities in this section because neither the commercial districts nor Glenwood mixed-use districts have a maximum density for residential. In the commercial districts and MUC district the MUC development standards apply. The development standards in the Glenwood CMU and OMU are referenced.

(E) House Bill 3395 (2023) Review. Income-qualified housing projects are allowed pursuant to House Bill 3395 (2023) provided they meet the affordability and structure type criteria in subsection (1) and the land use district criteria in subsection (2) below.

(1) Affordability and Structure type. As used in this section, consistent with House Bill 3395 (2023), “income-qualified housing” means residential property whose affordability, as described in ORS 456.270 to 456.295 is enforceable for a duration of no less than 30 years, and:

- (a)** Residential structures within commercial districts where each unit is affordable to a household with income less than or equal to 60 percent of the area median income; or
- (b)** Mixed-use structures in commercial districts with ground floor commercial units and residential units that are affordable to moderate-income households, as defined in ORS 456.270.

(2) Land Use Districts. The land use district allows only commercial uses and not industrial uses. Eligible land use districts are: NC, CC, MRC, GO, MUC, Glenwood CMU or Glenwood OMU Districts.

(F) House Bill 3395 (2023) Standards. Income-qualified housing developed pursuant to House Bill 3395 (2023) is subject to the following standards.

(1) Site Suitability. Notwithstanding sections (E) above, income-qualified housing under this section does not apply to the following:

- (a)** Properties that the review authority determines cannot or will not be adequately served by water, sewer, storm water drainage or streets at the time that the development is complete;
- (b)** Properties in the Hillside Overlay District;

- (c) Properties in the Floodplain Overlay District;
- (d) Within Water Quality Limited Watercourse riparian areas specified in SDC 4.3.115(A);
- (e) Within development setbacks for locally significant wetlands and riparian areas as specified in SDC 4.3.117(C);
- (f) The property is vacant (as defined in OAR 660-038-0060(2)) at the time of application submittal or was added to the urban growth boundary within the last 15 years.

(2) Standards and Procedures. As provided below, income-qualified housing projects allowed pursuant to the standards in (E) are subject to the clear and objective standards that would be applicable to the residential district that is most comparable in density to the allowed commercial uses in the subject district:

- (a) Minimum residential densities for development permitted in (E)(1)(a) in the commercial districts and the MUC, will be 20 units per gross acre.
- (b) Minimum residential densities for development permitted in (E)(1)(b) in the commercial districts and the MUC, will be 12 units per gross acre.
 - (i) If less than 20 units per gross acre are provided for development permitted in (E)(1)(b), then the development will include a minimum of 10 percent of the total gross floor area in nonresidential uses.
- (c) For development in the Glenwood CMU and Glenwood OMU, the density standards in those districts will apply.
- (d) There are no maximum residential densities established for development permitted in (E)(1)(a) and (b) above.
- (e) Development of income-qualified housing under subsections (E)(1)(a) and (E)(1)(b) in the commercial districts and the MUC district are subject to the following standards:
 - (i) Lot area, dimensions, and coverage standards applicable within SDC 3.2.615 for the MUC district;
 - (ii) Setbacks applicable within SDC 3.2.615 for the MUC district;
 - (iii) Height standards applicable within SDC 3.2.615 for the MUC district;
 - (iv) On-site infrastructure standards applicable under Chapter 4;
 - (v) Where multiple unit housing is proposed as income-qualified housing pursuant to this section, the use must comply with the

Architectural Design Standards in SDC 4.7.375 and either the Multiple Unit Housing (Clear and Objective Standards) in SDC 4.7.380 or the Multiple Unit Housing (Discretionary Option) in SDC 4.7.385.

- (f) Development of income-qualified housing under subsections (E)(1)(a) and (E)(1)(b) for the Glenwood CMU and OMU district are subject to the standards in that district.

(G) Density and height in residential districts. Income-qualified housing, as defined in (C)(1) above, within the R-1, R-2, R-3, MUR, and Glenwood RMU districts, is subject to the following maximum height and density standards.

- (1) R-1 District:** 28 units per net acre maximum density; 47 feet maximum building height.
- (2) R-2 District:** 42 units per net acre maximum density; 74 feet maximum building height.
- (3) R-3 District:** 63 units per net acre maximum density; no maximum building height.
- (4)** The density or height allowed under subsections (A) through (F) above may be reduced based upon findings that the reduction is necessary to address a health, safety, or habitability issue, including fire safety, or to comply with a protective measure adopted pursuant to a statewide land use planning goal.

Commentary: Amendments to SDC 5.1.210(C) include in the second to last sentence a change from pre-submittal to completeness check and to include that a completeness check meeting is required even if a pre-application meeting has been utilized.

5.1.200 – General Provisions

5.1.210 Pre-Development Meetings.

The City has established 3 pre-development meeting processes to assist prospective applicants through the application review process.

- (A) Development Initiation Meeting (DIM).** The purpose of a development initiation meeting is to give a prospective applicant the opportunity to discuss a limited number of development topics with City staff. The discussions can be general or specific depending on the questions submitted with the application. The development initiation meeting is voluntary, unless specifically required elsewhere in this code.
- (B) Pre-Application Meeting.** A pre-application meeting is highly recommended for complex applications or for applicants who are unfamiliar with the land use process. The purpose of the meeting is to acquaint the applicant with the substantive and procedural standards of the Development Code and to identify issues likely to arise in processing an application.

The pre-application meeting is required for a Master Plan application as specified in SDC [5.13.115](#).

- (C) **Application Completeness Check Meeting.** The purpose of the completeness check meeting is to determine whether the proposed development application is complete prior to acceptance of the application for processing by the City. A complete application is required for the review process. The completeness check meeting will examine if the submittal standards of SDC [5.1.220](#) are met. A completeness check meeting is required for ~~all some Type 1 and most~~ Type 2, 3 and 4 ~~land use~~ applications in accordance with provisions of the SDC. The ~~pre-submittal completeness check~~ meeting is required even if the meetings specified in subsection (A) and (B) above have been utilized. For any application that requires a completeness check meeting, An application completeness review will be conducted ~~will be reviewed for completeness~~ according to SDC [5.1.405](#).

Commentary: House Bill 2984 allows for the conversion of a building or a portion of a building from a commercial use to a residential use. However, this also has an impact on existing non-conforming uses where a commercial use might already exist. Therefore, suggest the creation of an exception for conversion of non-conforming commercial to residential uses permitted in SDC 4.7.215.

5.8.100 – Non-Conforming Uses—Determination, Continuance, Expansion or Modification

5.8.125 Expansion or Modification.

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

- (A) For residential ~~zones~~districts, the expansion ~~shall~~ will not lessen the residential character of the residential ~~zone~~district taking into account factors, including, but not limited to:
- (1) Building scale, placement, and façade;
 - (2) On-site parking placement;
 - (3) Vehicle trips to the site and impact on surrounding on-street parking;
 - (4) Buffering and the potential loss of privacy to abutting residential uses; and
 - (5) On-site lighting.
- (B) For ~~zones~~districts other than residential, there ~~shall~~ will be no significant impact compared to the current use or building or structure on the surrounding area taking into account factors, including but not limited to:

- (1) The hours of operation;
- (2) An increase in building size or height;
- (3) On-site parking placement;
- (4) Vehicle trips to the site and impact on surrounding on-street parking;
- (5) Noise, vibration, dust, odor, fumes, glare, smoke and on-site lighting; and
- (6) The amount, location, and nature of any outside displays, storage, or activities.

(C) The following situations ~~shall~~ are not ~~be~~ considered to be an expansion or modification of a non-conforming use:

- (1) An existing building or structure conforming to use, but non-conforming as to height, setback and other dimensional standards, may be expanded or modified, provided the expansion or modification does not result in an increased violation of this code.
- (2) The replacement of a single-wide manufactured dwelling as may be permitted in SDC [5.8.120](#)(C).

5.8.140 Exemptions.

- (A) Residential buildings and uses existing and legally permitted, or permitted under Discretionary Use approval in the LMI ~~zoning~~ district or LMI plan designation in Glenwood as of January 27, 1982 ~~shall~~ must be exempt from SDC [5.8.115](#), [5.8.120](#) and [5.8.125](#). Commercial and industrial buildings and uses existing and legally permitted or permitted under Discretionary Use approval in the LMI ~~zoning~~ district or LMI plan designation in Glenwood as of December 7, 1998 ~~shall~~ must be exempt from SDC [5.8.115](#), [5.8.120](#) and [5.8.125](#).
- (B) Any proposed expansion on property zoned or designated LMI that has a use listed under HI, as specified in SDC [3.2.410](#), and abuts any residential use ~~shall~~ requires Site Plan Review approval. The exemption ~~shall apply~~ applies ~~as follows~~: to expansions, regardless of the direction, of buildings or land or both; and expansions onto contiguous properties under the same ownership.
- (C) The conversion from commercial to residential use within the city limits, subject to the standards in SDC 4.7.215.

***Commentary:** Clarify that the Minimum Development Standards process (MDS) does not apply to new multiple-unit housing development. A Site Plan Review or multiple-unit housing review in SDC 4.7.380 would apply. For clarification, also:*

- *Amend the reference in (A) from R-2 or R-3 districts to be residential land use districts;*

- *Amend the reference in (B) to say that an MDS application would only apply in Springfield city limits and not its jurisdiction. Springfield's jurisdiction is any land within the urban growth boundary and may not be within the city limits.*

5.15.100 — Minimum Development Standards (MDS)

5.15.110 Applicability.

- (A) The MDS review process applies to Commercial, Industrial, ~~R-2, R-3~~Residential, and Public Land and Open Space land use districts.

If an application triggers the need for a Traffic Impact Study (TIS) as specified in SDC 4.2.105(B), then the application does not qualify for an MDS and must be processed through a Site Plan Review process.

A proposal for developments in Commercial, Industrial, or ~~R-2, R-3~~ Residential land use districts where the development is within 150 feet of a locally significant wetland or riparian area is not eligible for the MDS process. Site Plan Review is required according to SDC 4.3.117(D) in these cases.

The MDS process is not applicable to new multiple unit housing development. Multiple unit housing development is approved through Site Plan Approval in SDC 5.17.100, or multiple unit housing review in SDC 4.7.380.

Minimum Development Standards review procedures are applied subject to applicability and locational standards.

- (1) The MDS process is used for:
- (a) New construction on a vacant development site where the new construction does not exceed 50,000 square feet of impervious area;
 - (b) Addition or expansion on a development site where the addition or expansion does not exceed 50 percent of the existing building area or up to 50,000 square feet of new impervious area or new gross floor area, whichever is less.
 - (c) An outdoor use or parking area expansion of up to 50 percent of the existing outdoor use area or parking area or up to 5,000 square feet of new outdoor use area or parking area, whichever is less;
 - (d) A change in land use category or building occupancy of a structure or property that requires new additional parking spaces; or
 - (e) Relocating or reconfiguring an existing driveway that does not increase a nonconformity or create a nonconformity.

- (B) MDS provisions only apply to properties located within Springfield's ~~city limits~~ land use jurisdiction. Development proposals that do not conform to the MDS applicability standards require Site Plan Review according to SDC 5.17.
- (C) An MDS application may be submitted concurrently with a complete Building Permit application; the applicant assumes all liability and responsibility if concurrent reviews necessitate the revision of either permit in response to review.
- (D) Where there is an MDS application for addition, expansion, or change of use category for a building or property containing multiple uses, the entire property may be brought into compliance with the standards specified in SDC 5.15.125, or the application may request that required improvements be reviewed, approved, and installed in proportion to the relative impacts of the businesses on the property.

Commentary: Note that SDC 5.4.100 is listed as reserved for future use in the code. Therefore, the correct section to list is SDC 5.1.215 Submission of Materials and SDC 5.1.220 Application Submittal Standards.

5.15.115 Submittal Standards

Application materials must be submitted as required below in addition to the requirements in SDC 5.1.215 and 5.1.220~~5.4.105~~. Applications that do not include all the following requirements will be deemed incomplete.

Commentary: Amend the Site Plan Review Applicability standards for clarity. The intent of the amendment to 5.17.110(A)(1)(c) is to clarify when Site Plan Review is required—When an addition, expansion, or change of use is for a nonresidential use, in a land use district that is not residential, and located within 50 feet of a residential land use district or residentially designated land. An exception to this requirement has been added in 5.17.110(A)(1)(d) when a multiple unit housing development can meet the standards in 4.7.380. Also move the Water Quality Limited Watercourses (WQLW) requirements in 5.17.110(A)(1)(c)(i) and (ii) to a new section 5.17.110(A)(1)(e) so that all new development, redevelopment, additions, expansions, or changes of use on property that contains a WQLW or tributary of a WQLW require Site Plan Review.

5.17.100 – Site Plan Review

5.17.110 Applicability.

- (A) The Site Plan Review process is used for:
 - (1) The following categories of multiple unit housing, commercial, public and semi-public, and industrial development or uses, including construction of impervious surfaces for parking lots and storage areas:
 - (a) New development on vacant sites and redevelopment, except:

- (i) Where a proposed development qualifies for a Minimum Development Standards review in accordance with SDC 5.15;
 - (ii) Where multiple unit housing qualifies ~~for a Type 1 process for review in accordance with as specified in~~ SDC 4.7.380.
- (b) Additions or expansions that exceed either 50 percent of the existing building gross floor area or 5,000 square feet or more of new building gross floor area and/or impervious surface area, except where a proposed development qualifies for a Minimum Development Standards review according to SDC 5.15;
- (c) Additions, expansions, and changes of use, regardless of size or intervening use, that:
 - ~~(i) Contain or are within 150 feet of the top of bank (as measured from the property line of the subject property) of any Water Quality Limited Watercourses (WQLW) identified 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;~~
 - ~~(i)~~ ~~(iii)~~ Are located within the City's urbanizable area, outside of the city limits; or
 - ~~(ii)~~ ~~(iv)~~ Are for nonresidential uses, in a land use district that is not residential, and are located within 50 feet of property in a residential land use district or residentially designated land (as measured from the property line of the subject property).
- (d) Notwithstanding subsection (c) above, additions, expansions, or changes of use for multiple unit housing processed under SDC 4.7.380 are not subject to Site Plan Review.
- (e) New development, redevelopment, additions, expansions, and changes of use that:
 - (i) Contain or are within 150 feet of the top of bank (as measured from the property line of the subject property) of any Water Quality Limited Watercourses (WQLW) identified on the WQLW Map on file in the Development & Public Works 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 & Public Works Department;

- (f) Discretionary Uses, except where a proposed development qualifies for a Minimum Development Standards review in accordance with SDC 5.15; and
 - (g) Any uses listed in the applicable land use district, overlay, or plan district, which specifically require Site Plan Review.
- (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 SDC 5.17.135. This approval is necessary to allow a property to complete a site plan modification process specified in subsection (C) below, or for future additions or expansions.
- (C) Existing lawfully developed sites that do not conform to the current standards of this code are only required to meet current standards on the portions of the site affected by the proposed alteration or expansion. Any alterations to the site must meet current code standards.

Commentary: *The definitions section was amended as follows.*

- *HB 2984 added a clear definition of “area median income” to ORS 197A.445 and its impact on SDC 4.7.405 Income-Qualified Housing.*
- *Add the definition of ‘Food Preparation’ to the code to define the difference between food preparation and a kitchen for single room occupancy uses.*
- *Note that the definition of ‘Income-Qualified Housing’ was not included in the definitions section of the code because (A) it varies by application and context, (B) 4.7.405 already states what income-qualified housing means for each subsection, and (C) It’s also not a complete definition for each context, because all the various uses of income qualified housing have different required affordability periods.*
- *With the reorganization of SDC 4.7.370 Income-Qualified Housing on Property Owned by Religious Corporations and the removal of Place of Worship from that section, reword Place of Worship in the definitions section.*
- *As part of ORS 197.286 to ORS 197.314, “Single Room Occupancy means a residential development with no fewer than four attached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant, but require that the occupant share sanitary or food preparation facilities with other units in the occupancy.” It is not recommended that we amend the definition of single room occupancy in the code to the ORS definition as this will place additional discretionary criteria on the development potential than what currently exists in the code (e.g. under Springfield’s code an SRO does not need to be at least four attached units, nor does it require that occupants share sanitary or food preparation facilities).*

6.1.100 – Definitions

6.1.110 Meaning of Specific Words and Terms.

Area Median Income. The income for the metropolitan statistical area in which housing is located as determined by the Oregon Housing and Community Services Department and

adjusted for household size based on information from the United States Department of Housing and Urban Development.

Food Preparation. Any indoor habitable area designed or used for preparation or cooking of food that does not contain a stove, range, or oven.

Place of Worship. Place of Worship. A non-residential place for people to gather for religious activity. Examples include such as a church, synagogue, temple, mosque, chapel, or meeting house. A place of worship may include activities customarily associated with the practices of religious activity, including worship services, religion classes, weddings, funerals, meal programs, and child care, but not including private or parochial school education for prekindergarten through grade 12 or higher education. Includes associated uses as described in SDC 4.7.370. (ORS 227.500)

Single Room Occupancy (SROs). A residential property that contains multiple single room ~~dwelling~~ units where each unit is for the exclusive use occupancy by of an occupant single eligible individual. The unit need not, but may, contain food preparation or sanitary facilities, or both. The residential property containing SROs may also share sanitary or food preparation facilities with other units in the occupancy.

STAFF REPORT

TYPE IV – LEGISLATIVE AMENDMENTS TO THE SPRINGFIELD DEVELOPMENT CODE

CASE NUMBER: 811-24-000025-TYP4
PLANNING COMMISSION HEARING DATE: April 2, 2024
COUNCIL AND BOARD JOINT HEARING DATE: June 10, 2024
REPORT DATE: April 3, 2024
PROJECT NAME: Springfield Development Code Amendments: Housing Opportunities in Non-Residential Areas
AFFECTED AREA: All properties within the City of Springfield Urban Growth Boundary

I. NATURE OF THE REQUEST

The City of Springfield and Lane County seek approval of amendments to the Springfield Development Code (SDC) to comply with recent state legislation that allows and encourages the development of income-qualified housing (SDC 4.7.370 Income-Qualified Housing on Property Owned by Religious Nonprofits and SDC 4.7.405 Income-Qualified Housing) and commercial to residential building conversions (SDC 4.7.215 Conversion from Commercial to Residential Use). The City is also using this opportunity to make other changes to the code for clarity and ease of use including: significant changes to SDC 4.7.100 for various districts; changes to SDC 4.7.375 through SDC 4.7.385 for Architectural Design and multiple unit housing; changes to SDC 5.15.110 Minimum Development Standards and SDC 5.17.110 for Site Plan Review for multiple unit housing; and changes to SDC 6.1.110 Definitions.

II. BACKGROUND

This project is a continuation of work related to a larger Springfield Development Code Update project that has been ongoing since 2018 involving a phased plan to update the entire Springfield Development Code. Updating the Development Code to support efficient, timely, and clear development review is part of Springfield's Housing Strategy. This work would amend income-qualified housing-related code sections. In 2023, the Oregon Legislature made efforts to address the state's housing crisis with new laws and \$1.2 billion in additional spending on housing and homelessness. On any given night in 2022, at least 18,000 Oregonians were homeless and State analysts predict Oregon needs to build at least 500,000 homes over the next two decades to keep up with demand. The Legislature passed several bills that have prompted the following Housing Opportunities in Non-Residential Areas Amendments to the Springfield Development Code (SDC):

House Bill 2984 – Commercial to Residential Building Conversions
(effective January 1, 2024)

House Bill 2984 requires local governments to allow conversion of a building from commercial to residential use without requiring a zone change or conditional use permit, as long as the land is not zoned to allow for industrial uses.

House Bill 3151 – Manufactured Dwelling Parks on Non-Residential Lands
(effective January 1, 2024)

Manufactured housing makes up eight percent of Oregon's total housing and 16 percent of the affordable housing stock (according to American Community Survey data collected between

2013-2017). That's why House Bill 3151's major impact on Springfield is to allow manufactured dwelling parks serving households with incomes of 120 percent or less of area median income (AMI), to be added to the bill's definition of "affordable housing". The bill also adds property owned by a housing authority, manufactured dwelling park nonprofit cooperative, or nonprofit corporation organized as a public benefit corporation whose primary purpose is the development of affordable housing, to the list of properties where local government is required to allow "affordable housing". This will result in changes to SDC 4.7.405, which allows for the development of income-qualified housing on non-residential lands if certain conditions are met.

House Bill 3395 –Residential Use of Commercial Lands
(effective June 30, 2023)

House Bill 3395 allows housing within commercial land use districts if it is affordable to households with incomes of 60 percent AMI or less, or for mixed-use structures with ground floor commercial with residential units that are affordable to moderate income (80-120% AMI) households. The bill requires cities to apply the residential density level most comparable to the commercial density currently allowed in the land use district. The bill explicitly exempts cities from having to conduct a new economic analysis or comprehensive plan update; however, cities may still wish to consider the impact to employment lands availability and accommodate these impacts at a later date.

The City is also making ongoing updates to the City's Development Code to address changes to the code for clarity and ease of use as time and resources allow. This set of amendments include: SDC 4.7.100 for various districts, changes to SDC 4.7.375 through SDC 4.7.385 for Architectural Design and multiple unit housing, changes to SDC 5.15.110 Minimum Development Standards and SDC 5.17.110 for Site Plan Review for multiple unit housing, and changes to SDC 6.1.110 Definitions.

The project objectives are to:

- 1) Ensure the City is complying with state law by amending the Springfield Development Code to:
 - a. Expand opportunities for residential development in commercial areas by allowing income-qualified housing on lands zoned for commercial uses and allowing conversion of a building from commercial to residential use.
 - b. Allow manufactured dwelling parks serving households with incomes of 120 percent AMI or less on certain non-residential lands.
- 2) Change the use of the term "affordable housing" to "income-qualified housing" in the Springfield Development Code. Clarify and improve integration of income-qualified housing-related language throughout applicable code sections (e.g., within use tables and cross reference appropriately, remove redundancy, update terms and definitions).
- 3) Identify opportunities to address other Springfield Development Code barriers to income-qualified housing, multiple-unit housing, and specific development standards in SDC 4.7.100 beyond compliance with recent legislation if the code changes are consistent with current local adopted policies and Springfield's Housing Strategy.

(Note: More comprehensive policy and code changes related to housing may occur with upcoming work on Springfield's Housing Capacity Analysis and Housing Production Strategies.)

III. SITE INFORMATION

The amendments are not site-specific; they apply to a large area and a large number of properties. Affected properties are those within the City of Springfield's Urban Growth Boundary (UGB) that propose the development of income-qualified housing as defined in the code, multiple unit housing, or various uses previously defined in SDC 4.7.100.

IV. PROCEDURAL REQUIREMENTS AND CITIZEN INVOLVEMENT

Under SDC 5.6.110, legislative amendments of the Development Code text are reviewed under a Type 4 procedure. Type 4 procedures, as defined in SDC 5.1.600, require a review and recommendation by the Planning Commission and adoption of an ordinance by the City Council.

The code amendments include changes that apply within the urbanizable areas that are between the city limits and the Springfield UGB. The code updates are subject to provisions of the City of Springfield and Lane County's urban transition agreement, which requires the City and County to jointly develop land use regulations to be applied to the urbanizable portion of the Springfield UGB. Article IV, Section 3 of the urban transition agreement allows the Springfield Planning Commission to exercise legislative land use authority otherwise belonging to the Lane County Planning Commission for the urbanizable portion of the Springfield UGB. Therefore, a joint Planning Commission hearing between Springfield and Lane County is not required for these code amendments. The Springfield Planning Commission held a public hearing for the purpose of developing their recommendation to the Springfield City Council on April 2, 2024. The City Council and Board of County Commissioners will hold a joint public hearing to co-adopt the regulations applicable to the urbanizable area. The Director for the City of Springfield initiated these development code amendments as is allowed under SDC 5.6.105(B).

In accordance with the City of Springfield Citizen Involvement Program, the Committee for Citizen Involvement (CCI) reviewed and approved a Community Involvement Strategy for this proposal on December 5, 2023. Per this strategy the City has completed the following:

- In February 2024, created a project page on Springfield Oregon Speaks with links to the Development Code Updates webpage on the City of Springfield website. The webpages provided opportunities for the public to view key messages or relevant resources and provide input.
- Emailed notice of the proposed amendments, public workshops, and Planning Commission Hearing on April 2, 2024 to stakeholder groups including development professionals (developers, builders, landscape architects, engineers, realtors, the Springfield Board of Realtors and Lane County Home Builders Association) and affordable housing providers who expressed an interest in being notified of future code amendments (following the 2022 Development Code Update Project) per the Citizen Involvement Strategy on February 15, 2024.
- As required by SDC 5.1.615(E), provided agency referrals to the Development Review Committee regarding the proposed amendments via email on February 15, 2024.
- Emailed notice of the workshops on February 21, 2024, to members of the Springfield Housing Newsletter's Interested Parties list.
- Submitted notice of the proposed amendments to the Department of Land Conservation and Development (DLCD) on February 27, 2024, 35 days in advance of the first evidentiary hearing as required by ORS 197.610(1) and OAR 660-018-0020.

- Held two public workshops to convey the main points of the project to development professionals on February 28 and February 29, 2024.
- Published notice of the proposed amendments and Springfield Planning Commission public hearing in *The Chronicle* on March 7, 2024 as required by SDC 5.1.615.
- Public noticed of the joint Springfield City Council and Lane County Board of County Commissioners public hearing in *The Chronicle* on X date, 2024 as required by SDC 5.1.615, and in *The Register Guard* on X date as required by Lane Code 14.060 for legislative actions.
- Posted notice of the proposed amendments and the dates of the public hearings on the City of Springfield website and in Springfield City Hall which routinely posts public hearing notices.

As of the date of this staff report, staff received one public comment from Phil Farrington, with CDC Management Corp, expressing support for the proposed code amendments and suggesting one additional amendment to the code. See Attachment 7 (Public Comments Received) of the June 10, 2024 joint Council and Board meeting materials. The amendment proposed would only apply the ground floor commercial requirement in the Mixed-Use Commercial district to buildings fronting an arterial street, rather than applying the requirement to the entire district. This suggestion intends to allow opportunities for more residential development, not just income-qualified housing, in the Mixed-Use Commercial district while maintaining the ground floor commercial requirement on busier streets to promote an active pedestrian environment.

Staff do not recommend including this suggested change as part of these proposed code amendments. Springfield Development Code (SDC) 3.2.630 establishes mixed-use development standards and subsection (A)(1) is about the “Preservation of the Commercial Land Supply” in the Mixed-Use Commercial District. Staff would need to analyze the potential implications of the amendment on the commercial buildable lands inventory if it would no longer have a commercial requirement in some areas of the Mixed-Use Commercial district. Staff also noted that the idea of how and where to require ground floor commercial uses in mixed use districts will be explored with upcoming work to comprehensively review and amend the City’s mixed use districts with support from consultants funded and managed by the Department of Land Conservation and Development.

For this request, the Springfield Planning Commission will make a recommendation to the Springfield City Council. Per the urban transition agreement and SDC 5.1.625, development code amendments which impact areas outside the city limits must be co-adopted by the Lane County Board of County Commissioners in order to apply to urbanizable areas within the Springfield UGB. Decisions of the Springfield City Council and Lane County Board of County Commissioners may be appealed to the Oregon Land Use Board of Appeals within 21 calendar days of the date the decision becomes final as specified in ORS 197.830 (SDC 5.1.630(F)).

V. APPROVAL CRITERIA & FINDINGS

The request is subject to approval criteria in SDC 5.6.115, which covers adoption or amendment of refinement plans, plan districts and the development code. The following approval criteria are listed under SDC 5.6.115:

(A) *In reaching a decision on the adoption or amendment of refinement plans and this code's text, the City Council shall adopt findings that demonstrate conformance to the following:*

- (1)** *The Metro Plan and Springfield Comprehensive Plan;*
- (2)** *Applicable State statutes; and*
- (3)** *Applicable State-wide Planning Goals and Administrative Rules.*

(B) *Applications specified in SDC 5.6.105 may require co-adoption by the Lane County Board of Commissioners.*

Findings showing that the proposed amendments to the development code meet the applicable criteria of approval appear in regular text below. Direct citations or summaries of criteria appear in ***bold italics*** and precede or are contained within the relevant findings.

Conformance with the Metro Plan and Springfield Comprehensive Plan

The adopted Eugene-Springfield Metropolitan Area General Plan (Metro Plan) and Springfield Comprehensive Plan are the acknowledged long-range plans that provide the broad framework for land use planning within the City of Springfield's UGB. The policies of the Springfield Comprehensive Plan – Residential Land Use and Housing Element are intended to refine, update, and support (as opposed to replace) the goals, objectives and policies of the Metro Plan's Residential Land Use and Housing Element. The Springfield Comprehensive Plan – Economic and Urbanization Elements replace the applicable sections of the Metro Plan pertaining to employment lands and urbanizable lands. The Springfield Comprehensive Plan's Land Use Element replaces the Metro Plan Diagram Chapter II-G of the Metro Plan.

The Metro Plan and Springfield Comprehensive Plan contain topics or "elements." Each element contains goals and policies that will guide Springfield's growth and development through the 2010-2030 planning period.

The Housing Opportunities in Non-Residential Areas code amendments are consistent with the following Metro Plan policies:

Metro Plan A. Metropolitan Residential Land Use and Housing Element

A.3 Provide an adequate supply of buildable residential land within the UGB for the 20-year planning period at the time of Periodic Review.

Finding 1: The City's 2011 Residential Land and Housing Needs Analysis serves as its housing needs analysis and buildable lands inventory under Goal 10 and provides evidence that the Springfield UGB has sufficient buildable land to meet identified housing needs during the 20-year period. Increasing opportunities to convert commercial uses to residential, build income-qualified housing in various districts, and clarify the multiple-unit housing standards, supports the City's ability to meet and provide an adequate supply of residential buildable land within the UGB for the 20-year planning period.

A.10 *Promote higher residential density inside the UGB that utilizes existing infrastructure, improves the efficiency of public services and facilities, and conserves rural resource lands outside the UGB.*

Finding 2: The Housing Opportunities in Non-Residential Areas code amendments expand opportunities for housing in land use districts previously intended only for commercial use outside of mixed-use areas and allows more development of income-qualified housing in commercial districts and in mixed-use structures. In doing so, a significant amount of land previously restricted to nonresidential uses within the UGB is now available for market rate and income-qualified housing. These developments will allow more housing opportunities and higher residential densities in various districts. Allowing the conversion of commercial buildings to residential uses utilizes existing infrastructure which conserves rural resource lands outside of the UGB and improves the efficiency of public services by allowing new housing where development already exists.

A.11 *Generally locate higher density residential development near employment or commercial services, in proximity to major transportation systems or within transportation-efficient nodes.*

Finding 3: The House Bills expand opportunities to develop market-rate housing in commercial districts and income-qualified housing in employment and commercial districts many of which are along major transportation routes or existing transportation-efficient nodes. This “mix of uses” is an important strategy for reducing the community’s reliance on the automobile, lowering transportation costs, and reducing our community’s greenhouse gas emissions. In addition, neighborhoods that are more walkable and where residents are near employment and commercial services, help residents save money and improve access to daily needs.

A.13 *Increase overall residential density in the metropolitan area by creating more opportunities for effectively designed in-fill, redevelopment, and mixed use while considering impacts of increased residential density on historic, existing and future neighborhoods.*

Finding 4: The Housing Opportunities in Non-Residential Areas code amendments permit higher-density housing in existing employment and commercial neighborhoods that were previously limited to nonresidential uses and clarify some of the multiple-unit housing standards in SDC 4.7.375 through 4.7.385. Additions, expansions, redevelopment, or infill in these “mixed-use neighborhoods” are characterized by a vibrant mix of commercial and residential uses where a higher concentration of people can access existing sidewalks, bike lanes, and bus routes that support a variety of transportation options and are already scaled for compatibility with nonresidential services through the existing architectural, clear and objective, and discretionary use standards (Though some of these standards will be amended with this project; see response to A.14 below). Historic design standards apply to all projects within the Historic Overlay District to address the potential impacts of residential density resulting from these Housing in Non-Residential Areas code amendments.

A.14 *Review local zoning and development regulations periodically to remove barriers to higher density housing and to make provision for a full range of housing options.*

Finding 5: The Housing in Non-Residential Areas code amendments were developed from review of the existing code against House Bills 2984, 3151, and 3395 to remove barriers to commercial to residential building conversions and income-qualified housing. However, amendments to the multiple-unit housing standards also occurred for consistency and clarity across the code in:

- SDC 4.7.375 to move the discretionary building form and orientation standards from 4.7.385 Multiple Unit Housing (Discretionary Option) to this section to match the existing clear and objective building form and orientation standards;
- SDC 4.7.380 to remove the reference to ‘Development Standards for Multiple Unit Housing Developments in the R-2 and R-3 Districts’ as multiple unit housing is allowed in other districts besides R-2 and R-3;
- SDC 5.15.110 for Minimum Development Standards (MDS) so that MDS applications do not apply to new multiple-unit housing development. A Site Plan Review or multiple-unit housing review in SDC 4.7.380 would apply; and
- SDC 5.17.110 for Site Plan Review. The intent of the amendment is to clarify when Site Plan Review is required—when an addition, expansion, or change of use is for a nonresidential use, in a land use district that is not residential, and located within 50 feet of a residential land use district or residentially designated land.

For all these reasons, the amendments remove barriers to higher density housing, resulting in a fuller range of housing options in various districts (residential, commercial, industrial, etc.).

A.17 Provide opportunities for a full range of choice in housing type, density, size, cost, and location.

Finding 6: The Housing Opportunities in Non-Residential Areas code amendments increase housing types permitted in various districts, resulting in a fuller range of choices in housing type and location, especially for income-qualified and market-rate development. The code does not currently have density standards in many districts that don’t currently allow housing outright, so development is limited by existing standards in the applicable district (e.g., height, setbacks, lot coverage, etc.). Permitting commercial to residential building conversion and some income-qualified housing without changing the existing density and size requirements in those districts allows for a greater range of housing densities and sizes.

Finding 7: There are several factors that affect the cost of income-qualified housing development, but a big factor is developers’ reliance on federal Low Income Housing Tax Credits (LIHTC) – the major source of funding for low-income housing. The tradeoff of this tax credit is that it leads to higher costs of development to limit risk to private sector partners, but also creates high quality, attractive and durable housing. The amendments to the code increase the number of properties eligible for the development of income-qualified housing expanding the locations available for income-qualified housing. The code amendments that allow for commercial to residential building conversions also expand the locations available for market-rate housing.

A.20 Encourage home ownership of all housing types, particularly for low-income households.

Finding 8: The Housing Opportunities in Non-Residential Areas code amendments do not directly support homeownership programs for income qualified homeowners. However, the

amendments are projected to increase the variety of smaller and less expensive home ownership options relative to detached single-unit dwellings, by allowing not only income-qualified housing in various districts but also middle housing proposed as income-qualified housing in districts where it is otherwise prohibited. Middle housing projects are reviewed as a Type 1 procedure which further expedites the approval process and permitting affordability (a Type 1 determination is made by the Director without public notice or a hearing).

A.22 Expand opportunities for a mix of uses in newly developing areas and existing neighborhoods through local zoning and development regulations.

Finding 9: The amendments to the code's zoning and development regulations are necessitated by House Bill 2984 and 3395, which expand opportunities for a mix of uses by permitting commercial to residential building conversion and income-qualified housing in commercial districts and in mixed-use structures.

A.28 Seek to maintain and increase the supply of rental housing and increase home ownership options for low- and very low-income households by providing economic and other incentives, such as density bonuses, to developers that agree to provide needed below-market and service-enhanced housing in the community.

Finding 10: The amendments do not change code that was implemented during Ordinance 6443 (for middle housing) that allows density and height bonuses for income-qualified housing in residential districts. House Bills 3151 and 3395 add the affordability options for income-qualified housing to include (1) a manufactured dwelling park that serves populations within incomes of 120% of the area median income (AMI) within the definition of income-qualified housing; (2) residential structures within commercial districts where each unit is affordable to a household with income less than or equal to 60% of the AMI; and (3) mixed-use structures in commercial districts with ground floor commercial units and residential units that are affordable to moderate-income households (80-120% AMI), as defined in ORS 456.270. These economic incentives will help expand opportunities where developers can provide below-market and serviced-enhanced housing in the community.

Finding 11: Moreover, House Bill 3395 requires cities to apply the most comparable residential density for income-qualified housing to the allowed commercial uses in the subject district. By applying comparable density, dimensional, and design standards from the residential districts to the commercial districts, the amendments can reduce regulatory barriers to income-qualified housing development in those areas and increase the supply of rental housing and homeownership for low-income households. House Bill 2984 for commercial to residential building conversion also increases the supply of rental and home ownership options by expanding the areas where income-qualified housing can be built and incentivizing changes of use for underutilized commercial properties.

A.30 Balance the need to provide a sufficient amount of land to accommodate affordable housing with the community's goals to maintain a compact urban form.

Finding 12: As discussed above, House Bills 2984, 3151, and 3395 were passed by the 2023 legislature to address the state's housing crisis. By providing housing in land use districts previously intended only for nonresidential uses, the market determines the supply and demand

of “affordable housing” in the UGB. In doing so, a significant amount of land previously restricted to these nonresidential uses within the UGB is now available for income-qualified housing without needing to expand the urban growth boundary.

A.33 Consider local zoning and development regulations impact on the cost of housing.

Finding 13: The Housing Opportunities in Non-Residential Areas code amendments expand allowances for income-qualified housing in various districts (and at greater densities) in the commercial and mixed-use commercial districts than under the current code. To comply with House Bill 3395, the code applies minimum density for housing in commercial districts (20 units per gross acre) and in mixed-use structures (12 units per gross acre) consistent with the Mixed-Use Residential (MUR) Standards in SDC 3.2.630(C)(2), but does not apply a maximum density for residential. By applying the MUR standards instead of the Mixed-Use Commercial (MUC) standards, there are fewer floorspace requirements for commercial uses in mixed-use income-qualified housing structures. (The MUC district currently requires a minimum of 60 percent of the ground floor area within a new building be dedicated to commercial uses while the proposed code for income-qualified housing would require 10 percent of the total gross floor area be in non-residential use if less than 20 units are provided in a mixed-use structure.) Furthermore, the code updates now allow both a Type 1 clear and objective review or a Type 2 or Type 3 discretionary review for income-qualified housing where the code previously only allowed Type 1, thus reducing design limitations on all types of income-qualified development review.

Springfield Comprehensive Plan: Residential Land Use & Housing Element

Policy H.1 - Based on the findings in the RLHNA and to accommodate projected growth between 2010 and 2030, Springfield has designated sufficient buildable residential land (a) for at least 5,920 new dwelling units at an estimated density of at least 7.9 units per net buildable acre; and (b) to accommodate a new dwelling mix of approximately 52 percent detached single family dwellings (including manufactured dwellings on individual lots), seven percent attached single-family dwellings, one percent manufactured dwellings in parks, and 40 percent multifamily dwellings.

Finding 14: The Housing in Non-Residential Areas code amendments maintain the existing mix of residential plan designations and do not reduce the supply of buildable residential land or change the net densities allowed in the zoning districts. The table below shows how the code amendments affect the densities and heights allowed in Springfield’s land use districts.:

<i>Income-Qualified Housing in:</i>	<i>Existing Code Density and Height</i>	<i>New Code Density and Height</i>
<i>Residential Districts under ORS 197A.445</i>	<i>R-1 District: 28 units per net acre max density/47 feet max height; R-2 District: 42 units per net acre max density/74 feet max height;</i>	<i>Not subject to change</i>

	<i>R-3 District: 63 units per net acre max density/no max building height.</i>	
<i>Nonresidential Districts under ORS 197A.445 including: PLO, NC, CC, MRC, GO, MS, MUC, BKMU, Glenwood CMU, or Glenwood OMU. Permitted in CI, LMI, MUE, or Glenwood EMU subject to certain standards.</i>	<i>Density and height limited only by existing standards in the applicable district (e.g., height, setbacks, lot coverage). Generally, there are no density standards in districts that don't currently allow housing outright.</i>	<i>Not subject to change</i>
<i>Commercial districts and in Mixed-Use Structures under House Bill 3395</i>	<i>Does not currently exist in the development code.</i>	<i>Commercial districts NC, CC, MRC, GO: 20 units per gross acre minimum; Mixed-use structures in CMU, Glenwood CMU and Glenwood OMU: 12 units per gross acre minimum. No Max density. For income-qualified housing in mixed-use structures, 10 percent of the total gross floor area must be in non-residential use if less than 20 units are provided.</i>

The amendments allow for residential development that exceeds the adopted net density ranges in the Springfield Comprehensive Plan (6-14 units/acre in Low Density Residential, 14-28 units/acre in Medium Density Residential, and 28-42 units/acre in High Density Residential). Because House Bill 3395 explicitly exempts cities from having to conduct a new economic analysis or comprehensive plan update to comply with these bills and a more holistic review of local plans, policies, and code will occur with upcoming work on Springfield's Housing Capacity Analysis and Housing Production Strategies, the code amendments are in conformance with the existing Comprehensive Plan. In accordance with OAR 660-008-0045, the City is scheduled to adopt comprehensive plan amendments by December 31, 2027, as part of the Housing Capacity Analysis required by ORS 197.296. At that time, these future amendments to the comprehensive plan will more fully incorporate the range of housing types and densities including the new options for conversion of commercial to residential and income-qualified housing, into the plan provisions and policies.

Policy H.3 - Support community-wide, district-wide and neighborhood-specific livability and redevelopment objectives and regional land use planning and transportation planning policies by locating higher density residential development and increasing the density of development near employment or commercial services, within transportation-efficient Mixed-Use Nodal Development centers and along corridors served by frequent transit service.

Finding 15: The Housing Opportunities in Non-Residential Areas code amendments permit

housing in places that previously did not allow residential development (commercial to residential building conversion, residential in commercial districts and in mixed-use structures, etc.) thereby locating residential development near employment and commercial services.

Policy H.5 - Develop additional incentives to encourage and facilitate development of high density housing in areas designated for Mixed Use Nodal Development.

Finding 16: The existing code already allows high density income-qualified housing in residential areas through density and height bonuses, while the amendments expand the definition of income-qualified housing to commercial areas and mixed-use structures outside of mixed-use development areas. Income-qualified housing is still permitted and supported in the existing mixed-use nodal development areas of the Glenwood Riverfront, Downtown, Mohawk, 30th & Main, and Riverbend/Gateway, as shown on the Springfield Comprehensive Plan Map.

Policy H.9 - Provide a broad range of quality accessible and affordable housing options for very low, low and moderate income residents. Affordable housing is defined as housing for which persons or families pay 30 percent or less of their gross income for housing, including necessary and essential utilities [Oregon Revised Statute 456.055].

Finding 17: The Housing Opportunities in Non-Residential Areas code amendments expand the locations where income-qualified housing can be developed in various non-residential land use districts Policy H.9 notes that across the United States, housing costs are considered “affordable” if the monthly rent or mortgage as stated above, is no more than 30% of gross household earnings. Income-qualified housing encompasses housing that is specifically for households making somewhere in the range of 0-120% of the area median income which would be affordable to households with very low, low and moderate incomes.

Policy H.11 - Continue to seek ways to update development standards to introduce a variety of housing options for all income levels in both existing neighborhoods and new residential areas that match the changing demographics and lifestyles of Springfield residents.

Finding 18: The code amendments align with the objectives of Policy H.11 by expanding income-qualified housing to various land use districts and enhancing the development feasibility of residential in commercial areas and in mixed-use structures through revised dimensional, density, and design standards. Allowing income-qualified housing as middle housing, multiple-unit housing, or in mixed-use structures, supports increasing housing variety within existing neighborhoods.

H.15 - Update residential development standards to enhance the quality and affordability of neighborhood infill development (e.g. partitions, duplex developments, transitional neighborhoods, rehab housing, accessory dwelling units) and multi-family development.

Finding 19: The Housing in Non-Residential Areas code amendments include updated residential development standards that enhance the affordability of multiple-unit housing both for income-qualified housing but also for conversion of commercial to residential. For further details, see the response to A.14 above.

Springfield Comprehensive Plan: Economic Element

E.22 - Plan, designate and zone land to allow community and neighborhood retail commercial uses in new, existing or expanded mixed use centers/nodes to address the land need for retail described in the Economic Opportunities Analysis; timing shall be coordinated with City refinement planning processes or through property-owner initiated proposals that are consistent with Springfield Comprehensive Plan policies.

Finding 20: House Bill 3395 explicitly exempts cities from having to conduct a new economic analysis or comprehensive plan update to comply with the new income-qualified housing options. A more holistic review of local plans, policies, and code will occur with upcoming work on Springfield's Housing Capacity Analysis and Housing Production Strategies, which will examine the City's housing needs, residential land that is buildable, and a variety of housing strategies to increase the production of needed housing.

Finding 21: The other amendments to SDC 4.7.100 for various districts will make the code more user-friendly by listing standards that apply to a district in one place instead of needing to reference another chapter of the code. These amendments are for clarification purposes and do not change the overall categories of uses that are permitted within the commercial, industrial, public land and open space, urbanizable fringe overlay, or Booth-Kelly Mixed-Use districts.

Conformance with Applicable State Statutes

Finding 22: ORS 197.610 requires local jurisdictions to submit proposed comprehensive plan or land use regulation changes to the Department of Land Conservation and Development (DLCD). Notice of the proposed amendments to the Springfield Development Code was provided to DLCD 35 days in advance of the Planning Commission public hearing in compliance with ORS 197.610 and ORS 197.620(3). Therefore, the amendments are consistent with the state statute.

Finding 23: ORS 197.307(4) requires that jurisdictions "may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing" and "may not discourage needed housing through unreasonable cost or delay". The amendments retain the existing clear and objective standards and procedures for single-unit dwellings, middle housing, and multiple-unit housing and the income-qualified housing uses that were implemented during Ordinance 6443 (for middle housing). However, the code amendments that comply with House Bills 3151 and 3395 expand opportunities for income-qualified housing to residential structures within commercial districts and in mixed-use structures. To reduce barriers to income-qualified housing, the amendments allow for the clear and objective tract but also the alternate discretionary review procedures for development that doesn't comply with the clear and objective standards. For multiple unit housing permitted in 4.7.375 through 4.7.385, a housing applicant has the option either to proceed under the clear and objective path or to seek approval under one or more discretionary review options, which "does not discourage needed housing through unreasonable cost or delay". The discretionary review procedures authorize density at the same density levels that are allowed under the clear and objective income-qualified criteria in 4.7.405, consistent with ORS 197.307(6)(c) and House Bill 4064.

Finding 24: The Oregon State Legislature passed House Bills 2984, 3151, and 3395 to expand opportunities for market rate housing and income-qualified housing within areas zoned for commercial use, subject to certain zoning and property ownership conditions. The amendments update the special standards section in SDC 4.7.370 for Income-Qualified Housing on Property Owned by Religious Nonprofits and in SDC 4.7.405 for Income-Qualified Housing and necessitate the creation of SDC 4.7.215 Conversion of Commercial to Residential. Sections 4.7.370 and 4.7.405 define the affordability and ownership requirements in the bills and the comparable residential density requirements for the allowed commercial uses in the subject district, while section 4.7.215 stipulates where conversion of commercial to residential does not apply. House Bill 3395 also established a density standard for single room occupancy (SRO), which requires that for the purposes of calculating density, 6 single room occupancy units is equal to 1 dwelling unit and that SRO units are permitted when “consistent with the density standards of a lot or parcel zoned to allow for the development of residential dwellings with five or more units.”

Finding 25: The Department of Land Conservation and Development neither developed guidance materials for the bills nor model codes for cities to prepare these code amendments. Therefore, the language for the approval criteria of income-qualified housing (House Bills 3151 and 3395) and conversion of commercial to residential (House Bill 2984) were drafted to be as close to the statutory language as possible.

CONCLUSION: Based on the findings above, the code amendments are consistent with applicable state statutes.

Conformance with Applicable State-wide Planning Goals and Administrative Rules

Statewide Planning Goal 1 – Citizen Involvement. To develop a citizen involvement program that provides the opportunity for citizens to be involved in all phases of the planning process.

Finding 26: Requirements under Goal 1 are met by adherence to the citizen involvement process required by the Metro Plan and implemented by the Springfield Development Code. As detailed above, a public outreach process occurred during the development code amendment process. The amendments are subject to the Type 4 legislative procedure, which requires public notification and public hearings before the Planning Commission and City Council. The procedure has been established by the City and determined to be consistent with the City’s acknowledged Citizen Involvement Program and Statewide Planning Goal 1. The public hearing notice and hearings before the Planning Commission and City Council/Board of County Commissioners are recognized as opportunities for citizen participation.

Therefore, the amendments are in compliance with Goal 1.

Statewide Planning Goal 2 – Land Use Planning. To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual basis for such decisions and actions.

Finding 27: This goal outlines the land use planning process and policy framework. The Metro Plan, Springfield Comprehensive Plan, and Springfield Development Code have been acknowledged by DLCD as being consistent with the Statewide Planning Goals. The City has followed the land use planning process and policy framework established in the City's acknowledged comprehensive plan elements and Springfield Development Code as a basis for all decision and actions related to the use of land and to assure an adequate basis for such decisions and actions. The Housing in Non-Residential Areas code amendments will be adopted by the City Council and Lane County Board of County Commissioners after the June 10, 2024 Public Hearing. Opportunities have been provided for review and comment by citizens and local governments.

Finding 28: Statewide Planning Goal 2 Guideline E states:

"Minor changes, i.e., those which do not have significant effect beyond the immediate area of the change, should be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change should be established. Minor changes should not be made more frequently than once a year, if at all possible."

Finding 29: While the Statewide Planning Goal Guidelines are not mandatory provisions, the code updates are consistent with the direction provided in Guideline E, for the following reasons:

- These amendments will help to increase the diversity of housing opportunities, not just for income-qualified housing, but also in underutilized commercial areas, which would help to meet Springfield's housing needs. The Housing Opportunities in Non-Residential Areas code amendments originate from adoption of House Bills 2984, 3151, and 3395; therefore, Springfield is justified in providing the aforementioned changes to the Springfield Development Code to comply with state law. This is consistent with Goal 2.
- The other aspects of the code updates, amending the development code for SDC 4.7.100 for various districts; SDC 4.7.375 through SDC 4.7.385 for Architectural Design and multiple unit housing; and SDC 5.15.110 Minimum Development Standards and SDC 5.17.110 for Site Plan Review for multiple unit housing, are consistent with Guideline E in Goal 2. This project is a continuation of work related to a larger Springfield Development Code Update project that has been ongoing since 2018 involving a phased plan to update the entire Springfield Development Code. Updating the Development Code to support efficient, timely, and clear development review is part of Springfield's Housing Strategy.

Therefore, the amendments are in compliance with Goal 2.

Statewide Planning Goal 3 – Agricultural Lands. To preserve agricultural lands.

Finding 30: The amendments are for property located within the urban growth boundary of Springfield and do not affect any land designated for agricultural use. Therefore, Goal 3 does not apply.

Statewide Planning Goal 4 – Forest Lands. To conserve forest lands.

Finding 31: The amendments are for property located within the urban growth boundary of Springfield and do not affect any land designated for forest use. Therefore, Goal 4 does not apply.

Statewide Planning Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources. To conserve open space and protect natural and scenic resources.

Finding 32: The Springfield Development Code is currently acknowledged to be in compliance with Statewide Planning Goal 5. Pursuant to OAR 660-023-0250(3) local governments are not required to apply Goal 5 in consideration of an amendment unless the amendment affects a Goal 5 resource. The amendment would only affect the resource if it: creates or amends a resource list or portion of an acknowledged plan that protects or addresses specific requirements of a Goal 5; allows new uses that could conflict with a Goal 5 resource; or the amendment affects an acknowledged UGB and information is submitted demonstrating that a resource site is included in the amended UGB area.

Finding 33: The amendments do not create or amend the City's list of Goal 5 resources, do not allow new uses that could conflict with a Goal 5 resource, and do not amend the acknowledged UGB. Furthermore, the provisions for income-qualified housing allowed under ORS 197A.445 and House Bill 3395 prohibit the development of income-qualified housing within the development setbacks for locally significant wetlands and riparian areas.

Therefore, the amendments are in compliance with Goal 5.

Statewide Planning Goal 6 – Air, Water and Land Resources Quality. To maintain and improve the quality of the air, water and land resources of the state.

Finding 34: Goal 6 addresses waste and discharges from development and is aimed at protecting air, water and land from impacts from those discharges. This goal requires local comprehensive plans to consider all waste and process discharges from urban and rural residential use and their carrying capacity. House Bills 2984 and 3395 which allow conversion of commercial to residential and income-qualified housing in commercial districts and in mixed-use structures provided they meet the area median income thresholds shown in the code, must be adequately served by water, sewer, storm water drainage, or streets at the time the development is complete. There is an amendment to the code to clarify that all new development, redevelopment, additions, expansions, or changes of use on property that are within 150 of a Water Quality Limited Watercourse (WQLW) or 100 feet of a tributary of a WQLW require a Site Plan Review application in conformance with SDC 5.17.110. The current code is ambiguous whether site plan review applies to all development in these areas, or only additions, expansions, or changes or use. However, this amendment does not change the substance of any code requirement or standard that applies to WQLWs; it simply requires all development to submit a land use application and go through the review process when a property contains a WQLW. Therefore, the amendments do not authorize any new development or increase intensity of development in a way that threatens to violate state or federal regulations.

STAFF REPORT

TYPE IV – LEGISLATIVE AMENDMENTS TO THE SPRINGFIELD DEVELOPMENT CODE

CASE NUMBER: 811-24-000025-TYP4
PLANNING COMMISSION HEARING DATE: April 2, 2024
COUNCIL AND BOARD JOINT HEARING DATE: June 10, 2024
REPORT DATE: April 3, 2024
PROJECT NAME: Springfield Development Code Amendments: Housing Opportunities in Non-Residential Areas
AFFECTED AREA: All properties within the City of Springfield Urban Growth Boundary

I. NATURE OF THE REQUEST

The City of Springfield and Lane County seek approval of amendments to the Springfield Development Code (SDC) to comply with recent state legislation that allows and encourages the development of income-qualified housing (SDC 4.7.370 Income-Qualified Housing on Property Owned by Religious Nonprofits and SDC 4.7.405 Income-Qualified Housing) and commercial to residential building conversions (SDC 4.7.215 Conversion from Commercial to Residential Use). The City is also using this opportunity to make other changes to the code for clarity and ease of use including: significant changes to SDC 4.7.100 for various districts; changes to SDC 4.7.375 through SDC 4.7.385 for Architectural Design and multiple unit housing; changes to SDC 5.15.110 Minimum Development Standards and SDC 5.17.110 for Site Plan Review for multiple unit housing; and changes to SDC 6.1.110 Definitions.

II. BACKGROUND

This project is a continuation of work related to a larger Springfield Development Code Update project that has been ongoing since 2018 involving a phased plan to update the entire Springfield Development Code. Updating the Development Code to support efficient, timely, and clear development review is part of Springfield's Housing Strategy. This work would amend income-qualified housing-related code sections. In 2023, the Oregon Legislature made efforts to address the state's housing crisis with new laws and \$1.2 billion in additional spending on housing and homelessness. On any given night in 2022, at least 18,000 Oregonians were homeless and State analysts predict Oregon needs to build at least 500,000 homes over the next two decades to keep up with demand. The Legislature passed several bills that have prompted the following Housing Opportunities in Non-Residential Areas Amendments to the Springfield Development Code (SDC):

House Bill 2984 – Commercial to Residential Building Conversions
(effective January 1, 2024)

House Bill 2984 requires local governments to allow conversion of a building from commercial to residential use without requiring a zone change or conditional use permit, as long as the land is not zoned to allow for industrial uses.

House Bill 3151 – Manufactured Dwelling Parks on Non-Residential Lands
(effective January 1, 2024)

Manufactured housing makes up eight percent of Oregon's total housing and 16 percent of the affordable housing stock (according to American Community Survey data collected between

2013-2017). That's why House Bill 3151's major impact on Springfield is to allow manufactured dwelling parks serving households with incomes of 120 percent or less of area median income (AMI), to be added to the bill's definition of "affordable housing". The bill also adds property owned by a housing authority, manufactured dwelling park nonprofit cooperative, or nonprofit corporation organized as a public benefit corporation whose primary purpose is the development of affordable housing, to the list of properties where local government is required to allow "affordable housing". This will result in changes to SDC 4.7.405, which allows for the development of income-qualified housing on non-residential lands if certain conditions are met.

House Bill 3395 –Residential Use of Commercial Lands
(effective June 30, 2023)

House Bill 3395 allows housing within commercial land use districts if it is affordable to households with incomes of 60 percent AMI or less, or for mixed-use structures with ground floor commercial with residential units that are affordable to moderate income (80-120% AMI) households. The bill requires cities to apply the residential density level most comparable to the commercial density currently allowed in the land use district. The bill explicitly exempts cities from having to conduct a new economic analysis or comprehensive plan update; however, cities may still wish to consider the impact to employment lands availability and accommodate these impacts at a later date.

The City is also making ongoing updates to the City's Development Code to address changes to the code for clarity and ease of use as time and resources allow. This set of amendments include: SDC 4.7.100 for various districts, changes to SDC 4.7.375 through SDC 4.7.385 for Architectural Design and multiple unit housing, changes to SDC 5.15.110 Minimum Development Standards and SDC 5.17.110 for Site Plan Review for multiple unit housing, and changes to SDC 6.1.110 Definitions.

The project objectives are to:

- 1) Ensure the City is complying with state law by amending the Springfield Development Code to:
 - a. Expand opportunities for residential development in commercial areas by allowing income-qualified housing on lands zoned for commercial uses and allowing conversion of a building from commercial to residential use.
 - b. Allow manufactured dwelling parks serving households with incomes of 120 percent AMI or less on certain non-residential lands.
- 2) Change the use of the term "affordable housing" to "income-qualified housing" in the Springfield Development Code. Clarify and improve integration of income-qualified housing-related language throughout applicable code sections (e.g., within use tables and cross reference appropriately, remove redundancy, update terms and definitions).
- 3) Identify opportunities to address other Springfield Development Code barriers to income-qualified housing, multiple-unit housing, and specific development standards in SDC 4.7.100 beyond compliance with recent legislation if the code changes are consistent with current local adopted policies and Springfield's Housing Strategy.

(Note: More comprehensive policy and code changes related to housing may occur with upcoming work on Springfield's Housing Capacity Analysis and Housing Production Strategies.)

III. SITE INFORMATION

The amendments are not site-specific; they apply to a large area and a large number of properties. Affected properties are those within the City of Springfield's Urban Growth Boundary (UGB) that propose the development of income-qualified housing as defined in the code, multiple unit housing, or various uses previously defined in SDC 4.7.100.

IV. PROCEDURAL REQUIREMENTS AND CITIZEN INVOLVEMENT

Under SDC 5.6.110, legislative amendments of the Development Code text are reviewed under a Type 4 procedure. Type 4 procedures, as defined in SDC 5.1.600, require a review and recommendation by the Planning Commission and adoption of an ordinance by the City Council.

The code amendments include changes that apply within the urbanizable areas that are between the city limits and the Springfield UGB. The code updates are subject to provisions of the City of Springfield and Lane County's urban transition agreement, which requires the City and County to jointly develop land use regulations to be applied to the urbanizable portion of the Springfield UGB. Article IV, Section 3 of the urban transition agreement allows the Springfield Planning Commission to exercise legislative land use authority otherwise belonging to the Lane County Planning Commission for the urbanizable portion of the Springfield UGB. Therefore, a joint Planning Commission hearing between Springfield and Lane County is not required for these code amendments. The Springfield Planning Commission held a public hearing for the purpose of developing their recommendation to the Springfield City Council on April 2, 2024. The City Council and Board of County Commissioners will hold a joint public hearing to co-adopt the regulations applicable to the urbanizable area. The Director for the City of Springfield initiated these development code amendments as is allowed under SDC 5.6.105(B).

In accordance with the City of Springfield Citizen Involvement Program, the Committee for Citizen Involvement (CCI) reviewed and approved a Community Involvement Strategy for this proposal on December 5, 2023. Per this strategy the City has completed the following:

- In February 2024, created a project page on Springfield Oregon Speaks with links to the Development Code Updates webpage on the City of Springfield website. The webpages provided opportunities for the public to view key messages or relevant resources and provide input.
- Emailed notice of the proposed amendments, public workshops, and Planning Commission Hearing on April 2, 2024 to stakeholder groups including development professionals (developers, builders, landscape architects, engineers, realtors, the Springfield Board of Realtors and Lane County Home Builders Association) and affordable housing providers who expressed an interest in being notified of future code amendments (following the 2022 Development Code Update Project) per the Citizen Involvement Strategy on February 15, 2024.
- As required by SDC 5.1.615(E), provided agency referrals to the Development Review Committee regarding the proposed amendments via email on February 15, 2024.
- Emailed notice of the workshops on February 21, 2024, to members of the Springfield Housing Newsletter's Interested Parties list.
- Submitted notice of the proposed amendments to the Department of Land Conservation and Development (DLCDD) on February 27, 2024, 35 days in advance of the first evidentiary hearing as required by ORS 197.610(1) and OAR 660-018-0020.

- Held two public workshops to convey the main points of the project to development professionals on February 28 and February 29, 2024.
- Published notice of the proposed amendments and Springfield Planning Commission public hearing in *The Chronicle* on March 7, 2024 as required by SDC 5.1.615.
- Public noticed of the joint Springfield City Council and Lane County Board of County Commissioners public hearing in *The Chronicle* on X date, 2024 as required by SDC 5.1.615, and in *The Register Guard* on X date as required by Lane Code 14.060 for legislative actions.
- Posted notice of the proposed amendments and the dates of the public hearings on the City of Springfield website and in Springfield City Hall which routinely posts public hearing notices.

As of the date of this staff report, staff received one public comment from Phil Farrington, with CDC Management Corp, expressing support for the proposed code amendments and suggesting one additional amendment to the code. See Attachment 7 (Public Comments Received) of the June 10, 2024 joint Council and Board meeting materials. The amendment proposed would only apply the ground floor commercial requirement in the Mixed-Use Commercial district to buildings fronting an arterial street, rather than applying the requirement to the entire district. This suggestion intends to allow opportunities for more residential development, not just income-qualified housing, in the Mixed-Use Commercial district while maintaining the ground floor commercial requirement on busier streets to promote an active pedestrian environment.

Staff do not recommend including this suggested change as part of these proposed code amendments. Springfield Development Code (SDC) 3.2.630 establishes mixed-use development standards and subsection (A)(1) is about the “Preservation of the Commercial Land Supply” in the Mixed-Use Commercial District. Staff would need to analyze the potential implications of the amendment on the commercial buildable lands inventory if it would no longer have a commercial requirement in some areas of the Mixed-Use Commercial district. Staff also noted that the idea of how and where to require ground floor commercial uses in mixed use districts will be explored with upcoming work to comprehensively review and amend the City’s mixed use districts with support from consultants funded and managed by the Department of Land Conservation and Development.

For this request, the Springfield Planning Commission will make a recommendation to the Springfield City Council. Per the urban transition agreement and SDC 5.1.625, development code amendments which impact areas outside the city limits must be co-adopted by the Lane County Board of County Commissioners in order to apply to urbanizable areas within the Springfield UGB. Decisions of the Springfield City Council and Lane County Board of County Commissioners may be appealed to the Oregon Land Use Board of Appeals within 21 calendar days of the date the decision becomes final as specified in ORS 197.830 (SDC 5.1.630(F)).

V. APPROVAL CRITERIA & FINDINGS

The request is subject to approval criteria in SDC 5.6.115, which covers adoption or amendment of refinement plans, plan districts and the development code. The following approval criteria are listed under SDC 5.6.115:

(A) *In reaching a decision on the adoption or amendment of refinement plans and this code's text, the City Council shall adopt findings that demonstrate conformance to the following:*

- (1)** *The Metro Plan and Springfield Comprehensive Plan;*
- (2)** *Applicable State statutes; and*
- (3)** *Applicable State-wide Planning Goals and Administrative Rules.*

(B) *Applications specified in SDC 5.6.105 may require co-adoption by the Lane County Board of Commissioners.*

Findings showing that the proposed amendments to the development code meet the applicable criteria of approval appear in regular text below. Direct citations or summaries of criteria appear in ***bold italics*** and precede or are contained within the relevant findings.

Conformance with the Metro Plan and Springfield Comprehensive Plan

The adopted Eugene-Springfield Metropolitan Area General Plan (Metro Plan) and Springfield Comprehensive Plan are the acknowledged long-range plans that provide the broad framework for land use planning within the City of Springfield's UGB. The policies of the Springfield Comprehensive Plan – Residential Land Use and Housing Element are intended to refine, update, and support (as opposed to replace) the goals, objectives and policies of the Metro Plan's Residential Land Use and Housing Element. The Springfield Comprehensive Plan – Economic and Urbanization Elements replace the applicable sections of the Metro Plan pertaining to employment lands and urbanizable lands. The Springfield Comprehensive Plan's Land Use Element replaces the Metro Plan Diagram Chapter II-G of the Metro Plan.

The Metro Plan and Springfield Comprehensive Plan contain topics or "elements." Each element contains goals and policies that will guide Springfield's growth and development through the 2010-2030 planning period.

The Housing Opportunities in Non-Residential Areas code amendments are consistent with the following Metro Plan policies:

Metro Plan A. Metropolitan Residential Land Use and Housing Element

A.3 Provide an adequate supply of buildable residential land within the UGB for the 20-year planning period at the time of Periodic Review.

Finding 1: The City's 2011 Residential Land and Housing Needs Analysis serves as its housing needs analysis and buildable lands inventory under Goal 10 and provides evidence that the Springfield UGB has sufficient buildable land to meet identified housing needs during the 20-year period. Increasing opportunities to convert commercial uses to residential, build income-qualified housing in various districts, and clarify the multiple-unit housing standards, supports the City's ability to meet and provide an adequate supply of residential buildable land within the UGB for the 20-year planning period.

A.10 *Promote higher residential density inside the UGB that utilizes existing infrastructure, improves the efficiency of public services and facilities, and conserves rural resource lands outside the UGB.*

Finding 2: The Housing Opportunities in Non-Residential Areas code amendments expand opportunities for housing in land use districts previously intended only for commercial use outside of mixed-use areas and allows more development of income-qualified housing in commercial districts and in mixed-use structures. In doing so, a significant amount of land previously restricted to nonresidential uses within the UGB is now available for market rate and income-qualified housing. These developments will allow more housing opportunities and higher residential densities in various districts. Allowing the conversion of commercial buildings to residential uses utilizes existing infrastructure which conserves rural resource lands outside of the UGB and improves the efficiency of public services by allowing new housing where development already exists.

A.11 *Generally locate higher density residential development near employment or commercial services, in proximity to major transportation systems or within transportation-efficient nodes.*

Finding 3: The House Bills expand opportunities to develop market-rate housing in commercial districts and income-qualified housing in employment and commercial districts many of which are along major transportation routes or existing transportation-efficient nodes. This “mix of uses” is an important strategy for reducing the community’s reliance on the automobile, lowering transportation costs, and reducing our community’s greenhouse gas emissions. In addition, neighborhoods that are more walkable and where residents are near employment and commercial services, help residents save money and improve access to daily needs.

A.13 *Increase overall residential density in the metropolitan area by creating more opportunities for effectively designed in-fill, redevelopment, and mixed use while considering impacts of increased residential density on historic, existing and future neighborhoods.*

Finding 4: The Housing Opportunities in Non-Residential Areas code amendments permit higher-density housing in existing employment and commercial neighborhoods that were previously limited to nonresidential uses and clarify some of the multiple-unit housing standards in SDC 4.7.375 through 4.7.385. Additions, expansions, redevelopment, or infill in these “mixed-use neighborhoods” are characterized by a vibrant mix of commercial and residential uses where a higher concentration of people can access existing sidewalks, bike lanes, and bus routes that support a variety of transportation options and are already scaled for compatibility with nonresidential services through the existing architectural, clear and objective, and discretionary use standards (Though some of these standards will be amended with this project; see response to A.14 below). Historic design standards apply to all projects within the Historic Overlay District to address the potential impacts of residential density resulting from these Housing in Non-Residential Areas code amendments.

A.14 *Review local zoning and development regulations periodically to remove barriers to higher density housing and to make provision for a full range of housing options.*

Finding 5: The Housing in Non-Residential Areas code amendments were developed from review of the existing code against House Bills 2984, 3151, and 3395 to remove barriers to commercial to residential building conversions and income-qualified housing. However, amendments to the multiple-unit housing standards also occurred for consistency and clarity across the code in:

- SDC 4.7.375 to move the discretionary building form and orientation standards from 4.7.385 Multiple Unit Housing (Discretionary Option) to this section to match the existing clear and objective building form and orientation standards;
- SDC 4.7.380 to remove the reference to ‘Development Standards for Multiple Unit Housing Developments in the R-2 and R-3 Districts’ as multiple unit housing is allowed in other districts besides R-2 and R-3;
- SDC 5.15.110 for Minimum Development Standards (MDS) so that MDS applications do not apply to new multiple-unit housing development. A Site Plan Review or multiple-unit housing review in SDC 4.7.380 would apply; and
- SDC 5.17.110 for Site Plan Review. The intent of the amendment is to clarify when Site Plan Review is required—when an addition, expansion, or change of use is for a nonresidential use, in a land use district that is not residential, and located within 50 feet of a residential land use district or residentially designated land.

For all these reasons, the amendments remove barriers to higher density housing, resulting in a fuller range of housing options in various districts (residential, commercial, industrial, etc.).

A.17 Provide opportunities for a full range of choice in housing type, density, size, cost, and location.

Finding 6: The Housing Opportunities in Non-Residential Areas code amendments increase housing types permitted in various districts, resulting in a fuller range of choices in housing type and location, especially for income-qualified and market-rate development. The code does not currently have density standards in many districts that don’t currently allow housing outright, so development is limited by existing standards in the applicable district (e.g., height, setbacks, lot coverage, etc.). Permitting commercial to residential building conversion and some income-qualified housing without changing the existing density and size requirements in those districts allows for a greater range of housing densities and sizes.

Finding 7: There are several factors that affect the cost of income-qualified housing development, but a big factor is developers’ reliance on federal Low Income Housing Tax Credits (LIHTC) – the major source of funding for low-income housing. The tradeoff of this tax credit is that it leads to higher costs of development to limit risk to private sector partners, but also creates high quality, attractive and durable housing. The amendments to the code increase the number of properties eligible for the development of income-qualified housing expanding the locations available for income-qualified housing. The code amendments that allow for commercial to residential building conversions also expand the locations available for market-rate housing.

A.20 Encourage home ownership of all housing types, particularly for low-income households.

Finding 8: The Housing Opportunities in Non-Residential Areas code amendments do not directly support homeownership programs for income qualified homeowners. However, the

amendments are projected to increase the variety of smaller and less expensive home ownership options relative to detached single-unit dwellings, by allowing not only income-qualified housing in various districts but also middle housing proposed as income-qualified housing in districts where it is otherwise prohibited. Middle housing projects are reviewed as a Type 1 procedure which further expedites the approval process and permitting affordability (a Type 1 determination is made by the Director without public notice or a hearing).

A.22 Expand opportunities for a mix of uses in newly developing areas and existing neighborhoods through local zoning and development regulations.

Finding 9: The amendments to the code's zoning and development regulations are necessitated by House Bill 2984 and 3395, which expand opportunities for a mix of uses by permitting commercial to residential building conversion and income-qualified housing in commercial districts and in mixed-use structures.

A.28 Seek to maintain and increase the supply of rental housing and increase home ownership options for low- and very low-income households by providing economic and other incentives, such as density bonuses, to developers that agree to provide needed below-market and service-enhanced housing in the community.

Finding 10: The amendments do not change code that was implemented during Ordinance 6443 (for middle housing) that allows density and height bonuses for income-qualified housing in residential districts. House Bills 3151 and 3395 add the affordability options for income-qualified housing to include (1) a manufactured dwelling park that serves populations within incomes of 120% of the area median income (AMI) within the definition of income-qualified housing; (2) residential structures within commercial districts where each unit is affordable to a household with income less than or equal to 60% of the AMI; and (3) mixed-use structures in commercial districts with ground floor commercial units and residential units that are affordable to moderate-income households (80-120% AMI), as defined in ORS 456.270. These economic incentives will help expand opportunities where developers can provide below-market and serviced-enhanced housing in the community.

Finding 11: Moreover, House Bill 3395 requires cities to apply the most comparable residential density for income-qualified housing to the allowed commercial uses in the subject district. By applying comparable density, dimensional, and design standards from the residential districts to the commercial districts, the amendments can reduce regulatory barriers to income-qualified housing development in those areas and increase the supply of rental housing and homeownership for low-income households. House Bill 2984 for commercial to residential building conversion also increases the supply of rental and home ownership options by expanding the areas where income-qualified housing can be built and incentivizing changes of use for underutilized commercial properties.

A.30 Balance the need to provide a sufficient amount of land to accommodate affordable housing with the community's goals to maintain a compact urban form.

Finding 12: As discussed above, House Bills 2984, 3151, and 3395 were passed by the 2023 legislature to address the state's housing crisis. By providing housing in land use districts previously intended only for nonresidential uses, the market determines the supply and demand

of “affordable housing” in the UGB. In doing so, a significant amount of land previously restricted to these nonresidential uses within the UGB is now available for income-qualified housing without needing to expand the urban growth boundary.

A.33 Consider local zoning and development regulations impact on the cost of housing.

Finding 13: The Housing Opportunities in Non-Residential Areas code amendments expand allowances for income-qualified housing in various districts (and at greater densities) in the commercial and mixed-use commercial districts than under the current code. To comply with House Bill 3395, the code applies minimum density for housing in commercial districts (20 units per gross acre) and in mixed-use structures (12 units per gross acre) consistent with the Mixed-Use Residential (MUR) Standards in SDC 3.2.630(C)(2), but does not apply a maximum density for residential. By applying the MUR standards instead of the Mixed-Use Commercial (MUC) standards, there are fewer floorspace requirements for commercial uses in mixed-use income-qualified housing structures. (The MUC district currently requires a minimum of 60 percent of the ground floor area within a new building be dedicated to commercial uses while the proposed code for income-qualified housing would require 10 percent of the total gross floor area be in non-residential use if less than 20 units are provided in a mixed-use structure.) Furthermore, the code updates now allow both a Type 1 clear and objective review or a Type 2 or Type 3 discretionary review for income-qualified housing where the code previously only allowed Type 1, thus reducing design limitations on all types of income-qualified development review.

Springfield Comprehensive Plan: Residential Land Use & Housing Element

Policy H.1 - Based on the findings in the RLHNA and to accommodate projected growth between 2010 and 2030, Springfield has designated sufficient buildable residential land (a) for at least 5,920 new dwelling units at an estimated density of at least 7.9 units per net buildable acre; and (b) to accommodate a new dwelling mix of approximately 52 percent detached single family dwellings (including manufactured dwellings on individual lots), seven percent attached single-family dwellings, one percent manufactured dwellings in parks, and 40 percent multifamily dwellings.

Finding 14: The Housing in Non-Residential Areas code amendments maintain the existing mix of residential plan designations and do not reduce the supply of buildable residential land or change the net densities allowed in the zoning districts. The table below shows how the code amendments affect the densities and heights allowed in Springfield’s land use districts.:

<i>Income-Qualified Housing in:</i>	<i>Existing Code Density and Height</i>	<i>New Code Density and Height</i>
<i>Residential Districts under ORS 197A.445</i>	<i>R-1 District: 28 units per net acre max density/47 feet max height; R-2 District: 42 units per net acre max density/74 feet max height;</i>	<i>Not subject to change</i>

	<i>R-3 District: 63 units per net acre max density/no max building height.</i>	
<i>Nonresidential Districts under ORS 197A.445 including: PLO, NC, CC, MRC, GO, MS, MUC, BKMU, Glenwood CMU, or Glenwood OMU. Permitted in CI, LMI, MUE, or Glenwood EMU subject to certain standards.</i>	<i>Density and height limited only by existing standards in the applicable district (e.g., height, setbacks, lot coverage). Generally, there are no density standards in districts that don't currently allow housing outright.</i>	<i>Not subject to change</i>
<i>Commercial districts and in Mixed-Use Structures under House Bill 3395</i>	<i>Does not currently exist in the development code.</i>	<i>Commercial districts NC, CC, MRC, GO: 20 units per gross acre minimum; Mixed-use structures in CMU, Glenwood CMU and Glenwood OMU: 12 units per gross acre minimum. No Max density. For income-qualified housing in mixed-use structures, 10 percent of the total gross floor area must be in non-residential use if less than 20 units are provided.</i>

The amendments allow for residential development that exceeds the adopted net density ranges in the Springfield Comprehensive Plan (6-14 units/acre in Low Density Residential, 14-28 units/acre in Medium Density Residential, and 28-42 units/acre in High Density Residential). Because House Bill 3395 explicitly exempts cities from having to conduct a new economic analysis or comprehensive plan update to comply with these bills and a more holistic review of local plans, policies, and code will occur with upcoming work on Springfield's Housing Capacity Analysis and Housing Production Strategies, the code amendments are in conformance with the existing Comprehensive Plan. In accordance with OAR 660-008-0045, the City is scheduled to adopt comprehensive plan amendments by December 31, 2027, as part of the Housing Capacity Analysis required by ORS 197.296. At that time, these future amendments to the comprehensive plan will more fully incorporate the range of housing types and densities including the new options for conversion of commercial to residential and income-qualified housing, into the plan provisions and policies.

Policy H.3 - Support community-wide, district-wide and neighborhood-specific livability and redevelopment objectives and regional land use planning and transportation planning policies by locating higher density residential development and increasing the density of development near employment or commercial services, within transportation-efficient Mixed-Use Nodal Development centers and along corridors served by frequent transit service.

Finding 15: The Housing Opportunities in Non-Residential Areas code amendments permit

housing in places that previously did not allow residential development (commercial to residential building conversion, residential in commercial districts and in mixed-use structures, etc.) thereby locating residential development near employment and commercial services.

Policy H.5 - Develop additional incentives to encourage and facilitate development of high density housing in areas designated for Mixed Use Nodal Development.

Finding 16: The existing code already allows high density income-qualified housing in residential areas through density and height bonuses, while the amendments expand the definition of income-qualified housing to commercial areas and mixed-use structures outside of mixed-use development areas. Income-qualified housing is still permitted and supported in the existing mixed-use nodal development areas of the Glenwood Riverfront, Downtown, Mohawk, 30th & Main, and Riverbend/Gateway, as shown on the Springfield Comprehensive Plan Map.

Policy H.9 - Provide a broad range of quality accessible and affordable housing options for very low, low and moderate income residents. Affordable housing is defined as housing for which persons or families pay 30 percent or less of their gross income for housing, including necessary and essential utilities [Oregon Revised Statute 456.055].

Finding 17: The Housing Opportunities in Non-Residential Areas code amendments expand the locations where income-qualified housing can be developed in various non-residential land use districts Policy H.9 notes that across the United States, housing costs are considered “affordable” if the monthly rent or mortgage as stated above, is no more than 30% of gross household earnings. Income-qualified housing encompasses housing that is specifically for households making somewhere in the range of 0-120% of the area median income which would be affordable to households with very low, low and moderate incomes.

Policy H.11 - Continue to seek ways to update development standards to introduce a variety of housing options for all income levels in both existing neighborhoods and new residential areas that match the changing demographics and lifestyles of Springfield residents.

Finding 18: The code amendments align with the objectives of Policy H.11 by expanding income-qualified housing to various land use districts and enhancing the development feasibility of residential in commercial areas and in mixed-use structures through revised dimensional, density, and design standards. Allowing income-qualified housing as middle housing, multiple-unit housing, or in mixed-use structures, supports increasing housing variety within existing neighborhoods.

H.15 - Update residential development standards to enhance the quality and affordability of neighborhood infill development (e.g. partitions, duplex developments, transitional neighborhoods, rehab housing, accessory dwelling units) and multi-family development.

Finding 19: The Housing in Non-Residential Areas code amendments include updated residential development standards that enhance the affordability of multiple-unit housing both for income-qualified housing but also for conversion of commercial to residential. For further details, see the response to A.14 above.

Springfield Comprehensive Plan: Economic Element

E.22 - Plan, designate and zone land to allow community and neighborhood retail commercial uses in new, existing or expanded mixed use centers/nodes to address the land need for retail described in the Economic Opportunities Analysis; timing shall be coordinated with City refinement planning processes or through property-owner initiated proposals that are consistent with Springfield Comprehensive Plan policies.

Finding 20: House Bill 3395 explicitly exempts cities from having to conduct a new economic analysis or comprehensive plan update to comply with the new income-qualified housing options. A more holistic review of local plans, policies, and code will occur with upcoming work on Springfield's Housing Capacity Analysis and Housing Production Strategies, which will examine the City's housing needs, residential land that is buildable, and a variety of housing strategies to increase the production of needed housing.

Finding 21: The other amendments to SDC 4.7.100 for various districts will make the code more user-friendly by listing standards that apply to a district in one place instead of needing to reference another chapter of the code. These amendments are for clarification purposes and do not change the overall categories of uses that are permitted within the commercial, industrial, public land and open space, urbanizable fringe overlay, or Booth-Kelly Mixed-Use districts.

Conformance with Applicable State Statutes

Finding 22: ORS 197.610 requires local jurisdictions to submit proposed comprehensive plan or land use regulation changes to the Department of Land Conservation and Development (DLCD). Notice of the proposed amendments to the Springfield Development Code was provided to DLCD 35 days in advance of the Planning Commission public hearing in compliance with ORS 197.610 and ORS 197.620(3). Therefore, the amendments are consistent with the state statute.

Finding 23: ORS 197.307(4) requires that jurisdictions "may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing" and "may not discourage needed housing through unreasonable cost or delay". The amendments retain the existing clear and objective standards and procedures for single-unit dwellings, middle housing, and multiple-unit housing and the income-qualified housing uses that were implemented during Ordinance 6443 (for middle housing). However, the code amendments that comply with House Bills 3151 and 3395 expand opportunities for income-qualified housing to residential structures within commercial districts and in mixed-use structures. To reduce barriers to income-qualified housing, the amendments allow for the clear and objective tract but also the alternate discretionary review procedures for development that doesn't comply with the clear and objective standards. For multiple unit housing permitted in 4.7.375 through 4.7.385, a housing applicant has the option either to proceed under the clear and objective path or to seek approval under one or more discretionary review options, which "does not discourage needed housing through unreasonable cost or delay". The discretionary review procedures authorize density at the same density levels that are allowed under the clear and objective income-qualified criteria in 4.7.405, consistent with ORS 197.307(6)(c) and House Bill 4064.

Finding 24: The Oregon State Legislature passed House Bills 2984, 3151, and 3395 to expand opportunities for market rate housing and income-qualified housing within areas zoned for commercial use, subject to certain zoning and property ownership conditions. The amendments update the special standards section in SDC 4.7.370 for Income-Qualified Housing on Property Owned by Religious Nonprofits and in SDC 4.7.405 for Income-Qualified Housing and necessitate the creation of SDC 4.7.215 Conversion of Commercial to Residential. Sections 4.7.370 and 4.7.405 define the affordability and ownership requirements in the bills and the comparable residential density requirements for the allowed commercial uses in the subject district, while section 4.7.215 stipulates where conversion of commercial to residential does not apply. House Bill 3395 also established a density standard for single room occupancy (SRO), which requires that for the purposes of calculating density, 6 single room occupancy units is equal to 1 dwelling unit and that SRO units are permitted when “consistent with the density standards of a lot or parcel zoned to allow for the development of residential dwellings with five or more units.”

Finding 25: The Department of Land Conservation and Development neither developed guidance materials for the bills nor model codes for cities to prepare these code amendments. Therefore, the language for the approval criteria of income-qualified housing (House Bills 3151 and 3395) and conversion of commercial to residential (House Bill 2984) were drafted to be as close to the statutory language as possible.

CONCLUSION: Based on the findings above, the code amendments are consistent with applicable state statutes.

Conformance with Applicable State-wide Planning Goals and Administrative Rules

Statewide Planning Goal 1 – Citizen Involvement. To develop a citizen involvement program that provides the opportunity for citizens to be involved in all phases of the planning process.

Finding 26: Requirements under Goal 1 are met by adherence to the citizen involvement process required by the Metro Plan and implemented by the Springfield Development Code. As detailed above, a public outreach process occurred during the development code amendment process. The amendments are subject to the Type 4 legislative procedure, which requires public notification and public hearings before the Planning Commission and City Council. The procedure has been established by the City and determined to be consistent with the City’s acknowledged Citizen Involvement Program and Statewide Planning Goal 1. The public hearing notice and hearings before the Planning Commission and City Council/Board of County Commissioners are recognized as opportunities for citizen participation.

Therefore, the amendments are in compliance with Goal 1.

Statewide Planning Goal 2 – Land Use Planning. To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual basis for such decisions and actions.

Finding 27: This goal outlines the land use planning process and policy framework. The Metro Plan, Springfield Comprehensive Plan, and Springfield Development Code have been acknowledged by DLCD as being consistent with the Statewide Planning Goals. The City has followed the land use planning process and policy framework established in the City's acknowledged comprehensive plan elements and Springfield Development Code as a basis for all decision and actions related to the use of land and to assure an adequate basis for such decisions and actions. The Housing in Non-Residential Areas code amendments will be adopted by the City Council and Lane County Board of County Commissioners after the June 10, 2024 Public Hearing. Opportunities have been provided for review and comment by citizens and local governments.

Finding 28: Statewide Planning Goal 2 Guideline E states:

"Minor changes, i.e., those which do not have significant effect beyond the immediate area of the change, should be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change should be established. Minor changes should not be made more frequently than once a year, if at all possible."

Finding 29: While the Statewide Planning Goal Guidelines are not mandatory provisions, the code updates are consistent with the direction provided in Guideline E, for the following reasons:

- These amendments will help to increase the diversity of housing opportunities, not just for income-qualified housing, but also in underutilized commercial areas, which would help to meet Springfield's housing needs. The Housing Opportunities in Non-Residential Areas code amendments originate from adoption of House Bills 2984, 3151, and 3395; therefore, Springfield is justified in providing the aforementioned changes to the Springfield Development Code to comply with state law. This is consistent with Goal 2.
- The other aspects of the code updates, amending the development code for SDC 4.7.100 for various districts; SDC 4.7.375 through SDC 4.7.385 for Architectural Design and multiple unit housing; and SDC 5.15.110 Minimum Development Standards and SDC 5.17.110 for Site Plan Review for multiple unit housing, are consistent with Guideline E in Goal 2. This project is a continuation of work related to a larger Springfield Development Code Update project that has been ongoing since 2018 involving a phased plan to update the entire Springfield Development Code. Updating the Development Code to support efficient, timely, and clear development review is part of Springfield's Housing Strategy.

Therefore, the amendments are in compliance with Goal 2.

Statewide Planning Goal 3 – Agricultural Lands. To preserve agricultural lands.

Finding 30: The amendments are for property located within the urban growth boundary of Springfield and do not affect any land designated for agricultural use. Therefore, Goal 3 does not apply.

Statewide Planning Goal 4 – Forest Lands. To conserve forest lands.

Finding 31: The amendments are for property located within the urban growth boundary of Springfield and do not affect any land designated for forest use. Therefore, Goal 4 does not apply.

Statewide Planning Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources. To conserve open space and protect natural and scenic resources.

Finding 32: The Springfield Development Code is currently acknowledged to be in compliance with Statewide Planning Goal 5. Pursuant to OAR 660-023-0250(3) local governments are not required to apply Goal 5 in consideration of an amendment unless the amendment affects a Goal 5 resource. The amendment would only affect the resource if it: creates or amends a resource list or portion of an acknowledged plan that protects or addresses specific requirements of a Goal 5; allows new uses that could conflict with a Goal 5 resource; or the amendment affects an acknowledged UGB and information is submitted demonstrating that a resource site is included in the amended UGB area.

Finding 33: The amendments do not create or amend the City's list of Goal 5 resources, do not allow new uses that could conflict with a Goal 5 resource, and do not amend the acknowledged UGB. Furthermore, the provisions for income-qualified housing allowed under ORS 197A.445 and House Bill 3395 prohibit the development of income-qualified housing within the development setbacks for locally significant wetlands and riparian areas.

Therefore, the amendments are in compliance with Goal 5.

Statewide Planning Goal 6 – Air, Water and Land Resources Quality. To maintain and improve the quality of the air, water and land resources of the state.

Finding 34: Goal 6 addresses waste and discharges from development and is aimed at protecting air, water and land from impacts from those discharges. This goal requires local comprehensive plans to consider all waste and process discharges from urban and rural residential use and their carrying capacity. House Bills 2984 and 3395 which allow conversion of commercial to residential and income-qualified housing in commercial districts and in mixed-use structures provided they meet the area median income thresholds shown in the code, must be adequately served by water, sewer, storm water drainage, or streets at the time the development is complete. There is an amendment to the code to clarify that all new development, redevelopment, additions, expansions, or changes of use on property that are within 150 of a Water Quality Limited Watercourse (WQLW) or 100 feet of a tributary of a WQLW require a Site Plan Review application in conformance with SDC 5.17.110. The current code is ambiguous whether site plan review applies to all development in these areas, or only additions, expansions, or changes or use. However, this amendment does not change the substance of any code requirement or standard that applies to WQLWs; it simply requires all development to submit a land use application and go through the review process when a property contains a WQLW. Therefore, the amendments do not authorize any new development or increase intensity of development in a way that threatens to violate state or federal regulations.

The amendments are in compliance with Goal 6.

Statewide Planning Goal 7 – Areas Subject to Natural Disasters and Hazards. To protect life and property from natural disasters and hazards.

Finding 35: Goal 7 requires local government planning programs include provisions to protect people and property from natural hazards such as floods, landslides, earthquakes and related hazards, tsunamis and wildfires. The Goal prohibits development in natural hazard areas without appropriate safeguards. The Springfield Development Code is acknowledged to be in compliance with Goal 7. The amendments do not alter the City's acknowledged land use programs regarding landslide areas (SDC 3.3.500, Hillside Development Overlay) or flood protection (SDC 3.3.400). Furthermore, the provisions for income-qualified housing allowed under ORS 197A.445 and House Bill 3395 prohibit the development of income-qualified housing within the Hillside Overlay District or Floodplain Overlay District.

Therefore, the Housing in Non-Residential Areas code amendments are in compliance with Goal 7.

Statewide Planning Goal 8 – Recreational Needs. 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.

Finding 36: Recreational services within Springfield is the responsibility of the Willamalane Park & Recreation District. Willamalane has an adopted 20-Year Comprehensive Plan for the provision of park, open space and recreation services for Springfield. This goal is not applicable to the Housing Opportunities in Non-Residential Areas code amendments and will have no effect on the availability of or access to recreational opportunities as planned in Willamalane's Comprehensive Plan.

Therefore, the updates are in compliance with Goal 8.

Statewide Planning Goal 9 – Economic Development: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health welfare, and prosperity of Oregon's citizens.

Finding 37: Goal 9 requires the City to "provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies." The City's adopted Economic Opportunities Analysis and Commercial Industrial Buildable Lands Inventory is acknowledged to comply with Goal 9.

Finding 38: The amendments do not render any property unusable for commercial or industrial uses. The amendments allow for the redevelopment of commercial and industrial properties for income-qualified housing as the City is already required to allow under state statutes. House Bill 2984 allows commercial to residential building conversions without requiring a zone change or conditional use permit and House Bill 3395 allows housing within commercial land use districts if it is affordable to households with incomes of 60 percent AMI or less, or for mixed-use structures with ground floor commercial with residential units that are affordable to moderate income (80-120% AMI) households.

Finding 39: House Bill 3395 explicitly exempts cities from having to conduct a new economic analysis or comprehensive plan update to comply with the bill. The code amendments retain the existing minimum development areas and broad categories of uses that are currently allowed in each land use district but allow for a flexible approach by allowing new pockets of residential or mixed-use development.

Finding 40: Finally, the other amendments to SDC 4.7.100 for various districts will make the code more user-friendly by listing standards that apply to a district in one place instead of needing to reference another chapter of the code. These amendments are for clarification purposes and do not change the overall categories of uses that are permitted within the commercial, industrial, public land and open space, urbanizable fringe overlay, or Booth-Kelly Mixed-Use districts.

Therefore, the amendments are consistent with Goal 9.

Statewide Planning Goal 10 – Housing. To provide for the housing needs of citizens of the state.

Finding 41: Goal 10 requires jurisdictions inventory buildable lands for residential use and develop plans that encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which meet the financial capabilities of Oregon households and allow for flexibility of housing location type and density. The City of Springfield completed a Housing Needs Analysis and Buildable Lands Inventory in 2011. This document serves as the City's compliance document under Goal 10 and provides the basis for the City's determination that Springfield's UGB has sufficient buildable land to meet the identified housing needs during the 20-year planning period. The Springfield 2030 Comprehensive Plan Residential Land Use and Housing Element suggests that a higher percentage of multiple unit housing will be needed from 2010 to 2030, and that overall, 5,920 new dwelling units will be needed to accommodate the population including a mix of detached single-unit dwellings, townhouses, manufactured dwellings in parks, and multiple unit housing at an estimated density of at least 7.9 units per net buildable acre.

Finding 42: Consistent with House Bill's 2983, 3151, and 3395, the amendments may allow a modest increase in the number of dwelling units being built that could be constructed within the UGB due to a greater number of units being permitted on lots that were previously restricted to only commercial uses. House Bill 2984 allows the conversion of commercial to residential and House Bill 3395 allows residential in commercial districts and in mixed use structures provided they meet the area median income thresholds shown in the draft code. In addition, House Bill 3395 requires cities to apply the most comparable residential density for income-qualified housing to the allowed commercial uses in the subject district. By applying comparable density, dimensional, and design standards from the residential districts to the commercial districts the amendments can reduce regulatory barriers to income-qualified housing development and meet the states definition of needed housing per ORS 197.303.

Finding 43: The other code amendments to SDC 4.7.100 for various districts, SDC

4.7375 through 4.7.385 for architectural design and multiple unit housing, and SDC 5.15.1110 Minimum Development Standards and SDC 5.17.110 for Site Plan Review for multiple unit housing similarly comply with Goal 10 because they do not reduce the assumed residential density of at least 7.9 dwelling units per net buildable acre within the City's residentially-designated lands.

Thus, the amendments do not reduce the development potential of Springfield's housing land inventories in a manner inconsistent with Goal 10.

Statewide Planning Goal 11 – Public Facilities and Services. 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.

Finding 44: Goal 11 requires the City to plan and develop an efficient arrangement of public facilities and services to serve urban and rural development. Pursuant to OAR 660-011-0020(2) a public facility plan must identify significant public facility projects which support the land uses designated in the comprehensive plan. The Eugene-Springfield Metropolitan Area Public Facilities and Services Plan (PFSP) and the Springfield 2035 Transportation System Plan (TSP) are the City's acknowledged public facilities and transportation plans that inform infrastructure investments (i.e., water, stormwater, wastewater, electricity, and transportation). The TSP is addressed under Goal 12 below. There are no changes to the PFSP in conjunction with these amendments, and the project is otherwise consistent with Goal 11 as explained below.

Finding 45: House Bills 2984, 3151, and 3395 require income-qualified housing to "be adequately served by water, sewer, storm water drainage or streets, or be adequately served at the time that development on the lot is complete". The anticipated increase in housing density in existing areas is not expected to result in overburdening public facilities and services and new public facilities and services will be designed to serve anticipated development, including residential development in nonresidential districts, residential structures in commercial areas, and mixed-use structures with ground floor commercial units and residential units subject to area median income thresholds. The amendments do not result in a need to adjust or amend existing policies or projects in the City's adopted facility plans. Therefore, compliance with Goal 11 is maintained for the housing in non-residential areas code amendments.

Finding 46: The other code amendments to SDC 4.7.100 for various districts, SDC 4.7375 through 4.7.385 for architectural design and multiple unit housing, and SDC 5.15.1110 Minimum Development Standards and SDC 5.17.110 for Site Plan Review for multiple unit housing similarly comply with Goal 11 because they do not result in any need to amend the PFSP to include additional or different public facilities projects.

These amendments are for clarification purposes and do not change the overall categories of uses that are permitted within the commercial, industrial, public land and open space, urbanizable fringe overlay, or Booth-Kelly Mixed-Use districts and are consistent with Statewide Planning Goal 11.

Statewide Planning Goal 12 – Transportation. To provide and encourage a safe, convenient and economic transportation system.

Finding 47: The Transportation Planning Rule (TPR), at OAR 660-012-0060, requires the City to adopt mitigation measures whenever “an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility.” An amendment causes a significant effect under the TPR when it changes the functional classification of an existing or planned transportation facility, changes the standards for implementing the functional classification system, or meets any of the standards in OAR 660-012-0060(1)(A) - (C) regarding degradation of the performance of an existing or planned transportation facility.

Finding 48: A land use regulation amendment “significantly affects” transportation under Subsection 1(a) if it *“Change[s] the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan).”* The amendments do not change any functional classification under OAR 66-012-0060(1)(a).

Finding 49: A land use regulation amendment “significantly affects” transportation under Subsection 1(b) if it *“Change[s] standards implementing a functional classification system.”* The amendments do not change the City’s standards for implementing its functional classification system under OAR 66-012-0060(1)(b).

Finding 50: Under Subsection (1)(c), a land use regulation amendment “significantly affects” transportation if it results in (A) *types or levels of travel or access inconsistent with the functional classification of a transportation facility;* (B) *degrades the performance of a transportation facility such that it would not meet performance standards identified in the TSP or comprehensive plan;* or (C) *degrades the performance of a transportation facility that is otherwise projected to not meet the performance standards in the TSP or comprehensive plan.* To determine whether the amendments “significantly affect” a transportation facility within the meaning of (1)(c) a local government may compare the most traffic-generative use reasonably allowed in the current zone with the most traffic-generative use reasonably allowed in the new zone.

Finding 51: The Housing in Non-Residential Code Amendments do not result in any of the significant effects listed in OAR 660-012-0060(1)(c)(A) through (C) because the code changes do not change the most traffic generative use allowed under the current code. The amendments do not change existing allowances for income-qualified housing uses that were implemented during Ordinance 6443 (for middle housing). House Bill 3395 for income-qualified housing in the commercial districts or in mixed-use structures must apply the most comparable residential density to the allowed commercial uses in the subject district. Both House Bill 2984 for commercial to residential building conversion and House Bill 3151 which amends the existing income-qualified housing code, must be adequately served by public services, including streets, at the time of development. The reasonably-most traffic generative uses in commercial and industrial districts are commercial, retail, and employment-related uses that generate more average daily trips than the reasonably-most traffic generative income-qualified housing project. For example, taking a one-acre site, a reasonable floor area ratio for commercial or industrial development is 0.50. Using the ITE Manual 11th Edition daily average trip rates, a general office building on a 1 acre site with a FAR of 0.50 would be expected to generate approximately 236 trips per day; general office uses are an allowed use in every commercial and industrial district that is impacted by these code amendments. A reasonably-most traffic generative income-qualified housing development on the same acre is a mid-rise multifamily development with 25

units, generating approximately 114 average daily trips. Because the reasonably-most traffic generative income-qualified housing use generates less average daily trips than other uses likely to develop in the commercial and industrial districts without these code amendments, the amendments do not cause a significant effect under OAR 660-012-0060(1)(c)(A) through (C).

Finding 52: The amendments to SDC 4.7.100 for various districts, SDC 4.7375 through 4.7.385 for architectural design and multiple unit housing, and SDC 5.15.1110 Minimum Development Standards and SDC 5.17.110 for Site Plan Review for multiple unit housing, also do not change the uses or density already allowed in the various districts or design standards for multiple unit housing previously passed in Ordinance 6443; they merely streamline and simplify the development review processes and standards that apply within those land use districts.

Therefore, the amendments are consistent with Statewide Planning Goal 12.

Goal 13 – Energy Conservation. Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based on sound economic principles.

Finding 53: The City’s acknowledged Goal 13 regulations remain unaffected by the amendments. The proposed amendments will allow for residential development in nonresidential and mixed-use areas serving income-qualified households. The amendments to SDC 4.7.100 for various districts, SDC 4.7375 through 4.7.385 for architectural design and multiple unit housing, and SDC 5.15.1110 Minimum Development Standards and SDC 5.17.110 for Site Plan Review for multiple unit housing, also do not change the uses already allowed in the various districts or design standards for multiple unit housing previously passed in Ordinance 6443.

Therefore, the amendments are consistent with Statewide Planning Goal 13.

Goal 14 –Urbanization. To provide for an orderly and efficient transition from rural to urban land use.

Finding 54: Goal 14 requires cities to estimate future growth rates and patterns, and to incorporate, plan, and zone enough land to meet the projected demands. The amendments do not repeal or replace existing code provisions regarding annexation. The code provisions regarding urbanizable land are contained in the Urban Fringe Overlay District and the Agriculture Urban Holding Area district. To make the code clearer and easier to interpret the Urban Fringe Overlay District standards in 4.7.100 were moved to the Urbanizable Fringe Overlay District (SDC 3.3.825) as the use, Public and Private Parks in the Urbanizable Fringe Overlay District, only applies in that overlay. This change does not alter the requirement that urban uses are prohibited in the urbanizable areas prior to annexation.

Therefore, the amendments are consistent with the requirements of Statewide Planning Goal 14.

Goal 15 –Willamette River Greenway. 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 55: Statewide Planning Goal 15 requires cities to adopt local greenway plans, along with criteria for new development or uses along the river. Pursuant to SDC 3.3.320(A), uses allowed in the Willamette Greenway Overlay District are the same as those in the underlying land use district; thus, the amendments do not repeal, replace, or void the existing code provisions related to Goal 15 and no changes are proposed to the existing overlay protections from this amendment.

Therefore, the amendments are consistent with the requirements of Statewide Planning Goal 15.

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

Finding 56: Statewide Planning Goals 16 – 19 relate to coastal lands in Oregon, which are not applicable within the planning jurisdiction of the City of Springfield and are not applicable to the amendments.

VI. CONCLUSION

Based upon the evidence above and the criteria of SDC 5.6.115 for approving amendments to the Springfield Development Code, the text amendments to income-qualified housing (SDC 4.7.370 Income-Qualified Housing on Property Owned by Religious Nonprofits and SDC 4.7.405 Income-Qualified Housing); changes to SDC 4.7.100 for various districts; changes to SDC 4.7.375 through SDC 4.7.385 for Architectural Design and multiple unit housing; changes to SDC 5.15.110 Minimum Development Standards and SDC 5.17.110 for Site Plan Review for multiple unit housing; and changes to 6.1.110 Definitions are consistent with these criteria.

The amendments are in compliance with Goal 6.

Statewide Planning Goal 7 – Areas Subject to Natural Disasters and Hazards. To protect life and property from natural disasters and hazards.

Finding 35: Goal 7 requires local government planning programs include provisions to protect people and property from natural hazards such as floods, landslides, earthquakes and related hazards, tsunamis and wildfires. The Goal prohibits development in natural hazard areas without appropriate safeguards. The Springfield Development Code is acknowledged to be in compliance with Goal 7. The amendments do not alter the City's acknowledged land use programs regarding landslide areas (SDC 3.3.500, Hillside Development Overlay) or flood protection (SDC 3.3.400). Furthermore, the provisions for income-qualified housing allowed under ORS 197A.445 and House Bill 3395 prohibit the development of income-qualified housing within the Hillside Overlay District or Floodplain Overlay District.

Therefore, the Housing in Non-Residential Areas code amendments are in compliance with Goal 7.

Statewide Planning Goal 8 – Recreational Needs. 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.

Finding 36: Recreational services within Springfield is the responsibility of the Willamalane Park & Recreation District. Willamalane has an adopted 20-Year Comprehensive Plan for the provision of park, open space and recreation services for Springfield. This goal is not applicable to the Housing Opportunities in Non-Residential Areas code amendments and will have no effect on the availability of or access to recreational opportunities as planned in Willamalane's Comprehensive Plan.

Therefore, the updates are in compliance with Goal 8.

Statewide Planning Goal 9 – Economic Development: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health welfare, and prosperity of Oregon's citizens.

Finding 37: Goal 9 requires the City to "provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies." The City's adopted Economic Opportunities Analysis and Commercial Industrial Buildable Lands Inventory is acknowledged to comply with Goal 9.

Finding 38: The amendments do not render any property unusable for commercial or industrial uses. The amendments allow for the redevelopment of commercial and industrial properties for income-qualified housing as the City is already required to allow under state statutes. House Bill 2984 allows commercial to residential building conversions without requiring a zone change or conditional use permit and House Bill 3395 allows housing within commercial land use districts if it is affordable to households with incomes of 60 percent AMI or less, or for mixed-use structures with ground floor commercial with residential units that are affordable to moderate income (80-120% AMI) households.

Finding 39: House Bill 3395 explicitly exempts cities from having to conduct a new economic analysis or comprehensive plan update to comply with the bill. The code amendments retain the existing minimum development areas and broad categories of uses that are currently allowed in each land use district but allow for a flexible approach by allowing new pockets of residential or mixed-use development.

Finding 40: Finally, the other amendments to SDC 4.7.100 for various districts will make the code more user-friendly by listing standards that apply to a district in one place instead of needing to reference another chapter of the code. These amendments are for clarification purposes and do not change the overall categories of uses that are permitted within the commercial, industrial, public land and open space, urbanizable fringe overlay, or Booth-Kelly Mixed-Use districts.

Therefore, the amendments are consistent with Goal 9.

Statewide Planning Goal 10 – Housing. To provide for the housing needs of citizens of the state.

Finding 41: Goal 10 requires jurisdictions inventory buildable lands for residential use and develop plans that encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which meet the financial capabilities of Oregon households and allow for flexibility of housing location type and density. The City of Springfield completed a Housing Needs Analysis and Buildable Lands Inventory in 2011. This document serves as the City's compliance document under Goal 10 and provides the basis for the City's determination that Springfield's UGB has sufficient buildable land to meet the identified housing needs during the 20-year planning period. The Springfield 2030 Comprehensive Plan Residential Land Use and Housing Element suggests that a higher percentage of multiple unit housing will be needed from 2010 to 2030, and that overall, 5,920 new dwelling units will be needed to accommodate the population including a mix of detached single-unit dwellings, townhouses, manufactured dwellings in parks, and multiple unit housing at an estimated density of at least 7.9 units per net buildable acre.

Finding 42: Consistent with House Bill's 2983, 3151, and 3395, the amendments may allow a modest increase in the number of dwelling units being built that could be constructed within the UGB due to a greater number of units being permitted on lots that were previously restricted to only commercial uses. House Bill 2984 allows the conversion of commercial to residential and House Bill 3395 allows residential in commercial districts and in mixed use structures provided they meet the area median income thresholds shown in the draft code. In addition, House Bill 3395 requires cities to apply the most comparable residential density for income-qualified housing to the allowed commercial uses in the subject district. By applying comparable density, dimensional, and design standards from the residential districts to the commercial districts the amendments can reduce regulatory barriers to income-qualified housing development and meet the states definition of needed housing per ORS 197.303.

Finding 43: The other code amendments to SDC 4.7.100 for various districts, SDC

4.7375 through 4.7.385 for architectural design and multiple unit housing, and SDC 5.15.1110 Minimum Development Standards and SDC 5.17.110 for Site Plan Review for multiple unit housing similarly comply with Goal 10 because they do not reduce the assumed residential density of at least 7.9 dwelling units per net buildable acre within the City's residentially-designated lands.

Thus, the amendments do not reduce the development potential of Springfield's housing land inventories in a manner inconsistent with Goal 10.

Statewide Planning Goal 11 – Public Facilities and Services. 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.

Finding 44: Goal 11 requires the City to plan and develop an efficient arrangement of public facilities and services to serve urban and rural development. Pursuant to OAR 660-011-0020(2) a public facility plan must identify significant public facility projects which support the land uses designated in the comprehensive plan. The Eugene-Springfield Metropolitan Area Public Facilities and Services Plan (PFSP) and the Springfield 2035 Transportation System Plan (TSP) are the City's acknowledged public facilities and transportation plans that inform infrastructure investments (i.e., water, stormwater, wastewater, electricity, and transportation). The TSP is addressed under Goal 12 below. There are no changes to the PFSP in conjunction with these amendments, and the project is otherwise consistent with Goal 11 as explained below.

Finding 45: House Bills 2984, 3151, and 3395 require income-qualified housing to "be adequately served by water, sewer, storm water drainage or streets, or be adequately served at the time that development on the lot is complete". The anticipated increase in housing density in existing areas is not expected to result in overburdening public facilities and services and new public facilities and services will be designed to serve anticipated development, including residential development in nonresidential districts, residential structures in commercial areas, and mixed-use structures with ground floor commercial units and residential units subject to area median income thresholds. The amendments do not result in a need to adjust or amend existing policies or projects in the City's adopted facility plans. Therefore, compliance with Goal 11 is maintained for the housing in non-residential areas code amendments.

Finding 46: The other code amendments to SDC 4.7.100 for various districts, SDC 4.7375 through 4.7.385 for architectural design and multiple unit housing, and SDC 5.15.1110 Minimum Development Standards and SDC 5.17.110 for Site Plan Review for multiple unit housing similarly comply with Goal 11 because they do not result in any need to amend the PFSP to include additional or different public facilities projects.

These amendments are for clarification purposes and do not change the overall categories of uses that are permitted within the commercial, industrial, public land and open space, urbanizable fringe overlay, or Booth-Kelly Mixed-Use districts and are consistent with Statewide Planning Goal 11.

Statewide Planning Goal 12 – Transportation. To provide and encourage a safe, convenient and economic transportation system.

Finding 47: The Transportation Planning Rule (TPR), at OAR 660-012-0060, requires the City to adopt mitigation measures whenever “an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility.” An amendment causes a significant effect under the TPR when it changes the functional classification of an existing or planned transportation facility, changes the standards for implementing the functional classification system, or meets any of the standards in OAR 660-012-0060(1)(A) - (C) regarding degradation of the performance of an existing or planned transportation facility.

Finding 48: A land use regulation amendment “significantly affects” transportation under Subsection 1(a) if it *“Change[s] the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan).”* The amendments do not change any functional classification under OAR 66-012-0060(1)(a).

Finding 49: A land use regulation amendment “significantly affects” transportation under Subsection 1(b) if it *“Change[s] standards implementing a functional classification system.”* The amendments do not change the City’s standards for implementing its functional classification system under OAR 66-012-0060(1)(b).

Finding 50: Under Subsection (1)(c), a land use regulation amendment “significantly affects” transportation if it results in (A) *types or levels of travel or access inconsistent with the functional classification of a transportation facility;* (B) *degrades the performance of a transportation facility such that it would not meet performance standards identified in the TSP or comprehensive plan;* or (C) *degrades the performance of a transportation facility that is otherwise projected to not meet the performance standards in the TSP or comprehensive plan.* To determine whether the amendments “significantly affect” a transportation facility within the meaning of (1)(c) a local government may compare the most traffic-generative use reasonably allowed in the current zone with the most traffic-generative use reasonably allowed in the new zone.

Finding 51: The Housing in Non-Residential Code Amendments do not result in any of the significant effects listed in OAR 660-012-0060(1)(c)(A) through (C) because the code changes do not change the most traffic generative use allowed under the current code. The amendments do not change existing allowances for income-qualified housing uses that were implemented during Ordinance 6443 (for middle housing). House Bill 3395 for income-qualified housing in the commercial districts or in mixed-use structures must apply the most comparable residential density to the allowed commercial uses in the subject district. Both House Bill 2984 for commercial to residential building conversion and House Bill 3151 which amends the existing income-qualified housing code, must be adequately served by public services, including streets, at the time of development. The reasonably-most traffic generative uses in commercial and industrial districts are commercial, retail, and employment-related uses that generate more average daily trips than the reasonably-most traffic generative income-qualified housing project. For example, taking a one-acre site, a reasonable floor area ratio for commercial or industrial development is 0.50. Using the ITE Manual 11th Edition daily average trip rates, a general office building on a 1 acre site with a FAR of 0.50 would be expected to generate approximately 236 trips per day; general office uses are an allowed use in every commercial and industrial district that is impacted by these code amendments. A reasonably-most traffic generative income-qualified housing development on the same acre is a mid-rise multifamily development with 25

units, generating approximately 114 average daily trips. Because the reasonably-most traffic generative income-qualified housing use generates less average daily trips than other uses likely to develop in the commercial and industrial districts without these code amendments, the amendments do not cause a significant effect under OAR 660-012-0060(1)(c)(A) through (C).

Finding 52: The amendments to SDC 4.7.100 for various districts, SDC 4.7375 through 4.7.385 for architectural design and multiple unit housing, and SDC 5.15.1110 Minimum Development Standards and SDC 5.17.110 for Site Plan Review for multiple unit housing, also do not change the uses or density already allowed in the various districts or design standards for multiple unit housing previously passed in Ordinance 6443; they merely streamline and simplify the development review processes and standards that apply within those land use districts.

Therefore, the amendments are consistent with Statewide Planning Goal 12.

Goal 13 – Energy Conservation. Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based on sound economic principles.

Finding 53: The City’s acknowledged Goal 13 regulations remain unaffected by the amendments. The proposed amendments will allow for residential development in nonresidential and mixed-use areas serving income-qualified households. The amendments to SDC 4.7.100 for various districts, SDC 4.7375 through 4.7.385 for architectural design and multiple unit housing, and SDC 5.15.1110 Minimum Development Standards and SDC 5.17.110 for Site Plan Review for multiple unit housing, also do not change the uses already allowed in the various districts or design standards for multiple unit housing previously passed in Ordinance 6443.

Therefore, the amendments are consistent with Statewide Planning Goal 13.

Goal 14 –Urbanization. To provide for an orderly and efficient transition from rural to urban land use.

Finding 54: Goal 14 requires cities to estimate future growth rates and patterns, and to incorporate, plan, and zone enough land to meet the projected demands. The amendments do not repeal or replace existing code provisions regarding annexation. The code provisions regarding urbanizable land are contained in the Urban Fringe Overlay District and the Agriculture Urban Holding Area district. To make the code clearer and easier to interpret the Urban Fringe Overlay District standards in 4.7.100 were moved to the Urbanizable Fringe Overlay District (SDC 3.3.825) as the use, Public and Private Parks in the Urbanizable Fringe Overlay District, only applies in that overlay. This change does not alter the requirement that urban uses are prohibited in the urbanizable areas prior to annexation.

Therefore, the amendments are consistent with the requirements of Statewide Planning Goal 14.

Goal 15 –Willamette River Greenway. 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 55: Statewide Planning Goal 15 requires cities to adopt local greenway plans, along with criteria for new development or uses along the river. Pursuant to SDC 3.3.320(A), uses allowed in the Willamette Greenway Overlay District are the same as those in the underlying land use district; thus, the amendments do not repeal, replace, or void the existing code provisions related to Goal 15 and no changes are proposed to the existing overlay protections from this amendment.

Therefore, the amendments are consistent with the requirements of Statewide Planning Goal 15.

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

Finding 56: Statewide Planning Goals 16 – 19 relate to coastal lands in Oregon, which are not applicable within the planning jurisdiction of the City of Springfield and are not applicable to the amendments.

VI. CONCLUSION

Based upon the evidence above and the criteria of SDC 5.6.115 for approving amendments to the Springfield Development Code, the text amendments to income-qualified housing (SDC 4.7.370 Income-Qualified Housing on Property Owned by Religious Nonprofits and SDC 4.7.405 Income-Qualified Housing); changes to SDC 4.7.100 for various districts; changes to SDC 4.7.375 through SDC 4.7.385 for Architectural Design and multiple unit housing; changes to SDC 5.15.110 Minimum Development Standards and SDC 5.17.110 for Site Plan Review for multiple unit housing; and changes to 6.1.110 Definitions are consistent with these criteria.

EXHIBIT B

Lane Code

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, 16-07, 4-09, 7-11, 3-12, 13-05, 13-07, 14-13, 14-15, 16-05, 18-06, 19-05, 21-08, 22-03, 23-08, ~~and 23-07~~, **and 24-04**.
- (2) Copies of these applicable land use regulations shall be on file at the Lane County Land Management Division.

(Ordinance 16-86, 11.24.86; Ordinance 5-89, 5.31.89; Ordinance 11-89, 11.21.89; Ordinance 18-90, 12.19.90; Ordinance 9-91, 9.20.91; Ordinance 13-91, 9.25.91; Ordinance 14-92, 1.8.93; Ordinance 5-93, 8.26.93; Ordinance 13-94, 1.11.95; Ordinance 3-97, 4.18.97; Ordinance 7-99, 12.8.99; Ordinance 10-00, 12.13.00; Ordinance 13-04, 7.1.04; Ordinance 2-05, 9.9.05; Ordinance 2-06, 4.14.06; Ordinance 16-07, 1.4.08; Ordinance 4-09, 10.15.09; Ordinance 7-11, 11.4.2011; Ordinance 3-12, 10.05.12; Ordinance 13-05, 11.19.13; Ordinance 13-07, 04.15.14; Ordinance 14-13, 11.25.14; Ordinance 14-15, 1.2.15; Ordinance 16-05, 1.5.17; Ordinance 18-06, 7.10.18; Ordinance 19-05, 4.9.2020; Ordinance 21-08, 3.10.22; Ordinance 22-03, 7.1.22; Ordinance 23-08, 1.11.24; Ordinance 23-07, 3.1.24)

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- (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, 16-07, 4-09, 7-11, 3-12, 13-05, 13-07, 14-13, 14-15, 16-05, 18-06, 19-05, 21-08, 22-03, 23-08, 23-07, and 24-04.
- (2) Copies of these applicable land use regulations shall be on file at the Lane County Land Management Division.

(Ordinance 16-86, 11.24.86; Ordinance 5-89, 5.31.89; Ordinance 11-89, 11.21.89; Ordinance 18-90, 12.19.90; Ordinance 9-91, 9.20.91; Ordinance 13-91, 9.25.91; Ordinance 14-92, 1.8.93; Ordinance 5-93, 8.26.93; Ordinance 13-94, 1.11.95; Ordinance 3-97, 4.18.97; Ordinance 7-99, 12.8.99; Ordinance 10-00, 12.13.00; Ordinance 13-04, 7.1.04; Ordinance 2-05, 9.9.05; Ordinance 2-06, 4.14.06; Ordinance 16-07, 1.4.08; Ordinance 4-09, 10.15.09; Ordinance 7-11, 11.4.2011; Ordinance 3-12, 10.05.12; Ordinance 13-05, 11.19.13; Ordinance 13-07, 04.15.14; Ordinance 14-13, 11.25.14; Ordinance 14-15, 1.2.15; Ordinance 16-05, 1.5.17; Ordinance 18-06, 7.10.18; Ordinance 19-05, 4.9.2020; Ordinance 21-08, 3.10.22; Ordinance 22-03, 7.1.22; Ordinance 23-08, 1.11.24; Ordinance 23-07, 3.1.24)

EXHIBIT C

STAFF REPORT

TYPE IV – LEGISLATIVE AMENDMENTS TO THE SPRINGFIELD DEVELOPMENT CODE

CASE NUMBER: 811-24-000025-TYP4
PLANNING COMMISSION HEARING DATE: April 2, 2024
COUNCIL AND BOARD JOINT HEARING DATE: June 10, 2024
REPORT DATE: April 3, 2024
PROJECT NAME: Springfield Development Code Amendments: Housing Opportunities in Non-Residential Areas
AFFECTED AREA: All properties within the City of Springfield Urban Growth Boundary

I. NATURE OF THE REQUEST

The City of Springfield and Lane County seek approval of amendments to the Springfield Development Code (SDC) to comply with recent state legislation that allows and encourages the development of income-qualified housing (SDC 4.7.370 Income-Qualified Housing on Property Owned by Religious Nonprofits and SDC 4.7.405 Income-Qualified Housing) and commercial to residential building conversions (SDC 4.7.215 Conversion from Commercial to Residential Use). The City is also using this opportunity to make other changes to the code for clarity and ease of use including: significant changes to SDC 4.7.100 for various districts; changes to SDC 4.7.375 through SDC 4.7.385 for Architectural Design and multiple unit housing; changes to SDC 5.15.110 Minimum Development Standards and SDC 5.17.110 for Site Plan Review for multiple unit housing; and changes to SDC 6.1.110 Definitions.

II. BACKGROUND

This project is a continuation of work related to a larger Springfield Development Code Update project that has been ongoing since 2018 involving a phased plan to update the entire Springfield Development Code. Updating the Development Code to support efficient, timely, and clear development review is part of Springfield's Housing Strategy. This work would amend income-qualified housing-related code sections. In 2023, the Oregon Legislature made efforts to address the state's housing crisis with new laws and \$1.2 billion in additional spending on housing and homelessness. On any given night in 2022, at least 18,000 Oregonians were homeless and State analysts predict Oregon needs to build at least 500,000 homes over the next two decades to keep up with demand. The Legislature passed several bills that have prompted the following Housing Opportunities in Non-Residential Areas Amendments to the Springfield Development Code (SDC):

House Bill 2984 – Commercial to Residential Building Conversions
(effective January 1, 2024)

House Bill 2984 requires local governments to allow conversion of a building from commercial to residential use without requiring a zone change or conditional use permit, as long as the land is not zoned to allow for industrial uses.

House Bill 3151 – Manufactured Dwelling Parks on Non-Residential Lands
(effective January 1, 2024)

Manufactured housing makes up eight percent of Oregon's total housing and 16 percent of the affordable housing stock (according to American Community Survey data collected between

2013-2017). That's why House Bill 3151's major impact on Springfield is to allow manufactured dwelling parks serving households with incomes of 120 percent or less of area median income (AMI), to be added to the bill's definition of "affordable housing". The bill also adds property owned by a housing authority, manufactured dwelling park nonprofit cooperative, or nonprofit corporation organized as a public benefit corporation whose primary purpose is the development of affordable housing, to the list of properties where local government is required to allow "affordable housing". This will result in changes to SDC 4.7.405, which allows for the development of income-qualified housing on non-residential lands if certain conditions are met.

House Bill 3395 –Residential Use of Commercial Lands
(effective June 30, 2023)

House Bill 3395 allows housing within commercial land use districts if it is affordable to households with incomes of 60 percent AMI or less, or for mixed-use structures with ground floor commercial with residential units that are affordable to moderate income (80-120% AMI) households. The bill requires cities to apply the residential density level most comparable to the commercial density currently allowed in the land use district. The bill explicitly exempts cities from having to conduct a new economic analysis or comprehensive plan update; however, cities may still wish to consider the impact to employment lands availability and accommodate these impacts at a later date.

The City is also making ongoing updates to the City's Development Code to address changes to the code for clarity and ease of use as time and resources allow. This set of amendments include: SDC 4.7.100 for various districts, changes to SDC 4.7.375 through SDC 4.7.385 for Architectural Design and multiple unit housing, changes to SDC 5.15.110 Minimum Development Standards and SDC 5.17.110 for Site Plan Review for multiple unit housing, and changes to SDC 6.1.110 Definitions.

The project objectives are to:

- 1) Ensure the City is complying with state law by amending the Springfield Development Code to:
 - a. Expand opportunities for residential development in commercial areas by allowing income-qualified housing on lands zoned for commercial uses and allowing conversion of a building from commercial to residential use.
 - b. Allow manufactured dwelling parks serving households with incomes of 120 percent AMI or less on certain non-residential lands.
- 2) Change the use of the term "affordable housing" to "income-qualified housing" in the Springfield Development Code. Clarify and improve integration of income-qualified housing-related language throughout applicable code sections (e.g., within use tables and cross reference appropriately, remove redundancy, update terms and definitions).
- 3) Identify opportunities to address other Springfield Development Code barriers to income-qualified housing, multiple-unit housing, and specific development standards in SDC 4.7.100 beyond compliance with recent legislation if the code changes are consistent with current local adopted policies and Springfield's Housing Strategy.

(Note: More comprehensive policy and code changes related to housing may occur with upcoming work on Springfield's Housing Capacity Analysis and Housing Production Strategies.)

III. SITE INFORMATION

The amendments are not site-specific; they apply to a large area and a large number of properties. Affected properties are those within the City of Springfield's Urban Growth Boundary (UGB) that propose the development of income-qualified housing as defined in the code, multiple unit housing, or various uses previously defined in SDC 4.7.100.

IV. PROCEDURAL REQUIREMENTS AND CITIZEN INVOLVEMENT

Under SDC 5.6.110, legislative amendments of the Development Code text are reviewed under a Type 4 procedure. Type 4 procedures, as defined in SDC 5.1.600, require a review and recommendation by the Planning Commission and adoption of an ordinance by the City Council.

The code amendments include changes that apply within the urbanizable areas that are between the city limits and the Springfield UGB. The code updates are subject to provisions of the City of Springfield and Lane County's urban transition agreement, which requires the City and County to jointly develop land use regulations to be applied to the urbanizable portion of the Springfield UGB. Article IV, Section 3 of the urban transition agreement allows the Springfield Planning Commission to exercise legislative land use authority otherwise belonging to the Lane County Planning Commission for the urbanizable portion of the Springfield UGB. Therefore, a joint Planning Commission hearing between Springfield and Lane County is not required for these code amendments. The Springfield Planning Commission held a public hearing for the purpose of developing their recommendation to the Springfield City Council on April 2, 2024. The City Council and Board of County Commissioners will hold a joint public hearing to co-adopt the regulations applicable to the urbanizable area. The Director for the City of Springfield initiated these development code amendments as is allowed under SDC 5.6.105(B).

In accordance with the City of Springfield Citizen Involvement Program, the Committee for Citizen Involvement (CCI) reviewed and approved a Community Involvement Strategy for this proposal on December 5, 2023. Per this strategy the City has completed the following:

- In February 2024, created a project page on Springfield Oregon Speaks with links to the Development Code Updates webpage on the City of Springfield website. The webpages provided opportunities for the public to view key messages or relevant resources and provide input.
- Emailed notice of the proposed amendments, public workshops, and Planning Commission Hearing on April 2, 2024 to stakeholder groups including development professionals (developers, builders, landscape architects, engineers, realtors, the Springfield Board of Realtors and Lane County Home Builders Association) and affordable housing providers who expressed an interest in being notified of future code amendments (following the 2022 Development Code Update Project) per the Citizen Involvement Strategy on February 15, 2024.
- As required by SDC 5.1.615(E), provided agency referrals to the Development Review Committee regarding the proposed amendments via email on February 15, 2024.
- Emailed notice of the workshops on February 21, 2024, to members of the Springfield Housing Newsletter's Interested Parties list.
- Submitted notice of the proposed amendments to the Department of Land Conservation and Development (DLCD) on February 27, 2024, 35 days in advance of the first evidentiary hearing as required by ORS 197.610(1) and OAR 660-018-0020.

- Held two public workshops to convey the main points of the project to development professionals on February 28 and February 29, 2024.
- Published notice of the proposed amendments and Springfield Planning Commission public hearing in *The Chronicle* on March 7, 2024 as required by SDC 5.1.615.
- Public noticed of the joint Springfield City Council and Lane County Board of County Commissioners public hearing in *The Chronicle* on X date, 2024 as required by SDC 5.1.615, and in *The Register Guard* on X date as required by Lane Code 14.060 for legislative actions.
- Posted notice of the proposed amendments and the dates of the public hearings on the City of Springfield website and in Springfield City Hall which routinely posts public hearing notices.

As of the date of this staff report, staff received one public comment from Phil Farrington, with CDC Management Corp, expressing support for the proposed code amendments and suggesting one additional amendment to the code. See Attachment 7 (Public Comments Received) of the June 10, 2024 joint Council and Board meeting materials. The amendment proposed would only apply the ground floor commercial requirement in the Mixed-Use Commercial district to buildings fronting an arterial street, rather than applying the requirement to the entire district. This suggestion intends to allow opportunities for more residential development, not just income-qualified housing, in the Mixed-Use Commercial district while maintaining the ground floor commercial requirement on busier streets to promote an active pedestrian environment.

Staff do not recommend including this suggested change as part of these proposed code amendments. Springfield Development Code (SDC) 3.2.630 establishes mixed-use development standards and subsection (A)(1) is about the “Preservation of the Commercial Land Supply” in the Mixed-Use Commercial District. Staff would need to analyze the potential implications of the amendment on the commercial buildable lands inventory if it would no longer have a commercial requirement in some areas of the Mixed-Use Commercial district. Staff also noted that the idea of how and where to require ground floor commercial uses in mixed use districts will be explored with upcoming work to comprehensively review and amend the City’s mixed use districts with support from consultants funded and managed by the Department of Land Conservation and Development.

For this request, the Springfield Planning Commission will make a recommendation to the Springfield City Council. Per the urban transition agreement and SDC 5.1.625, development code amendments which impact areas outside the city limits must be co-adopted by the Lane County Board of County Commissioners in order to apply to urbanizable areas within the Springfield UGB. Decisions of the Springfield City Council and Lane County Board of County Commissioners may be appealed to the Oregon Land Use Board of Appeals within 21 calendar days of the date the decision becomes final as specified in ORS 197.830 (SDC 5.1.630(F)).

V. APPROVAL CRITERIA & FINDINGS

The request is subject to approval criteria in SDC 5.6.115, which covers adoption or amendment of refinement plans, plan districts and the development code. The following approval criteria are listed under SDC 5.6.115:

(A) *In reaching a decision on the adoption or amendment of refinement plans and this code's text, the City Council shall adopt findings that demonstrate conformance to the following:*

- (1)** *The Metro Plan and Springfield Comprehensive Plan;*
- (2)** *Applicable State statutes; and*
- (3)** *Applicable State-wide Planning Goals and Administrative Rules.*

(B) *Applications specified in SDC 5.6.105 may require co-adoption by the Lane County Board of Commissioners.*

Findings showing that the proposed amendments to the development code meet the applicable criteria of approval appear in regular text below. Direct citations or summaries of criteria appear in ***bold italics*** and precede or are contained within the relevant findings.

Conformance with the Metro Plan and Springfield Comprehensive Plan

The adopted Eugene-Springfield Metropolitan Area General Plan (Metro Plan) and Springfield Comprehensive Plan are the acknowledged long-range plans that provide the broad framework for land use planning within the City of Springfield's UGB. The policies of the Springfield Comprehensive Plan – Residential Land Use and Housing Element are intended to refine, update, and support (as opposed to replace) the goals, objectives and policies of the Metro Plan's Residential Land Use and Housing Element. The Springfield Comprehensive Plan – Economic and Urbanization Elements replace the applicable sections of the Metro Plan pertaining to employment lands and urbanizable lands. The Springfield Comprehensive Plan's Land Use Element replaces the Metro Plan Diagram Chapter II-G of the Metro Plan.

The Metro Plan and Springfield Comprehensive Plan contain topics or "elements." Each element contains goals and policies that will guide Springfield's growth and development through the 2010-2030 planning period.

The Housing Opportunities in Non-Residential Areas code amendments are consistent with the following Metro Plan policies:

Metro Plan A. Metropolitan Residential Land Use and Housing Element

A.3 Provide an adequate supply of buildable residential land within the UGB for the 20-year planning period at the time of Periodic Review.

Finding 1: The City's 2011 Residential Land and Housing Needs Analysis serves as its housing needs analysis and buildable lands inventory under Goal 10 and provides evidence that the Springfield UGB has sufficient buildable land to meet identified housing needs during the 20-year period. Increasing opportunities to convert commercial uses to residential, build income-qualified housing in various districts, and clarify the multiple-unit housing standards, supports the City's ability to meet and provide an adequate supply of residential buildable land within the UGB for the 20-year planning period.

A.10 *Promote higher residential density inside the UGB that utilizes existing infrastructure, improves the efficiency of public services and facilities, and conserves rural resource lands outside the UGB.*

Finding 2: The Housing Opportunities in Non-Residential Areas code amendments expand opportunities for housing in land use districts previously intended only for commercial use outside of mixed-use areas and allows more development of income-qualified housing in commercial districts and in mixed-use structures. In doing so, a significant amount of land previously restricted to nonresidential uses within the UGB is now available for market rate and income-qualified housing. These developments will allow more housing opportunities and higher residential densities in various districts. Allowing the conversion of commercial buildings to residential uses utilizes existing infrastructure which conserves rural resource lands outside of the UGB and improves the efficiency of public services by allowing new housing where development already exists.

A.11 *Generally locate higher density residential development near employment or commercial services, in proximity to major transportation systems or within transportation-efficient nodes.*

Finding 3: The House Bills expand opportunities to develop market-rate housing in commercial districts and income-qualified housing in employment and commercial districts many of which are along major transportation routes or existing transportation-efficient nodes. This “mix of uses” is an important strategy for reducing the community’s reliance on the automobile, lowering transportation costs, and reducing our community’s greenhouse gas emissions. In addition, neighborhoods that are more walkable and where residents are near employment and commercial services, help residents save money and improve access to daily needs.

A.13 *Increase overall residential density in the metropolitan area by creating more opportunities for effectively designed in-fill, redevelopment, and mixed use while considering impacts of increased residential density on historic, existing and future neighborhoods.*

Finding 4: The Housing Opportunities in Non-Residential Areas code amendments permit higher-density housing in existing employment and commercial neighborhoods that were previously limited to nonresidential uses and clarify some of the multiple-unit housing standards in SDC 4.7.375 through 4.7.385. Additions, expansions, redevelopment, or infill in these “mixed-use neighborhoods” are characterized by a vibrant mix of commercial and residential uses where a higher concentration of people can access existing sidewalks, bike lanes, and bus routes that support a variety of transportation options and are already scaled for compatibility with nonresidential services through the existing architectural, clear and objective, and discretionary use standards (Though some of these standards will be amended with this project; see response to A.14 below). Historic design standards apply to all projects within the Historic Overlay District to address the potential impacts of residential density resulting from these Housing in Non-Residential Areas code amendments.

A.14 *Review local zoning and development regulations periodically to remove barriers to higher density housing and to make provision for a full range of housing options.*

Finding 5: The Housing in Non-Residential Areas code amendments were developed from review of the existing code against House Bills 2984, 3151, and 3395 to remove barriers to commercial to residential building conversions and income-qualified housing. However, amendments to the multiple-unit housing standards also occurred for consistency and clarity across the code in:

- SDC 4.7.375 to move the discretionary building form and orientation standards from 4.7.385 Multiple Unit Housing (Discretionary Option) to this section to match the existing clear and objective building form and orientation standards;
- SDC 4.7.380 to remove the reference to ‘Development Standards for Multiple Unit Housing Developments in the R-2 and R-3 Districts’ as multiple unit housing is allowed in other districts besides R-2 and R-3;
- SDC 5.15.110 for Minimum Development Standards (MDS) so that MDS applications do not apply to new multiple-unit housing development. A Site Plan Review or multiple-unit housing review in SDC 4.7.380 would apply; and
- SDC 5.17.110 for Site Plan Review. The intent of the amendment is to clarify when Site Plan Review is required—when an addition, expansion, or change of use is for a nonresidential use, in a land use district that is not residential, and located within 50 feet of a residential land use district or residentially designated land.

For all these reasons, the amendments remove barriers to higher density housing, resulting in a fuller range of housing options in various districts (residential, commercial, industrial, etc.).

A.17 Provide opportunities for a full range of choice in housing type, density, size, cost, and location.

Finding 6: The Housing Opportunities in Non-Residential Areas code amendments increase housing types permitted in various districts, resulting in a fuller range of choices in housing type and location, especially for income-qualified and market-rate development. The code does not currently have density standards in many districts that don’t currently allow housing outright, so development is limited by existing standards in the applicable district (e.g., height, setbacks, lot coverage, etc.). Permitting commercial to residential building conversion and some income-qualified housing without changing the existing density and size requirements in those districts allows for a greater range of housing densities and sizes.

Finding 7: There are several factors that affect the cost of income-qualified housing development, but a big factor is developers’ reliance on federal Low Income Housing Tax Credits (LIHTC) – the major source of funding for low-income housing. The tradeoff of this tax credit is that it leads to higher costs of development to limit risk to private sector partners, but also creates high quality, attractive and durable housing. The amendments to the code increase the number of properties eligible for the development of income-qualified housing expanding the locations available for income-qualified housing. The code amendments that allow for commercial to residential building conversions also expand the locations available for market-rate housing.

A.20 Encourage home ownership of all housing types, particularly for low-income households.

Finding 8: The Housing Opportunities in Non-Residential Areas code amendments do not directly support homeownership programs for income qualified homeowners. However, the

amendments are projected to increase the variety of smaller and less expensive home ownership options relative to detached single-unit dwellings, by allowing not only income-qualified housing in various districts but also middle housing proposed as income-qualified housing in districts where it is otherwise prohibited. Middle housing projects are reviewed as a Type 1 procedure which further expedites the approval process and permitting affordability (a Type 1 determination is made by the Director without public notice or a hearing).

A.22 Expand opportunities for a mix of uses in newly developing areas and existing neighborhoods through local zoning and development regulations.

Finding 9: The amendments to the code's zoning and development regulations are necessitated by House Bill 2984 and 3395, which expand opportunities for a mix of uses by permitting commercial to residential building conversion and income-qualified housing in commercial districts and in mixed-use structures.

A.28 Seek to maintain and increase the supply of rental housing and increase home ownership options for low- and very low-income households by providing economic and other incentives, such as density bonuses, to developers that agree to provide needed below-market and service-enhanced housing in the community.

Finding 10: The amendments do not change code that was implemented during Ordinance 6443 (for middle housing) that allows density and height bonuses for income-qualified housing in residential districts. House Bills 3151 and 3395 add the affordability options for income-qualified housing to include (1) a manufactured dwelling park that serves populations within incomes of 120% of the area median income (AMI) within the definition of income-qualified housing; (2) residential structures within commercial districts where each unit is affordable to a household with income less than or equal to 60% of the AMI; and (3) mixed-use structures in commercial districts with ground floor commercial units and residential units that are affordable to moderate-income households (80-120% AMI), as defined in ORS 456.270. These economic incentives will help expand opportunities where developers can provide below-market and serviced-enhanced housing in the community.

Finding 11: Moreover, House Bill 3395 requires cities to apply the most comparable residential density for income-qualified housing to the allowed commercial uses in the subject district. By applying comparable density, dimensional, and design standards from the residential districts to the commercial districts, the amendments can reduce regulatory barriers to income-qualified housing development in those areas and increase the supply of rental housing and homeownership for low-income households. House Bill 2984 for commercial to residential building conversion also increases the supply of rental and home ownership options by expanding the areas where income-qualified housing can be built and incentivizing changes of use for underutilized commercial properties.

A.30 Balance the need to provide a sufficient amount of land to accommodate affordable housing with the community's goals to maintain a compact urban form.

Finding 12: As discussed above, House Bills 2984, 3151, and 3395 were passed by the 2023 legislature to address the state's housing crisis. By providing housing in land use districts previously intended only for nonresidential uses, the market determines the supply and demand

of “affordable housing” in the UGB. In doing so, a significant amount of land previously restricted to these nonresidential uses within the UGB is now available for income-qualified housing without needing to expand the urban growth boundary.

A.33 Consider local zoning and development regulations impact on the cost of housing.

Finding 13: The Housing Opportunities in Non-Residential Areas code amendments expand allowances for income-qualified housing in various districts (and at greater densities) in the commercial and mixed-use commercial districts than under the current code. To comply with House Bill 3395, the code applies minimum density for housing in commercial districts (20 units per gross acre) and in mixed-use structures (12 units per gross acre) consistent with the Mixed-Use Residential (MUR) Standards in SDC 3.2.630(C)(2), but does not apply a maximum density for residential. By applying the MUR standards instead of the Mixed-Use Commercial (MUC) standards, there are fewer floorspace requirements for commercial uses in mixed-use income-qualified housing structures. (The MUC district currently requires a minimum of 60 percent of the ground floor area within a new building be dedicated to commercial uses while the proposed code for income-qualified housing would require 10 percent of the total gross floor area be in non-residential use if less than 20 units are provided in a mixed-use structure.) Furthermore, the code updates now allow both a Type 1 clear and objective review or a Type 2 or Type 3 discretionary review for income-qualified housing where the code previously only allowed Type 1, thus reducing design limitations on all types of income-qualified development review.

Springfield Comprehensive Plan: Residential Land Use & Housing Element

Policy H.1 - Based on the findings in the RLHNA and to accommodate projected growth between 2010 and 2030, Springfield has designated sufficient buildable residential land (a) for at least 5,920 new dwelling units at an estimated density of at least 7.9 units per net buildable acre; and (b) to accommodate a new dwelling mix of approximately 52 percent detached single family dwellings (including manufactured dwellings on individual lots), seven percent attached single-family dwellings, one percent manufactured dwellings in parks, and 40 percent multifamily dwellings.

Finding 14: The Housing in Non-Residential Areas code amendments maintain the existing mix of residential plan designations and do not reduce the supply of buildable residential land or change the net densities allowed in the zoning districts. The table below shows how the code amendments affect the densities and heights allowed in Springfield’s land use districts.:

<i>Income-Qualified Housing in:</i>	<i>Existing Code Density and Height</i>	<i>New Code Density and Height</i>
<i>Residential Districts under ORS 197A.445</i>	<i>R-1 District: 28 units per net acre max density/47 feet max height; R-2 District: 42 units per net acre max density/74 feet max height;</i>	<i>Not subject to change</i>

	<i>R-3 District: 63 units per net acre max density/no max building height.</i>	
<i>Nonresidential Districts under ORS 197A.445 including: PLO, NC, CC, MRC, GO, MS, MUC, BKMU, Glenwood CMU, or Glenwood OMU. Permitted in CI, LMI, MUE, or Glenwood EMU subject to certain standards.</i>	<i>Density and height limited only by existing standards in the applicable district (e.g., height, setbacks, lot coverage). Generally, there are no density standards in districts that don't currently allow housing outright.</i>	<i>Not subject to change</i>
<i>Commercial districts and in Mixed-Use Structures under House Bill 3395</i>	<i>Does not currently exist in the development code.</i>	<i>Commercial districts NC, CC, MRC, GO: 20 units per gross acre minimum; Mixed-use structures in CMU, Glenwood CMU and Glenwood OMU: 12 units per gross acre minimum. No Max density. For income-qualified housing in mixed-use structures, 10 percent of the total gross floor area must be in non-residential use if less than 20 units are provided.</i>

The amendments allow for residential development that exceeds the adopted net density ranges in the Springfield Comprehensive Plan (6-14 units/acre in Low Density Residential, 14-28 units/acre in Medium Density Residential, and 28-42 units/acre in High Density Residential). Because House Bill 3395 explicitly exempts cities from having to conduct a new economic analysis or comprehensive plan update to comply with these bills and a more holistic review of local plans, policies, and code will occur with upcoming work on Springfield's Housing Capacity Analysis and Housing Production Strategies, the code amendments are in conformance with the existing Comprehensive Plan. In accordance with OAR 660-008-0045, the City is scheduled to adopt comprehensive plan amendments by December 31, 2027, as part of the Housing Capacity Analysis required by ORS 197.296. At that time, these future amendments to the comprehensive plan will more fully incorporate the range of housing types and densities including the new options for conversion of commercial to residential and income-qualified housing, into the plan provisions and policies.

Policy H.3 - Support community-wide, district-wide and neighborhood-specific livability and redevelopment objectives and regional land use planning and transportation planning policies by locating higher density residential development and increasing the density of development near employment or commercial services, within transportation-efficient Mixed-Use Nodal Development centers and along corridors served by frequent transit service.

Finding 15: The Housing Opportunities in Non-Residential Areas code amendments permit

housing in places that previously did not allow residential development (commercial to residential building conversion, residential in commercial districts and in mixed-use structures, etc.) thereby locating residential development near employment and commercial services.

Policy H.5 - Develop additional incentives to encourage and facilitate development of high density housing in areas designated for Mixed Use Nodal Development.

Finding 16: The existing code already allows high density income-qualified housing in residential areas through density and height bonuses, while the amendments expand the definition of income-qualified housing to commercial areas and mixed-use structures outside of mixed-use development areas. Income-qualified housing is still permitted and supported in the existing mixed-use nodal development areas of the Glenwood Riverfront, Downtown, Mohawk, 30th & Main, and Riverbend/Gateway, as shown on the Springfield Comprehensive Plan Map.

Policy H.9 - Provide a broad range of quality accessible and affordable housing options for very low, low and moderate income residents. Affordable housing is defined as housing for which persons or families pay 30 percent or less of their gross income for housing, including necessary and essential utilities [Oregon Revised Statute 456.055].

Finding 17: The Housing Opportunities in Non-Residential Areas code amendments expand the locations where income-qualified housing can be developed in various non-residential land use districts Policy H.9 notes that across the United States, housing costs are considered “affordable” if the monthly rent or mortgage as stated above, is no more than 30% of gross household earnings. Income-qualified housing encompasses housing that is specifically for households making somewhere in the range of 0-120% of the area median income which would be affordable to households with very low, low and moderate incomes.

Policy H.11 - Continue to seek ways to update development standards to introduce a variety of housing options for all income levels in both existing neighborhoods and new residential areas that match the changing demographics and lifestyles of Springfield residents.

Finding 18: The code amendments align with the objectives of Policy H.11 by expanding income-qualified housing to various land use districts and enhancing the development feasibility of residential in commercial areas and in mixed-use structures through revised dimensional, density, and design standards. Allowing income-qualified housing as middle housing, multiple-unit housing, or in mixed-use structures, supports increasing housing variety within existing neighborhoods.

H.15 - Update residential development standards to enhance the quality and affordability of neighborhood infill development (e.g. partitions, duplex developments, transitional neighborhoods, rehab housing, accessory dwelling units) and multi-family development.

Finding 19: The Housing in Non-Residential Areas code amendments include updated residential development standards that enhance the affordability of multiple-unit housing both for income-qualified housing but also for conversion of commercial to residential. For further details, see the response to A.14 above.

Springfield Comprehensive Plan: Economic Element

E.22 - Plan, designate and zone land to allow community and neighborhood retail commercial uses in new, existing or expanded mixed use centers/nodes to address the land need for retail described in the Economic Opportunities Analysis; timing shall be coordinated with City refinement planning processes or through property-owner initiated proposals that are consistent with Springfield Comprehensive Plan policies.

Finding 20: House Bill 3395 explicitly exempts cities from having to conduct a new economic analysis or comprehensive plan update to comply with the new income-qualified housing options. A more holistic review of local plans, policies, and code will occur with upcoming work on Springfield's Housing Capacity Analysis and Housing Production Strategies, which will examine the City's housing needs, residential land that is buildable, and a variety of housing strategies to increase the production of needed housing.

Finding 21: The other amendments to SDC 4.7.100 for various districts will make the code more user-friendly by listing standards that apply to a district in one place instead of needing to reference another chapter of the code. These amendments are for clarification purposes and do not change the overall categories of uses that are permitted within the commercial, industrial, public land and open space, urbanizable fringe overlay, or Booth-Kelly Mixed-Use districts.

Conformance with Applicable State Statutes

Finding 22: ORS 197.610 requires local jurisdictions to submit proposed comprehensive plan or land use regulation changes to the Department of Land Conservation and Development (DLCD). Notice of the proposed amendments to the Springfield Development Code was provided to DLCD 35 days in advance of the Planning Commission public hearing in compliance with ORS 197.610 and ORS 197.620(3). Therefore, the amendments are consistent with the state statute.

Finding 23: ORS 197.307(4) requires that jurisdictions "may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing" and "may not discourage needed housing through unreasonable cost or delay". The amendments retain the existing clear and objective standards and procedures for single-unit dwellings, middle housing, and multiple-unit housing and the income-qualified housing uses that were implemented during Ordinance 6443 (for middle housing). However, the code amendments that comply with House Bills 3151 and 3395 expand opportunities for income-qualified housing to residential structures within commercial districts and in mixed-use structures. To reduce barriers to income-qualified housing, the amendments allow for the clear and objective tract but also the alternate discretionary review procedures for development that doesn't comply with the clear and objective standards. For multiple unit housing permitted in 4.7.375 through 4.7.385, a housing applicant has the option either to proceed under the clear and objective path or to seek approval under one or more discretionary review options, which "does not discourage needed housing through unreasonable cost or delay". The discretionary review procedures authorize density at the same density levels that are allowed under the clear and objective income-qualified criteria in 4.7.405, consistent with ORS 197.307(6)(c) and House Bill 4064.

Finding 24: The Oregon State Legislature passed House Bills 2984, 3151, and 3395 to expand opportunities for market rate housing and income-qualified housing within areas zoned for commercial use, subject to certain zoning and property ownership conditions. The amendments update the special standards section in SDC 4.7.370 for Income-Qualified Housing on Property Owned by Religious Nonprofits and in SDC 4.7.405 for Income-Qualified Housing and necessitate the creation of SDC 4.7.215 Conversion of Commercial to Residential. Sections 4.7.370 and 4.7.405 define the affordability and ownership requirements in the bills and the comparable residential density requirements for the allowed commercial uses in the subject district, while section 4.7.215 stipulates where conversion of commercial to residential does not apply. House Bill 3395 also established a density standard for single room occupancy (SRO), which requires that for the purposes of calculating density, 6 single room occupancy units is equal to 1 dwelling unit and that SRO units are permitted when “consistent with the density standards of a lot or parcel zoned to allow for the development of residential dwellings with five or more units.”

Finding 25: The Department of Land Conservation and Development neither developed guidance materials for the bills nor model codes for cities to prepare these code amendments. Therefore, the language for the approval criteria of income-qualified housing (House Bills 3151 and 3395) and conversion of commercial to residential (House Bill 2984) were drafted to be as close to the statutory language as possible.

CONCLUSION: Based on the findings above, the code amendments are consistent with applicable state statutes.

Conformance with Applicable State-wide Planning Goals and Administrative Rules

Statewide Planning Goal 1 – Citizen Involvement. To develop a citizen involvement program that provides the opportunity for citizens to be involved in all phases of the planning process.

Finding 26: Requirements under Goal 1 are met by adherence to the citizen involvement process required by the Metro Plan and implemented by the Springfield Development Code. As detailed above, a public outreach process occurred during the development code amendment process. The amendments are subject to the Type 4 legislative procedure, which requires public notification and public hearings before the Planning Commission and City Council. The procedure has been established by the City and determined to be consistent with the City’s acknowledged Citizen Involvement Program and Statewide Planning Goal 1. The public hearing notice and hearings before the Planning Commission and City Council/Board of County Commissioners are recognized as opportunities for citizen participation.

Therefore, the amendments are in compliance with Goal 1.

Statewide Planning Goal 2 – Land Use Planning. To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual basis for such decisions and actions.

Finding 27: This goal outlines the land use planning process and policy framework. The Metro Plan, Springfield Comprehensive Plan, and Springfield Development Code have been acknowledged by DLCD as being consistent with the Statewide Planning Goals. The City has followed the land use planning process and policy framework established in the City's acknowledged comprehensive plan elements and Springfield Development Code as a basis for all decision and actions related to the use of land and to assure an adequate basis for such decisions and actions. The Housing in Non-Residential Areas code amendments will be adopted by the City Council and Lane County Board of County Commissioners after the June 10, 2024 Public Hearing. Opportunities have been provided for review and comment by citizens and local governments.

Finding 28: Statewide Planning Goal 2 Guideline E states:

"Minor changes, i.e., those which do not have significant effect beyond the immediate area of the change, should be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change should be established. Minor changes should not be made more frequently than once a year, if at all possible."

Finding 29: While the Statewide Planning Goal Guidelines are not mandatory provisions, the code updates are consistent with the direction provided in Guideline E, for the following reasons:

- These amendments will help to increase the diversity of housing opportunities, not just for income-qualified housing, but also in underutilized commercial areas, which would help to meet Springfield's housing needs. The Housing Opportunities in Non-Residential Areas code amendments originate from adoption of House Bills 2984, 3151, and 3395; therefore, Springfield is justified in providing the aforementioned changes to the Springfield Development Code to comply with state law. This is consistent with Goal 2.
- The other aspects of the code updates, amending the development code for SDC 4.7.100 for various districts; SDC 4.7.375 through SDC 4.7.385 for Architectural Design and multiple unit housing; and SDC 5.15.110 Minimum Development Standards and SDC 5.17.110 for Site Plan Review for multiple unit housing, are consistent with Guideline E in Goal 2. This project is a continuation of work related to a larger Springfield Development Code Update project that has been ongoing since 2018 involving a phased plan to update the entire Springfield Development Code. Updating the Development Code to support efficient, timely, and clear development review is part of Springfield's Housing Strategy.

Therefore, the amendments are in compliance with Goal 2.

Statewide Planning Goal 3 – Agricultural Lands. To preserve agricultural lands.

Finding 30: The amendments are for property located within the urban growth boundary of Springfield and do not affect any land designated for agricultural use. Therefore, Goal 3 does not apply.

Statewide Planning Goal 4 – Forest Lands. To conserve forest lands.

Finding 31: The amendments are for property located within the urban growth boundary of Springfield and do not affect any land designated for forest use. Therefore, Goal 4 does not apply.

Statewide Planning Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources. To conserve open space and protect natural and scenic resources.

Finding 32: The Springfield Development Code is currently acknowledged to be in compliance with Statewide Planning Goal 5. Pursuant to OAR 660-023-0250(3) local governments are not required to apply Goal 5 in consideration of an amendment unless the amendment affects a Goal 5 resource. The amendment would only affect the resource if it: creates or amends a resource list or portion of an acknowledged plan that protects or addresses specific requirements of a Goal 5; allows new uses that could conflict with a Goal 5 resource; or the amendment affects an acknowledged UGB and information is submitted demonstrating that a resource site is included in the amended UGB area.

Finding 33: The amendments do not create or amend the City's list of Goal 5 resources, do not allow new uses that could conflict with a Goal 5 resource, and do not amend the acknowledged UGB. Furthermore, the provisions for income-qualified housing allowed under ORS 197A.445 and House Bill 3395 prohibit the development of income-qualified housing within the development setbacks for locally significant wetlands and riparian areas.

Therefore, the amendments are in compliance with Goal 5.

Statewide Planning Goal 6 – Air, Water and Land Resources Quality. To maintain and improve the quality of the air, water and land resources of the state.

Finding 34: Goal 6 addresses waste and discharges from development and is aimed at protecting air, water and land from impacts from those discharges. This goal requires local comprehensive plans to consider all waste and process discharges from urban and rural residential use and their carrying capacity. House Bills 2984 and 3395 which allow conversion of commercial to residential and income-qualified housing in commercial districts and in mixed-use structures provided they meet the area median income thresholds shown in the code, must be adequately served by water, sewer, storm water drainage, or streets at the time the development is complete. There is an amendment to the code to clarify that all new development, redevelopment, additions, expansions, or changes of use on property that are within 150 of a Water Quality Limited Watercourse (WQLW) or 100 feet of a tributary of a WQLW require a Site Plan Review application in conformance with SDC 5.17.110. The current code is ambiguous whether site plan review applies to all development in these areas, or only additions, expansions, or changes or use. However, this amendment does not change the substance of any code requirement or standard that applies to WQLWs; it simply requires all development to submit a land use application and go through the review process when a property contains a WQLW. Therefore, the amendments do not authorize any new development or increase intensity of development in a way that threatens to violate state or federal regulations.

The amendments are in compliance with Goal 6.

Statewide Planning Goal 7 – Areas Subject to Natural Disasters and Hazards. To protect life and property from natural disasters and hazards.

Finding 35: Goal 7 requires local government planning programs include provisions to protect people and property from natural hazards such as floods, landslides, earthquakes and related hazards, tsunamis and wildfires. The Goal prohibits development in natural hazard areas without appropriate safeguards. The Springfield Development Code is acknowledged to be in compliance with Goal 7. The amendments do not alter the City's acknowledged land use programs regarding landslide areas (SDC 3.3.500, Hillside Development Overlay) or flood protection (SDC 3.3.400). Furthermore, the provisions for income-qualified housing allowed under ORS 197A.445 and House Bill 3395 prohibit the development of income-qualified housing within the Hillside Overlay District or Floodplain Overlay District.

Therefore, the Housing in Non-Residential Areas code amendments are in compliance with Goal 7.

Statewide Planning Goal 8 – Recreational Needs. 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.

Finding 36: Recreational services within Springfield is the responsibility of the Willamalane Park & Recreation District. Willamalane has an adopted 20-Year Comprehensive Plan for the provision of park, open space and recreation services for Springfield. This goal is not applicable to the Housing Opportunities in Non-Residential Areas code amendments and will have no effect on the availability of or access to recreational opportunities as planned in Willamalane's Comprehensive Plan.

Therefore, the updates are in compliance with Goal 8.

Statewide Planning Goal 9 – Economic Development: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health welfare, and prosperity of Oregon's citizens.

Finding 37: Goal 9 requires the City to "provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies." The City's adopted Economic Opportunities Analysis and Commercial Industrial Buildable Lands Inventory is acknowledged to comply with Goal 9.

Finding 38: The amendments do not render any property unusable for commercial or industrial uses. The amendments allow for the redevelopment of commercial and industrial properties for income-qualified housing as the City is already required to allow under state statutes. House Bill 2984 allows commercial to residential building conversions without requiring a zone change or conditional use permit and House Bill 3395 allows housing within commercial land use districts if it is affordable to households with incomes of 60 percent AMI or less, or for mixed-use structures with ground floor commercial with residential units that are affordable to moderate income (80-120% AMI) households.

Finding 39: House Bill 3395 explicitly exempts cities from having to conduct a new economic analysis or comprehensive plan update to comply with the bill. The code amendments retain the existing minimum development areas and broad categories of uses that are currently allowed in each land use district but allow for a flexible approach by allowing new pockets of residential or mixed-use development.

Finding 40: Finally, the other amendments to SDC 4.7.100 for various districts will make the code more user-friendly by listing standards that apply to a district in one place instead of needing to reference another chapter of the code. These amendments are for clarification purposes and do not change the overall categories of uses that are permitted within the commercial, industrial, public land and open space, urbanizable fringe overlay, or Booth-Kelly Mixed-Use districts.

Therefore, the amendments are consistent with Goal 9.

Statewide Planning Goal 10 – Housing. To provide for the housing needs of citizens of the state.

Finding 41: Goal 10 requires jurisdictions inventory buildable lands for residential use and develop plans that encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which meet the financial capabilities of Oregon households and allow for flexibility of housing location type and density. The City of Springfield completed a Housing Needs Analysis and Buildable Lands Inventory in 2011. This document serves as the City's compliance document under Goal 10 and provides the basis for the City's determination that Springfield's UGB has sufficient buildable land to meet the identified housing needs during the 20-year planning period. The Springfield 2030 Comprehensive Plan Residential Land Use and Housing Element suggests that a higher percentage of multiple unit housing will be needed from 2010 to 2030, and that overall, 5,920 new dwelling units will be needed to accommodate the population including a mix of detached single-unit dwellings, townhouses, manufactured dwellings in parks, and multiple unit housing at an estimated density of at least 7.9 units per net buildable acre.

Finding 42: Consistent with House Bill's 2983, 3151, and 3395, the amendments may allow a modest increase in the number of dwelling units being built that could be constructed within the UGB due to a greater number of units being permitted on lots that were previously restricted to only commercial uses. House Bill 2984 allows the conversion of commercial to residential and House Bill 3395 allows residential in commercial districts and in mixed use structures provided they meet the area median income thresholds shown in the draft code. In addition, House Bill 3395 requires cities to apply the most comparable residential density for income-qualified housing to the allowed commercial uses in the subject district. By applying comparable density, dimensional, and design standards from the residential districts to the commercial districts the amendments can reduce regulatory barriers to income-qualified housing development and meet the states definition of needed housing per ORS 197.303.

Finding 43: The other code amendments to SDC 4.7.100 for various districts, SDC

4.7375 through 4.7.385 for architectural design and multiple unit housing, and SDC 5.15.1110 Minimum Development Standards and SDC 5.17.110 for Site Plan Review for multiple unit housing similarly comply with Goal 10 because they do not reduce the assumed residential density of at least 7.9 dwelling units per net buildable acre within the City's residentially-designated lands.

Thus, the amendments do not reduce the development potential of Springfield's housing land inventories in a manner inconsistent with Goal 10.

Statewide Planning Goal 11 – Public Facilities and Services. 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.

Finding 44: Goal 11 requires the City to plan and develop an efficient arrangement of public facilities and services to serve urban and rural development. Pursuant to OAR 660-011-0020(2) a public facility plan must identify significant public facility projects which support the land uses designated in the comprehensive plan. The Eugene-Springfield Metropolitan Area Public Facilities and Services Plan (PFSP) and the Springfield 2035 Transportation System Plan (TSP) are the City's acknowledged public facilities and transportation plans that inform infrastructure investments (i.e., water, stormwater, wastewater, electricity, and transportation). The TSP is addressed under Goal 12 below. There are no changes to the PFSP in conjunction with these amendments, and the project is otherwise consistent with Goal 11 as explained below.

Finding 45: House Bills 2984, 3151, and 3395 require income-qualified housing to "be adequately served by water, sewer, storm water drainage or streets, or be adequately served at the time that development on the lot is complete". The anticipated increase in housing density in existing areas is not expected to result in overburdening public facilities and services and new public facilities and services will be designed to serve anticipated development, including residential development in nonresidential districts, residential structures in commercial areas, and mixed-use structures with ground floor commercial units and residential units subject to area median income thresholds. The amendments do not result in a need to adjust or amend existing policies or projects in the City's adopted facility plans. Therefore, compliance with Goal 11 is maintained for the housing in non-residential areas code amendments.

Finding 46: The other code amendments to SDC 4.7.100 for various districts, SDC 4.7375 through 4.7.385 for architectural design and multiple unit housing, and SDC 5.15.1110 Minimum Development Standards and SDC 5.17.110 for Site Plan Review for multiple unit housing similarly comply with Goal 11 because they do not result in any need to amend the PFSP to include additional or different public facilities projects.

These amendments are for clarification purposes and do not change the overall categories of uses that are permitted within the commercial, industrial, public land and open space, urbanizable fringe overlay, or Booth-Kelly Mixed-Use districts and are consistent with Statewide Planning Goal 11.

Statewide Planning Goal 12 – Transportation. To provide and encourage a safe, convenient and economic transportation system.

Finding 47: The Transportation Planning Rule (TPR), at OAR 660-012-0060, requires the City to adopt mitigation measures whenever “an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility.” An amendment causes a significant effect under the TPR when it changes the functional classification of an existing or planned transportation facility, changes the standards for implementing the functional classification system, or meets any of the standards in OAR 660-012-0060(1)(A) - (C) regarding degradation of the performance of an existing or planned transportation facility.

Finding 48: A land use regulation amendment “significantly affects” transportation under Subsection 1(a) if it *“Change[s] the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan).”* The amendments do not change any functional classification under OAR 66-012-0060(1)(a).

Finding 49: A land use regulation amendment “significantly affects” transportation under Subsection 1(b) if it *“Change[s] standards implementing a functional classification system.”* The amendments do not change the City’s standards for implementing its functional classification system under OAR 66-012-0060(1)(b).

Finding 50: Under Subsection (1)(c), a land use regulation amendment “significantly affects” transportation if it results in (A) *types or levels of travel or access inconsistent with the functional classification of a transportation facility;* (B) *degrades the performance of a transportation facility such that it would not meet performance standards identified in the TSP or comprehensive plan;* or (C) *degrades the performance of a transportation facility that is otherwise projected to not meet the performance standards in the TSP or comprehensive plan.* To determine whether the amendments “significantly affect” a transportation facility within the meaning of (1)(c) a local government may compare the most traffic-generative use reasonably allowed in the current zone with the most traffic-generative use reasonably allowed in the new zone.

Finding 51: The Housing in Non-Residential Code Amendments do not result in any of the significant effects listed in OAR 660-012-0060(1)(c)(A) through (C) because the code changes do not change the most traffic generative use allowed under the current code. The amendments do not change existing allowances for income-qualified housing uses that were implemented during Ordinance 6443 (for middle housing). House Bill 3395 for income-qualified housing in the commercial districts or in mixed-use structures must apply the most comparable residential density to the allowed commercial uses in the subject district. Both House Bill 2984 for commercial to residential building conversion and House Bill 3151 which amends the existing income-qualified housing code, must be adequately served by public services, including streets, at the time of development. The reasonably-most traffic generative uses in commercial and industrial districts are commercial, retail, and employment-related uses that generate more average daily trips than the reasonably-most traffic generative income-qualified housing project. For example, taking a one-acre site, a reasonable floor area ratio for commercial or industrial development is 0.50. Using the ITE Manual 11th Edition daily average trip rates, a general office building on a 1 acre site with a FAR of 0.50 would be expected to generate approximately 236 trips per day; general office uses are an allowed use in every commercial and industrial district that is impacted by these code amendments. A reasonably-most traffic generative income-qualified housing development on the same acre is a mid-rise multifamily development with 25

units, generating approximately 114 average daily trips. Because the reasonably-most traffic generative income-qualified housing use generates less average daily trips than other uses likely to develop in the commercial and industrial districts without these code amendments, the amendments do not cause a significant effect under OAR 660-012-0060(1)(c)(A) through (C).

Finding 52: The amendments to SDC 4.7.100 for various districts, SDC 4.7375 through 4.7.385 for architectural design and multiple unit housing, and SDC 5.15.1110 Minimum Development Standards and SDC 5.17.110 for Site Plan Review for multiple unit housing, also do not change the uses or density already allowed in the various districts or design standards for multiple unit housing previously passed in Ordinance 6443; they merely streamline and simplify the development review processes and standards that apply within those land use districts.

Therefore, the amendments are consistent with Statewide Planning Goal 12.

Goal 13 – Energy Conservation. Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based on sound economic principles.

Finding 53: The City’s acknowledged Goal 13 regulations remain unaffected by the amendments. The proposed amendments will allow for residential development in nonresidential and mixed-use areas serving income-qualified households. The amendments to SDC 4.7.100 for various districts, SDC 4.7375 through 4.7.385 for architectural design and multiple unit housing, and SDC 5.15.1110 Minimum Development Standards and SDC 5.17.110 for Site Plan Review for multiple unit housing, also do not change the uses already allowed in the various districts or design standards for multiple unit housing previously passed in Ordinance 6443.

Therefore, the amendments are consistent with Statewide Planning Goal 13.

Goal 14 –Urbanization. To provide for an orderly and efficient transition from rural to urban land use.

Finding 54: Goal 14 requires cities to estimate future growth rates and patterns, and to incorporate, plan, and zone enough land to meet the projected demands. The amendments do not repeal or replace existing code provisions regarding annexation. The code provisions regarding urbanizable land are contained in the Urban Fringe Overlay District and the Agriculture Urban Holding Area district. To make the code clearer and easier to interpret the Urban Fringe Overlay District standards in 4.7.100 were moved to the Urbanizable Fringe Overlay District (SDC 3.3.825) as the use, Public and Private Parks in the Urbanizable Fringe Overlay District, only applies in that overlay. This change does not alter the requirement that urban uses are prohibited in the urbanizable areas prior to annexation.

Therefore, the amendments are consistent with the requirements of Statewide Planning Goal 14.

Goal 15 –Willamette River Greenway. 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 55: Statewide Planning Goal 15 requires cities to adopt local greenway plans, along with criteria for new development or uses along the river. Pursuant to SDC 3.3.320(A), uses allowed in the Willamette Greenway Overlay District are the same as those in the underlying land use district; thus, the amendments do not repeal, replace, or void the existing code provisions related to Goal 15 and no changes are proposed to the existing overlay protections from this amendment.

Therefore, the amendments are consistent with the requirements of Statewide Planning Goal 15.

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

Finding 56: Statewide Planning Goals 16 – 19 relate to coastal lands in Oregon, which are not applicable within the planning jurisdiction of the City of Springfield and are not applicable to the amendments.

VI. CONCLUSION

Based upon the evidence above and the criteria of SDC 5.6.115 for approving amendments to the Springfield Development Code, the text amendments to income-qualified housing (SDC 4.7.370 Income-Qualified Housing on Property Owned by Religious Nonprofits and SDC 4.7.405 Income-Qualified Housing); changes to SDC 4.7.100 for various districts; changes to SDC 4.7.375 through SDC 4.7.385 for Architectural Design and multiple unit housing; changes to SDC 5.15.110 Minimum Development Standards and SDC 5.17.110 for Site Plan Review for multiple unit housing; and changes to 6.1.110 Definitions are consistent with these criteria.

Attachment 2

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. 16-86) IN THE MATTER OF AMENDING CHAPTER
) 10 OF LANE CODE TO TRANSFER THE
) ADMINISTRATION OF LAND USE REGU-
) LATIONS TO THE CITY OF SPRINGFIELD,
) ADOPT THE SPRINGFIELD DEVELOPMENT
) CODE FOR APPLICATION WITHIN
) THE SPRINGFIELD URBAN GROWTH
) BOUNDARY, ADOPT A SEVERABILITY
) CLAUSE, DECLARE AN EMERGENCY,
) AND SET AN EFFECTIVE DATE OF
) DECEMBER 1, 1986.

WHEREAS, the Lane County Board of Commissioners adopted Order No. 85-3-13-1 (see attached Exhibit "A") which, among other items, recognized the following:

1. Within the Urban Growth Boundary of Eugene and Springfield, the Cities are the principal providers of urban services.
2. The County shall coordinate closely with other jurisdictions to ensure continued delivery of effective and efficient urban services.
3. The County shall transfer or reduce the urban services which it provides in the metropolitan area; and

WHEREAS, the Lane County Board of Commissioners approved Order No. 86-6-4-3, adopting an agreement regarding the transfer of building and land use responsibilities within the urbanizable portion of the Springfield Urban Growth Boundary (see attached Exhibit "B"); and

WHEREAS, pursuant to the authority granted them, the County Administrator and Springfield City Manager have adopted an agreement to implement the policy directions of the elected officials for the transfer of building and land use responsibilities within the urbanizable portion of the Springfield Urban Growth Boundary (see attached Exhibit "C"); and

WHEREAS, pursuant to the adoption of Ordinance No. 12-86 (see attached Exhibit "D"), the Lane County Board of Commissioners has already transferred to Springfield building regulatory responsibilities for the urbanizable portion of the Springfield Urban Growth Boundary; and

WHEREAS, the Board is prepared to revise Lane Code, Chapter 10, "Zoning", for the purpose of transferring the administration of land use regulations to the City of Springfield within Springfield's Urban Growth Boundary, and for adopting the land use regulations of the City; NOW THEREFORE

The Board of County Commissioners of Lane County ordains as follows:

Chapter 10 of Lane Code is hereby amended by adding the following page, and said page is attached hereto and incorporated by reference.

Remove this Page

Insert this Page

10.600-10 - 10.600-10(3),
i.e. 10-338a
(a total of one new page)

The Springfield Development Code attached hereto, adopted by Lane Code 10.600-15, shall not be codified into Lane Code.

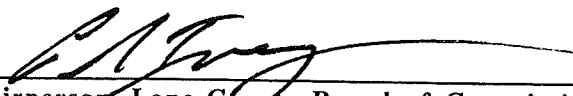
Planning applications accepted prior to the effective date of this Ordinance shall continue to be processed through Lane County.

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

While not part of this Ordinance, we adopt the attached Exhibits "A", "B", "C", and "D" as Findings in support of this decision.

An emergency is hereby declared to exist, and this Ordinance, being enacted by the Board in the exercise of its police power for the purpose of meeting such emergency, and for the preservation of the public peace, health, and safety, shall take effect December 1, 1986.

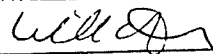
ENACTED this 24th day of November, 1986.



Chairperson, Lane County Board of Commissioners



Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM
DATE 10/30/86 by county


OFFICE OF LEGAL COUNSEL

-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, east of I-5, excluding the area known as Glenwood (bounded on the north and east by the Willamette River and the west and south by I-5). Refer to Lane County Ordinance No. 9-80, adopted 8-27-80, and as amended by the following Ordinances: 9-80A, 856, 885, 893, 901, 904 and 907.

(2) Urbanizable Land. Urbanizable lands, as defined by the Eugene-Springfield Metropolitan Area Plan, are those unincorporated lands between the Springfield City Limits and the Springfield Urban Growth Boundary.

-15 Applicable Land Use Regulations. Lane County has adopted the following land use regulations to be applied by Springfield on urbanizable land within the Springfield Urban Growth Boundary.

(1) The Springfield Development Code in effect on December 1, 1986.

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

[10.600-10

Lane Code

10.600-15(2)

-10 Springfield Urban Growth Boundary. The City of Springfield shall have the responsibility and the authority to administer its land use regulations on urbanizable land within the Springfield Urban Growth Boundary. For the purpose of this subsection, the following words and phrases shall mean:

(1) Springfield Urban Growth Boundary. All land within the Urban Growth Boundary, as defined by the Eugene-Springfield Metropolitan Area General Plan, east of I-5, excluding the area known as Glenwood (bounded on the north and east by the Willamette River and the west and south by I-5). Refer to Lane County Ordinance No. 9-80, adopted 8-27-80, and as amended by the following Ordinances: 9-80A, 856, 885, 893, 901, 904 and 907.

(2) Urbanizable Land. Urbanizable lands, as defined by the Eugene-Springfield Metropolitan Area Plan, are those unincorporated lands between the Springfield City Limits and the Springfield Urban Growth Boundary.

-15 Applicable Land Use Regulations. Lane County has adopted the following land use regulations to be applied by Springfield on urbanizable land within the Springfield Urban Growth Boundary.

(1) The Springfield Development Code in effect on December 1, 1986.

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

ORDER NO. 85-3-13-1

(IN THE MATTER OF THE LANE COUN
(OF COMMISSIONERS RECOGNITION O
(CITIES OF EUGENE AND SPRINGFIELD AS
(THE LOGICAL PROVIDERS OF URBAN SERVICES
(WITHIN URBAN GROWTH BOUNDARIES OF THE
(ACKNOWLEDGED EUGENE-SPRINGFIELD METRO
(AREA GENERAL PLAN

EXHIBIT 'A'

WHEREAS, the County of Lane finds that the acknowledged Eugene-Springfield Metropolitan Area General Plan is based on the premise that the two existing cities are the logical providers of services accommodating urban levels of development; and

WHEREAS, it is within the County's interest to participate in resolving the service needs of the presently unincorporated area within the Metropolitan Plan area; and

WHEREAS, the County recognizes the integrated nature of the urban area and the essential role of the central city and wishes to enhance the economic well-being of the entire area; and

WHEREAS, the present lack of services constrains the area's economic development and its residential, commercial and industrial development to the detriment of all the residents of the metropolitan area; and

WHEREAS, a full-range of urban services shall ultimately be provided to urban areas and those services include sanitary sewers, water service, fire service, land use controls, police protection, parks and recreation programs, electric service, storm drainage facilities, street lighting, libraries; and

WHEREAS, the Metropolitan Plan and the Glenwood jurisdictional study have determined the area of jurisdictional responsibility for Eugene and Springfield; and

WHEREAS, the Metropolitan Plan calls for efforts to reduce the number of unnecessary special service districts and to revise confusing or illogical service boundaries, including those that result in a duplication of effort or overlap of services; and

WHEREAS, the County has adopted the Urbanization Report and a set of Urban Transition Policies; and

WHEREAS, there has been a decline in revenues available for the provision of services, causing the need for greater governmental efficiency; and

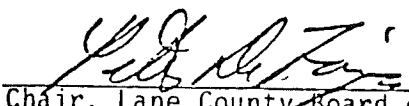
WHEREAS, the County has a desire to work cooperatively with other jurisdictions within the planned urban services boundary to efficiently transfer, increase or consolidate municipal services in an orderly and efficient manner;

NOW THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Commissioners of Lane County that:

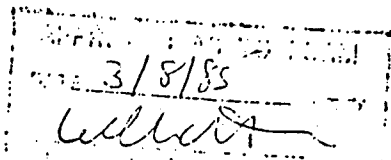
1. the County shall acknowledge the Cities' role as the principal providers of urban services within the established jurisdictional area of the Metropolitan General Plan and shall help plan for the eventual delivery of urban services according to a phased program of improvements meeting the service needs of individual areas.

2. the County shall name two members of the Board to participate on a Metro Urban Transition Policy Committee.
3. the work of this committee on an urban transition/consolidation process shall commence by July 1, 1985 and be completed no later than December 31, 1986.
4. the County shall commit the necessary staff and financial resources for the urban transition/consolidation process including intergovernmental coordination and staffing for the Urban Transition Policy Committee.
5. the County shall coordinate closely with other jurisdictions to ensure continuing delivery of effective and efficient urban services.
6. the County shall transfer or reduce the urban services which it provides in the metropolitan area and encourage the unincorporated areas to obtain those services by means of annexation to the Cities.
7. the County shall assist the Cities with a Public Education Program within the urban services area to inform residents and property owners of the shift in service delivery responsibility and to encourage annexation.

Dated this 13th day of March, 1985.



Chair, Lane County Board of Commissioners



IN THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 86-6-4-3

(IN THE MATTER OF ADOPTING AN
(AGREEMENT REGARDING THE
(TRANSFER OF BUILDING AND
(LAND USE RESPONSIBILITIES
(WITHIN THE URBANIZEABLE POR-
(TION OF THE SPRINGFIELD
(URBAN GROWTH BOUNDARY

WHEREAS, the City of Springfield and Lane County are subject to the policy mandates of the Eugene-Springfield Metropolitan Area General Plan, hereinafter referred to as the "Metro Plan;" and

WHEREAS, this Agreement is intended to implement the policy mandates of the Metro Plan; and

WHEREAS, the City of Springfield and Lane County have adopted policy resolutions which call for the transition of urban services in the urbanizable area from Lane County to the City of Eugene; and

WHEREAS, the intergovernmental Urban Service Policy Committee has approved a concept paper outlining the conditions of the transfer of building and land use responsibilities; and

WHEREAS, the following Metro Plan "Growth Management and Urban Service Area" policies support the administration of City authority within the urbanizable portion of the Springfield Urban Growth Boundary:

1. Policy #2, page II-B-3, requires that the location, timing and financing of major public investments that directly influence the growth form of the metropolitan area be planned and coordinated on a metropolitan wide basis.
2. Policy #7, page II-B-4 provides that land within the projected urban service area may be converted from urbanizable to urban only through annexation to a city.
3. Policy #12, page II-B-5, requires that any development taking place within an urbanizable area shall be designed to the development standards of the city which would be responsible for eventually providing a minimum level of key urban services to the area. This policy further provides that with the exception of areas designated "special light industrial" the minimum lot size within the urbanizable area shall be 10 acres.
4. Policy #13, page II-B-5, requires that the creation of lots of under five acres in size in the urbanizable area shall require a city-county Agreement. This Agreement shall be subject to certain ownership, locational and size standards imposed by this policy.
5. Policy #14, page II-B-6, provides that Lane County shall review the siting of all residences on urbanizable lots served by on-site sewage disposal systems.
6. Policy #15, page II-B-6, provides that Lane County shall have the responsibility of approving on-site sewage disposal systems for

urbanizable area uses; and

WHEREAS, the City and the County wish to implement the "Growth Management and Urban Service Area" policy considerations of the Metro Plan by transferring building regulation and land use responsibilities for the urbanizable portion of the Springfield Urban Growth Boundary from the County to the City; and

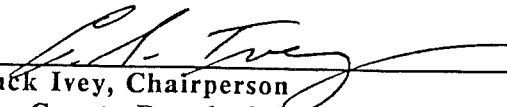
WHEREAS, ORS 190.003 et seq provides for intergovernmental agreements between units of local government, including the City of Springfield and Lane County, to allow the performance of functions or activities of one unit of local government for another; and

WHEREAS, ORS 190.003 et seq requires that an intergovernmental agreement contemplating the performance of functions or activities by one unit of local government for another shall specify the responsibilities between the parties; and

WHEREAS, the Board of County Commissioners of Lane County has met at a public meeting to consider the adoption of this Agreement and is desirous of adopting the Agreement; NOW

THEREFORE BE IT ORDERED that the Lane County Board of Commissioners adopts the Agreement attached and described as Exhibit "A" and, in so doing, authorizes James R. Johnson, County Administrator for Lane County, to consign and execute the Agreement with the City of Springfield.

DATED this 4th day of June, 1986.



Chuck Ivey, Chairperson
Lane County Board of Commissioners

AGREEMENT REGARDING THE TRANSFER OF BUILDING AND
RESPONSIBILITIES WITHIN THE URBANIZABLE PORTION (
SPRINGFIELD URBAN GROWTH BOUNDARY

ORD. NO. 16-86

EXHIBIT 'C'

THIS AGREEMENT is entered into pursuant to the authority granted in Chapter 190 of Oregon Revised Statutes and in accord with the policy guidance provided by the Eugene-Springfield Metropolitan Area General Plan, by and between the CITY OF SPRINGFIELD, a local municipality of the State of Oregon, hereinafter called the "City," and the COUNTY OF LANE, a political subdivision of the State of Oregon, hereinafter called the "County," as the parties hereto to provide for the transition of responsibility for certain services from the County to the City.

RECITALS

WHEREAS, the City and the County are subject to the policy mandates of the Eugene-Springfield Metropolitan Area General Plan, hereinafter referred to as the "Metro Plan;" and

WHEREAS, this Agreement is intended to implement the policy mandates of the Metro Plan; and

WHEREAS, the City and the County have adopted policy resolutions which call for the transition of urban services in the urbanizable area from the County to the City; and

WHEREAS, the intergovernmental Urban Services Policy Committee has approved a concept paper outlining the conditions of the transfer of building and land use responsibilities; and

WHEREAS, the following Metro Plan "Growth Management and Urban Service Area" policies support the administration of City authority within the urbanizable portion of the Springfield Urban Growth Boundary:

1. Policy #2, page II-B-3, requires that the location, timing and financing of major public investments that directly influence the growth form of the metropolitan area be planned and coordinated on a metropolitanwide basis.
2. Policy #7, page II-B-4 provides that land within the projected urban service area may be converted from urbanizable to urban only through annexation to a city.
3. Policy #12, page II-B-5, requires that any development taking place within an urbanizable area shall be designed to the development standards of the city which would be responsible for eventually providing a minimum level of key urban services to the area. This policy further provides that with the exception of areas designated "special light industrial" the minimum lot size within the urbanizable area shall be 10 acres.
4. Policy #13, page II-B-5, requires that the creation of lots of under five acres in size in the urbanizable area shall require a city-county Agreement. This Agreement shall be subject to certain ownership, locational and size standards imposed by this policy.
5. Policy #14, page II-B-6, provides that Lane County shall review the siting of all residences on urbanizable lots served by on-site sewage disposal systems.

6. Policy #15, page II-B-6, provides that Lane County shall have the responsibility of approving on-site sewage disposal systems for urbanizable area uses; and

WHEREAS, the City and the County wish to implement the "Growth Management and Urban Service Area" policy considerations of the Metro Plan by transferring building regulation and land use responsibilities for the urbanizable portion of the Springfield Urban Growth Boundary from the County to the City; and

WHEREAS, ORS 190.003 et seq provides for intergovernmental agreements between units of local government, including the City and the County, to allow the performance of functions or activities of one unit of local government for another; and

WHEREAS, ORS 190.003 et seq requires that an intergovernmental agreement contemplating the performance of functions or activities by one unit of local government for another shall specify the responsibilities between the parties;

NOW, THEREFORE, PURSUANT TO THE PROVISIONS OF ORS 190.003 et seq, THE CITY AND COUNTY AGREE AS FOLLOWS:

AGREEMENTS

ARTICLE I: PURPOSE

- A. To enable the City to provide municipal services where it is logical and efficient to do so, and to enable the County to reduce the provision of these services in order to enhance the provision of County-wide non-municipal services.
- B. To provide for the orderly transition of municipal services delivery from County to City.
- C. To enable the City and the County to better implement the goals and policies of the "Growth Management and Urban Service Area" section of the Metro Plan.
- D. To provide for the transfer of certain land use and building regulation responsibilities from the County to the City for the urbanizable portion of the Springfield Urban Growth Boundary.
- E. To avoid the duplication of governmental effort and public confusion concerning land development processes and standards.

ARTICLE II: DEFINITIONS

- A. Building Regulations: For the purposes of this Agreement, building regulations shall be the City's currently adopted version of the State Building Specialty Codes and applicable Oregon Administrative Rules. These regulations shall include, but shall not be limited too, the following:
1. Structural Specialty Code and Fire and Life Safety regulations.
 2. Council of Americal Building Officials One and Two Family Dwelling Code.
 3. Mechanical Specialty Code and Mechanical Fire and Life Safety regulations.
 4. Plumbing Specialty Code.
 5. OAR 814-23-055 to 814-23-080, Mobile Home Installation, Tiedown and Accessory Building Requirements.
 6. Uniform Code for the Abatement of Dangerous Buildings.
 7. Electrical Specialty Code and Oregon State Electrical Code for 1 and 2 family dwellings.
 8. OAR Chapter 837, Division 40, Fire and Life Safety Code.
- B. Hearings Officer: As used in this Agreement, the hearings officer means an individual or individuals appointed to implement Type III development procedures through a quasi-judicial decision-making process and to hear and render decisions regarding violations of the land use regulations applied within the urbanizable portion of the Springfield Urban Growth Boundary.
- C. Land Use Regulations: Those regulations, as defined by ORS 197.015(11), applicable to the urbanizable portion of the Springfield Urban Growth Boundary. For the purposes of this Agreement, land use regulations shall include, but shall not necessarily be limited to, the Springfield Development Code.
- D. Springfield Urban Growth Boundary: All land within the urban growth boundary, as defined by the Eugene-Springfield Metropolitan Area General Plan, east of I-5 excluding the area known as Glenwood (bounded on the north and east by the Willamette River and the west and south by I-5).
- E. 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.

ARTICLE III: BUILDING SERVICES TO BE TRANSFERRED

A. The County shall, as of November 1, 1986:

1. Transfer to the City the responsibility and authority to administer building regulations, with the exception of the Electrical Specialty Code and the Oregon State Electrical Code for 1 and 2 family dwellings, within the urbanizable portion of the Springfield Urban Growth Boundary.
2. Assist in the transfer of the authority from the State of Oregon to the City for the administration of the Electrical Specialty Code and the Oregon State Electrical Code for 1 and 2 family dwellings.
3. Assist in the transfer of the authority from the State Fire Marshall to the City for the administration of the Fire and Life Safety Code for the urbanizable portion of the Springfield Urban Growth Boundary.
4. Adopt the building regulations of the City.
5. Retain authority over the administration of on-site sewage disposal systems within the urbanizable portion of the Springfield Urban Growth Boundary.
6. Continue to process permits accepted prior to the effective date of this Agreement.

B. The City shall, as of November 1, 1986:

1. Have the responsibility and the authority to administer its building regulations within the urbanizable portion of the Springfield Urban Growth Boundary.
2. Assume all building inspection and plan review responsibilities within the urbanizable portion of the Springfield Urban Growth Boundary and shall receive all fees required for that service.
3. Specify required building permit fees in the Springfield Building and Safety Codes. These fees may differ from fees charged for similar permits inside the City or in the remainder of the County and may be adjusted in the future to more closely reflect the fee schedule for urbanizable lands within the Springfield Urban Growth Boundary.
4. Process appeals of administrative decisions through the Springfield Building Board of Appeals. Appeals from the Building Board shall be to the Oregon Department of Commerce.
5. Hold harmless and indemnify the County from the administration and enforcement of building regulations within the urbanizable portion of the Springfield Urban Growth Boundary.

ARTICLE IV: LAND USE SERVICES TO BE TRANSFERRED

A. The County shall, as of January 1, 1987:

1. Transfer to the City the responsibility and authority to administer land use regulations within the urbanizable portion of the Springfield Urban Growth Boundary.
2. With the City, jointly develop land use regulations to be applied to the urbanizable portion of the Springfield Urban Growth Boundary. Following at least one hearing on these regulations by the planning commissions of Springfield and Lane County, the Springfield City Council and the Lane County Board of Commissioners shall adopt identical versions of these land use regulations.

These jointly developed land use regulations shall include an overlay zoning district which shall require, except in the case of existing single-family residences, "consent to annexation" and "waiver of remonstrance" agreements for all Type II-IV development permits and Type I development permits with respect to new single family residences and duplexes and site plan reviews.

3. Transfer to the Springfield Planning Commission the legislative land use authority for the urbanizable portion of the Springfield Urban Growth Boundary currently exercised by the Lane County Planning Commission.
4. Continue processing permits accepted prior to the effective date of this Agreement.

B. The City shall, as of January 1, 1987:

1. Administer, in conformance with the Metro Plan, the land use regulations jointly developed between the County and the City.
2. Refer each development request pertaining to the urbanizable portion of the Springfield Urban Growth Boundary to the County for comment.
3. Accord the County automatic party status for all development requests administered within the urbanizable portion of the Springfield Urban Growth Boundary and shall exercise final decision-making responsibility only after the County has been provided a reasonable opportunity to make timely recommendations.
4. Assume permit issuance and site inspection duties necessary for the administration of the jointly developed land use regulations within the urbanizable portion of the Springfield Urban Growth Boundary.
5. Have the authority to set all fees for land use regulation and shall receive all fees associated with the implementation of these regulations. These fees for applications affecting urbanizable lands may differ from fees charged for applications inside the City.

6. Prosecute violations of the jointly developed land use regulations as a City Infraction. Prosecution shall be pursuant to the City's administrative hearing procedures and determination before a hearings officer, as provided by Article V of this Agreement.
7. Establish and receive all fees concerning appeals of hearings officer decisions regarding the issuance of land use permits within the urbanizable portion of the Springfield Urban Growth Boundary.
8. The City shall provide for the position of a hearings officer in appropriate code provisions. The City shall remunerate the hearings officer for appeals of administrative decisions made by Springfield in the implementation of the jointly developed land use regulations.
9. Hold harmless and indemnify the County from the administration and enforcement of land use regulations within the urbanizable portion of the Springfield Urban Growth Boundary.

ARTICLE V: APPEALS

- A. Appeals of administrative decisions made by Springfield in the implementation of the jointly developed land use regulations and violations of the City's land use regulations shall be reviewed by a hearings officer.
- B. The position of hearings officer shall be mutually agreed upon and appointed by the City and the County for a period of four years.
- C. A person charged with a violation of the City's land use regulations may appeal a final adverse ruling by the hearings officer through the Writ of Review process provided by ORS Chapter 34 or through other legal mechanisms as appropriate. The City shall defend such appeals as appropriate.
- D. Decisions by the hearings officer regarding the issuance of land use permits within the urbanizable portion of the Springfield Urban Growth Boundary shall constitute the final level of local appeal. Appeals of hearings official decisions regarding the issuance of land use permits shall be to the Oregon Land Use Board of Appeals. The City shall accord the County automatic party status during the prosecution of these appeals.

ARTICLE VI: DISPUTE RESOLUTION

City and County planning and building officials shall attempt to informally resolve any disputes regarding either party's performance or decisions under this Agreement, or regarding the terms, conditions or meaning of this Agreement. Disputes which are not resolved through this informal process shall be resolved by arbitration. Either party may request arbitration upon ten (10) days' prior written notice. If the parties cannot agree to a single arbitrator within ten (10) days of the notice, each party shall have five (5) additional days to select a person to represent the party and the two representatives shall, within five (5) days, select an impartial third person to complete a three-member arbitration panel. The panel shall conduct the arbitration in accordance with the provisions of ORS Ch 33 or the future corresponding provisions of any such

law. The arbitrators shall assess all or part of the cost of arbitration, including attorney's fees, to one or both parties. The decision of the arbitrator shall be final and shall be filed as a judgment in Circuit Court.

ARTICLE VII: AMENDMENT

This Agreement may be modified by mutual consent of both parties according to the procedure outlined in Section B of Article IV of this Agreement. It is recognized that the City may renegotiate the provisions of Section D, Article V of this Agreement, in the event the County and the City of Eugene execute a similar agreement where the role of the Lane County Board of Commissioners in the appeal process differs substantially from the terms of this Agreement.

ARTICLE VIII: TERMINATION

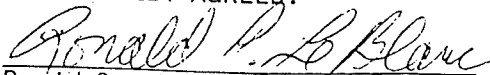
Failure by the County to adopt the City's land use and building regulations within the timeframes specified within this Agreement for the transfer of services shall, without prejudice, automatically terminate this Agreement. This Agreement may be terminated at will until the provisions of this Agreement have been implemented. Following the implementation of the provisions of this Agreement, this Agreement shall continue indefinitely unless terminated by either party upon twelve (12) months advance written notification provided to the other party.

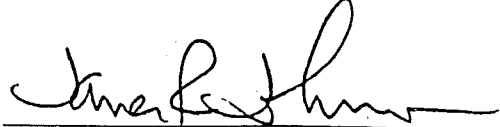
ARTICLE IX: SEPARABILITY

If any Article, section, subsection, clause or phrase of this Agreement is determined by any court or arbitrator of competent jurisdiction, to be invalid or unenforceable for any reason, such determination shall not affect the validity of the remaining Agreement, which shall continue to be in effect.

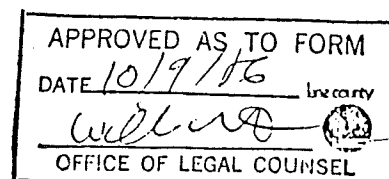
IN WITNESS WHEREOF, the authorized representatives of the City and County, as parties hereto, acting pursuant to the authority granted to them, have

HEREBY AGREED:


~~David Campbell~~ Ronald P. LeBlanc
Acting City Manager
City of Springfield


James R. Johnson
County Administrator
Lane County

clgdagr3



IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. 12-86)
 :) IN THE MATTER REVISING LANE
) CODE CHAPTER 11 TO TRANSFER
) BUILDING CODE AUTHORITY TO
) CITY OF SPRINGFIELD WITHIN
) THE URBAN GROWTH BOUNDARY
) OF SPRINGFIELD, AND DECLARING
) AN EMERGENCY

WHEREAS, the Lane County Board of Commissioners adopted Order No. 85-3-13-1, which, among other items, recognized the following:

1. Within the Urban Growth Boundary of Eugene and Springfield, the Cities are the principal providers of urban services.
2. The County shall coordinate closely with other jurisdictions to ensure continued delivery of effective and efficient urban services.
3. The County shall transfer or reduce the urban services which it provides in the metropolitan area; and

WHEREAS, the Lane County Board of Commissioners approved Order No. 86-6-4-3, adopting an agreement regarding the transfer of building and land use responsibilities within the urbanizable portion of the Springfield Urban Growth Boundary (see attached Exhibit "C"); and

WHEREAS, the Board is prepared to revise Lane Code, Chapter 11, Buildings for the purpose of transferring building code authority to the City of Springfield within Springfield's Urban Growth Boundary, and of adopting the building regulations of the City; NOW

THEREFORE, the Board of County Commissioners of Lane County Ordains As Follows:

Chapter 11 of Lane Code is hereby amended by removing and substituting the following pages:

Remove These Pages

11.010(5)-11.015(2) to
 11.035 - 11.035,
 i.e., 11-2 to 11-5
 (a total of four pages)

Insert These Pages

11.015(5)-11.025(4) to
 11.035 - 11.035,
 i.e., 11-2 to 11.5
 (a total of four pages)

Said pages are attached hereto and incorporated herein by reference.

Building permits accepted prior to the effective date of this Ordinance shall continue to be processed through Lane County.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and

independent provision and such holding shall not effect the validity of the remaining portions hereof.

While not part of this Ordinance, we adopt the attached Exhibit "B" and "C" as Findings in support of this decision.

An emergency is hereby declared to exist and, this Ordinance, being enacted by the Board in exercise of its police power for the purpose of meeting such emergency and for the preservation of the public peace, health, and safety, shall take effect November 1, 1986.

ENACTED this 8th day of October, 1986.

APPROVED AS TO FORM

Date 10/8/86 Lane County

William R. Ball
OFFICE OF LEGAL COUNSEL

John Ball
V. Chairperson, Lane County Board of Commissioners

EXHIBIT 'B'

FINDINGS

1. The City of Springfield and Lane County are subject to the policy mandates of the Eugene-Springfield Metropolitan Area General Plan, and the following Metro Plan "Growth Management and Urban Service Area" policies support the administration of City authority within the urbanizable portion of the Springfield Urban Growth Boundary:
 - 1) Policy #2, page II-B-3, requires that the location, timing and financing of major public investments that directly influence the growth form of the metropolitan area be planned and coordinated on a metropolitan wide basis.
 - 2) Policy #7, page II-B-4 provides that land within the projected urban service area may be converted from urbanizable to urban only through annexation to a city.
 - 3) Policy #12, page II-B-5, requires that any development taking place within an urbanizable area shall be designed to the development standards of the city which would be responsible for eventually providing a minimum level of key urban services to the area. This policy further provides that with the exception of area designated "special light industrial" the minimum lot size within the urbanizable area shall be 10 acres.
 - 4) Policy #13, page II-B-5, requires that the creation of lots of under five acres in size in the urbanizable area shall require a city-county Agreement. This Agreement shall be subject to certain ownership, locational and size standards imposed by this policy.
 - 5) Policy #14, page II-B-6, provides that Lane County shall review the siting of all residences on urbanizable lots served by on-site sewage disposal systems.
 - 6) Policy #15, page II-B-6, provides that Lane County shall have the responsibility of approving on-site sewage disposal systems for urbanizable area uses.
2. The City of Springfield and Lane County have adopted policy resolutions which call for the transition of urban services in the urbanizable area from Lane County to the City of Springfield (see Order No.'s 85-3-13-1 and 86-6-4-3).
3. The intergovernmental Urban Service Policy Committee has approved a concept paper outlining the conditions of the transfer of building and land use responsibilities.
4. ORS 190.003 et seq provides for intergovernmental agreements between units of local government, including the City of Springfield and Lane County, to allow the performance of functions or activities of one unit of local government for another.

costs to be charged against the owner or property, or both, as specified in Chapter 9 of the Uniform Code for the Abatement of Dangerous Buildings, 1982 Edition.

Section 205. The Building Appeals and Advisory Board as currently constituted in Lane County shall serve as the Section 205 Board of Appeals.

11.015 Permits, Fees and Refunds.

(1) Permits. Permits are required for all work covered by the Building Codes of Lane County and agricultural buildings.

(2) Fees. Building permit fees shall be as required by separate Order of the Board and shall not exceed the limits in ORS 456.760.

(3) Refunds. All fees are nonrefundable, except in cases when the processing of an application was terminated prior to the incurring of any substantial administrative expenses. The amount of refund shall be determined by the Director and shall be based upon the proportion of staff time allotted to processing the permit relative to complete processing of a permit.

11.020 Designation of Building Official. In accordance with ORS 456.800, the Senior Plans Examiner, Department of Planning and Community Development, is hereby appointed as the Lane County Building Official.

11.025 Springfield Urban Growth Boundary. Notwithstanding other subsections of this Chapter, the City of Springfield shall have the responsibility and the authority to administer its building regulations on urbanizable land within the Springfield Urban Growth Boundary, and the same building regulations are adopted by Lane County for the purpose of this subsection. For the purpose of this subsection, the following words and phrases shall mean:

Building Regulations. The City of Springfield's currently adopted version of the State Building Specialty Codes and applicable Oregon Administrative Rules. These regulations shall include, but shall not be limited to, the following:

- (1) Structural Specialty Code and Fire and Life Safety regulations
- (2) Council of American Building Officials 1 and 2 Family Dwelling Code
- (3) Mechanical Specialty Code and Mechanical Fire and Life Safety regulations
- (4) Plumbing Specialty Code

9-74; 7.3.74	16-79; 1.18.80	11-2
6-75; 3.26.75	18-80; 9.5.80	
11-75; 9.5.76	10-82; 7.9.82	
3-76; 4.7.76	14-83; 6.22.83	
9-76; 8.27.76	1-85; 5.10.85	

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- (5) OAR 814-23-055 to 814-23-080, Mobile Home Installation, Tie-down and Accessory Building Requirements
- (6) Uniform Code for the Abatement of Dangerous Buildings
- (7) Electrical Specialty Code and Oregon State Electrical Code for 1 and 2 Family Dwellings
- (8) OAR Chapter 837, Division 40, Fire and Life Safety Code

Refer to City of Springfield Ordinance No. 5188 (general), adopted August 15, 1983; Ordinance Nos. 5343 (general), 5344 (general), 5345 (general), and 5346 (general), adopted July 21, 1986.

Springfield Urban Growth Boundary. All land within the Urban Growth Boundary, as defined by the Eugene-Springfield Metropolitan Area General Plan, east of I-5 excluding the area known as Glenwood (bounded on the north and east by the Willamette River and the west and south by I-5). Refer to Lane County Ordinance No. 9-80, adopted 8-27-80, and as amended by the following Ordinances: 9-80A, 856, 885, 893, 901, 904, and 907.

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.

11.035 Definitions. For the purposes of this Chapter, the following words and phrases shall mean:

Agricultural Building. A structure located on a farm and used in the operation of such farm for the storage, maintenance or repair of farm machinery and equipment, or for the raising, harvesting and selling of crops, or in the feeding, breeding, management and sale of, or the produce of livestock, poultry, furbearing animals or honeybees, or for dairying and sale of dairy products, or any other agricultural or horticultural use or animal husbandry or any combination thereof, including the preparation and storage of products raised on such farm for human use and animal use and by disposal by marketing or otherwise. Sales and allowable square footage of sales areas shall be governed by Lane Code Chapter 10, "Zoning." Agricultural Building does not include:

- (a) A dwelling.
- (b) A structure used for a purpose other than growing plants in which persons perform more than 144 person-hours of labor a week.
- (c) A structure regulated by the State Fire Marshal pursuant to ORS Chapter 476.
- (d) A place used by the public.

9-74; 7.3.74 16-79; 1.18.80 11-3
 6-75; 3.26.75 18-80; 9.5.80
 11-75; 9.5.76 10-82; 7.9.82
 3-76; 4.7.76 14-83; 6.22.83
 9-76; 8.27.76

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(e) A structure subject to §§ 4001-4127, Title 42, United States Code.(the National Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder, (ORS 456.758).

Approximate Flood Hazard Study Area. Flood hazard areas as shown on the Federal Flood Hazard Boundary Maps where base flooding elevations have not been determined.

Architect. An individual qualified and licensed to practice architecture under ORS 671.010 to 671.220.

Area of Flood Hazard. The land in the floodplain within a community subject to a one percent chance of flooding in any given year.

Base Flood. A flood that has a one percent chance of being equaled or exceeded in any given year.

Building or Structure. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built upon or composed of parts joined together in some definite manner, and shall specifically include, but shall not be limited to, house trailers which are placed upon property, other than a licensed trailer park, for the apparent use as a living unit.

Camper. A structure designed to be mounted upon a vehicle, which may or may not be permanently attached thereto.

Campground. Any lot, tract or parcel of land where two or more camping spaces are located which provide facilities for living in any manner other than in a permanent residence.

Camping Space. An individual camp space intended for overnight camping by only one camping vehicle, tent vehicle or tent.

Camping Vehicle. See "Recreational Vehicle."

Camping Vehicle Park. See "Recreational Vehicle Park."

Community Water System. A water supply system, whether publicly or privately owned, which serves more than a single- or two-family residence, dwelling or mobile home for the purpose of supplying water for drinking, culinary or household use.

County Road. A public road in the County which has been expressly accepted by the Board as a part of the County road system as provided for in ORS Chapter 368, or a road which has been adjudicated to be a part of the County road system by a court of competent jurisdiction, and which road the County thereafter has the obligation for its maintenance or improvement.

Department. The Department of Planning and Community Development of the County.

9-74; 7.3.74 16-79; 1.18.80 11-4
6-75; 3.26.75 18-80; 9.5.80
11-75; 9.5.76 10-82; 7.9.82
3-76; 4.7.76 14-83; 6.22.83
9-76; 8.27.76

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Development. A human-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.

Director. The Director of the Department of Planning and Community Development of the County or his or her duly authorized representative.

Dwelling. A building or structure, or portion thereof, which is occupied in whole or in part as a residence or sleeping place, either permanently or temporarily by one or more families, but excluding hotels, motels and auto courts.

Engineer. An individual who is registered in the State of Oregon and holds a valid certificate to practice a particular branch of engineering as provided by ORS 672.020.

Engineer Designed Fill. The depositing of earth material placed by artificial means and compacted to a minimum of 90 percent of maximum density as determined by ASTM test method D1556-58T.

Existing Mobile Home Park. Any lot where two or more permanent mobile homes are located or proposed to be located for the primary purpose of being rented or leased for residential purposes, for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed.

Expansion of an Existing Mobile Home Park. The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

9-74; 7.3.74
6-75; 3.26.75
11-75; 9.5.76
3-76; 4.7.76
9-76; 8.27.76
16-79; 1.18.80
18-80; 9.5.80
10-82; 7.9.82
14-83; 6.22.83

11-5

WP 35635-LC13-49

ARTICLE 29

UF-10 URBANIZABLE FRINGE OVERLAY DISTRICT

29.010 GENERAL. The regulations of UF-10 Overlay District shall supplement the regulations of the underlying City district applicable to the urbanizable area. Where the regulations and permitted uses of an underlying district conflict with those of an Overlay District, the more restrictive standards shall apply.

29.020 DESCRIPTION. The UF-10 Overlay District implements the "Growth Management and the Urban Service Area" policies of the Metro Plan by limiting the interim parcelization and prohibiting urban development of unincorporated urbanizable land. Such land will eventually be annexed to the City, and provided with a minimal level of key urban services to allow development at urban levels. All interim development shall be designed and constructed to City standards.

29.030 APPLICABILITY. The provisions of the UF-10 Overlay District apply to all urbanizable properties, except for land designated Government and Education on the Metro Plan Diagram and supersedes the Lane County IUC (Interim Urbanizing Combining District) and ICU (Industrial-Commercial Urbanizing Combining District). The UF-10 Overlay District shall cease to apply under either of the following circumstances:

(1) Upon annexation to the City, unless the applicant specifically requests, and the City agrees to its continued application.

(2) Upon City Site Plan Review approval in accordance with Article 31 of this Code, provided, however, that expiration of City Site Plan Review approval shall cause the UF-10 Overlay District to continue to apply.

29.040 REVIEW.

(1) The siting of single-family residences in this district shall be reviewed under Type I procedure.

(2) ~~Partitions~~ Land divisions shall be reviewed under Type II procedures. ~~Subdivisions are not permitted.~~

(3) All other requests shall be reviewed in accordance with the procedures applicable in the underlying district.

(4) Under Type III procedure, a City appointed Hearings Officer shall take the place of the Springfield Planning Commission. The decision of the Hearings Officer shall be final with no right of Appeal to the City Council.

(5) A complete application together with all required materials shall be accepted by the Director prior to the review of the request as specified in Section 3.050, Application Submittal.

29.050 SCHEDULE OF USE CATEGORIES WHEN THERE IS AN UNDERLYING RESIDENTIAL DISTRICT. The following uses may be permitted in the underlying residential district subject to the provisions, additional restrictions and exceptions set forth in this Code. URBAN USES (e.g., multiple-family or churches) NOT LISTED IN THE UF-10 OVERLAY DISTRICT ARE NOT PERMITTED.

"P" = PERMITTED USE, subject to the standards of this Code; may be processed under Type I, II or III procedures.

"S" = SPECIAL USE, subject to special locational and siting standards to be met prior to being deemed a permitted use; may be processed under Type I, II or III procedures.

* = SITE PLAN REVIEW REQUIRED

- | | | |
|-----|---|----|
| (1) | Child care facilities for less than 6 children. | P |
| (2) | Agricultural uses (need definition) <u>and structures.</u> | P |
| (3) | Detached single-family dwellings, excluding mobile homes. | S |
| (4) | Neighborhood parks that do not require urban services. | S* |
| (5) | Public Utility Facilities. | |
| | (a) High Impact Facilities | S* |
| | (b) Low Impact Facilities | P |
| (6) | Temporary sales/display of produce, the majority of which is grown on the premises. | P |
| (7) | Home Occupations. | S |
| (8) | Tree Cutting (Article 38) | S |

29.060 SCHEDULE OF USE CATEGORIES WHEN THERE IS AN UNDERLYING COMMERCIAL OR INDUSTRIAL DISTRICT. The following uses may be permitted when the UF-10 District overlays a commercial or industrial zone, subject to the provisions, additional restrictions and exceptions set forth in this Code. USES NOT SPECIFICALLY LISTED SHALL BE PROHIBITED.

"P" = PERMITTED USE, subject to the standards of this Code; may be processed under Type I, II or III procedures.

"S" = SPECIAL USE, subject to special locational and siting standards to be met prior to being deemed a permitted use; may be processed under Type I, II or III procedures.

"D" = DISCRETIONARY USE, may or may not be permitted, based upon the application of general criteria; may be subject to special locational and siting standards to be met prior to being deemed a permitted use; processed under Type III procedures.

* = SITE PLAN REVIEW REQUIRED

- | | | |
|------|--|-----------|
| (1) | Expansion of non-conforming uses existing on the effective date of Lane County's application of either the /ICU or I/U District to the property. | D* |
| (2) | Expansion or replacement of lawful uses permitted in the underlying commercial or industrial district. | S* |
| (3) | Expansion or replacement of lawful Discretionary uses in the underlying district. | D* |
| (4) | Agricultural Uses. <u>and structures.</u> | P |
| (5) | Temporary sales/display of produce, the majority of which is grown on the premises. | P |
| (6) | Home occupations. | S |
| (7) | Night watchman's mobile home (or office) in an industrial district. | S* |
| (8) | RV parks and campgrounds that do not require urban services. | D* |
| (9) | New Permitted and Special Uses in the underlying district within existing structures. | S* |
| (10) | Tree cutting (Article 38) | S |
| (11) | <u>Public Utility Facilities.</u> | |
| | <u>(a) High Impact Facilities</u> | <u>S*</u> |
| | <u>(b) Low Impact Facilities</u> | <u>P</u> |

29.070 SPECIAL USE STANDARDS.

(1) Partitions.

(a) The minimum area for the partitioning of land shall be 10 acres except as permitted below.

(b) Any proposed new lot between 5 and 10 acres shall meet the following standards:

1. The efficient and full urban use of the property, or neighboring properties shall not be limited by the partition;

2. A conceptual plan for the urban development shall be required where the property is redivisible into smaller parcels. The conceptual plan shall be in accordance with the redivision plan procedures and requirements of Subsection (5) ~~(1)~~ ~~(g)~~ of this Section;

3. Proposed land uses and densities shall conform with the Metro Plan and this Code;

(c) Any proposed new lot less than five acres shall meet, in addition to the standards of Subsection (1) (b) of this Section, one of the following standards:

1. The property shall be owned or operated by a governmental agency or public utility; or

2. A majority of parcels located within 100 feet of the property shall be smaller than five acres.

~~(d) The owner of any property requiring development approval shall sign an annexation agreement with the City.~~

(2) The owner of any property requiring Type II, III, or IV development approval, or type I development approval with respect to new single family residences and Site Plan reviews, shall sign an annexation agreement with the City.

(3) ~~(e)~~ The Lane County Sanitarian shall certify that the proposed individual waste water disposal system meets D.E.Q. standards prior to development approval.

(4) ~~(f)~~ Siting of Residential Uses.

(a) ~~1.~~ Detached single family dwellings shall be sited so as to allow the future division and/or more intensive use of the property consistent with the Metro Plan.

(b) ~~2.~~ The applicable on-site sewage disposal facility or building construction permit shall be conditional, and made a part of such permit as necessary to achieve the standards of this Special Purpose District. The following standards shall apply:

1. ~~A.~~ Approval of a conceptual plan for the property to achieve ultimate densities provided in the Metro Plan, which may include a redivision plan.

2. ~~B.~~ Additional development restrictions that limit the location of buildings and on-site sewage disposal facilities, shall be applied where necessary to reserve land for future urban development.

(5) ~~(g)~~ The following standards shall be met for approval of a conceptual development or redivision plan:

(a) ~~1.~~ For land designated residential, the plan shall provide for urban densities (i.e., 8 dwelling units per developable acre for areas designated Low Density Residential and a density of 15-20 dwelling units per developable acre for areas designated Medium Density Residential).

(b) ~~2.~~ The existing character of the property and limitations to its more intensive development shall be considered; and may modify Subsection 1. above.

(c) ~~3.~~ The existing and allowable future development of adjacent properties, as designated in the Metro Plan, and any redivision plans for such properties previously approved in accordance with this Section.

(d) ~~4.~~ Adopted Public Facilities plans for the area.

(6) ~~(2)~~ Neighborhood Parks shall be shown on the Metro Plan or an adopted refinement plan, or shall be reviewed under Type III Discretionary Use procedures.

(7) ~~(3)~~ Home occupations shall meet the standards of Section 16.100(4) of this Code.

(8) ~~(4)~~ New permitted uses and expansion of permitted uses in commercial and industrial districts shall demonstrate that the use will not generate, singly or in the aggregate additional need for key urban services.

(9) ~~(5)~~ Special and Discretionary uses shall meet the standard of Subsection (8) ~~(4)~~ of this Section, and shall also meet applicable Special Use Standards and/or Discretionary Use criteria.

(10) ~~(6)~~ There shall be no charge to remove a property from the ~~UF-10~~ Overlay District, when the application is in conjunction with Annexation to the City or Site Plan Review approval. If for any reason, a development is not completed in accordance with Article 31, Site Plan Review Standards, and the land has not been Annexed to the City, the provisions of this district shall continue to apply.

(11) ~~(7)~~ Lane County shall be considered an affected party and notified of all development applications.

ORDINANCE NO. 16-86

Copy of Springfield Development Code attached here

ATTACHMENT 3

**BEFORE THE PLANNING COMMISSION OF SPRINGFIELD, OREGON
ORDER AND RECOMMENDATION FOR:**

AMENDMENTS TO THE SPRINGFIELD DEVELOPMENT CODE (SDC)	]	
SECTION 4.7.370 INCOME-QUALIFIED HOUSING ON PROPERTY	]	
OWNED BY RELIGIOUS NONPROFITS AND 4.7.405 INCOME	]	811-24-000025-TYP4
QUALIFIED HOUSING, VARIOUS SECTIONS IN 4.7.100, VARIOUS	]	
SECTIONS IN 4.7.375 THROUGH 4.7.385 FOR ARCHITECTURAL	]	
DESIGN AND MULTIPLE UNIT HOUSING, VARIOUS SECTIONS IN	]	
5.15.110 MINIMUM DEVELOPMENT STANDARDS AND 5.17.110	]	
SITE PLAN REVIEW FOR MULTIPLE UNIT HOUSING, AND	]	
6.1.110 DEFINITIONS	]	

NATURE OF THE PROPOSAL

Request that the Springfield Planning Commission forward a recommendation of approval to the Springfield City Council and Lane County Board of County Commissioners regarding amendments to the following sections of the Springfield Development Code in order to comply with House Bills 2984, 3151, and 3395 passed at the 2023 Oregon Legislature and various sections to make other changes to the code for clarity and ease of use:

Chapter 2 General Provisions:

- Various Sections that Involve Income-Qualified Housing

Chapter 3 Land Use Districts:

- Various Sections that Involve Income-Qualified Housing
- Various Sections that involve special use standards in 4.7.100

Chapter 4 Development Standards:

- Various Sections that Involve 4.7.100
- Various Sections that Involve Income-Qualified Housing
- Various Sections that Involve Multiple Unit Housing

Chapter 5 The Development Review Process and Applications:

- Various Sections that Involve Income-Qualified Housing
- Various Sections that Involve Multiple Unit Housing

Chapter 6 Definitions

- Section 6.1.110 Meaning of Specific Words and Terms

Timely and sufficient notice of the public hearing has been provided pursuant to Springfield Development Code Section 5.1.615. Notice was sent to the Department of Land Conservation and Development on February 27, 2024, not less than 35 days prior to the first evidentiary hearing in compliance with OAR 660-018-0020.

On April 2, 2024, the Springfield Planning Commission held a duly noticed public hearing on the proposed text amendments. The public hearing was conducted in accordance with Springfield Development Code 5.1.610. After review of the staff report, evidence in the record, and public testimony, the Planning Commission determined that the code amendments meet the approval criteria.

CONCLUSION

On the basis of the Staff Report and Findings of Fact (Exhibit A) and evidence in the record, the proposed code amendments (Exhibit B) meet the approval criteria of Springfield Development Code Section 5.6.115.

ORDER/RECOMMENDATION

It is ORDERED by the Springfield Planning Commission that a recommendation for APPROVAL of 811-24-000025-TYP4 be forwarded to the Springfield City Council joint with the Lane County Board of County Commissioners for consideration at an upcoming public hearing.

Isaac Rhoads-Dey
Planning Commission Chairperson

April 2nd, 2024
Date

ATTEST

AYES: 5

NOES: 0

ABSENT: 2

ABSTAIN:

ATTACHMENT 4

Draft Springfield Development Code Amendments: Housing Opportunities in Non-Residential Areas – Summary of Key Changes

Springfield City Council and Lane County Board of County Commissioners
Public Hearing Draft – June 10, 2024

This list identifies and explains the key substantive changes for various Sections of the Springfield Development Code (SDC) to implement requirements in House Bills 2984, 3151, and 3395 that passed in 2023. The City is also using this opportunity to make other changes to the code for clarity and ease of use. It may be helpful to use this document to review the code language. Specific code references are included as appropriate.

Changes shown since the Planning Commission Recommendation on April 2, 2024, are highlighted in yellow.

The code amendments are summarized below in order of their changes:

1. Renamed "affordable" to "income-qualified" housing and addressed recent house bills throughout many sections of the Development Code (e.g. SDC 2.1.135 Fees and 4.7.405 Affordable Housing). (See draft code for a summary of the legislation and main impact on the code),

2. Added Commercial to Residential Conversion standards to the following permitted use tables and amended any references that are incorrect or were amended with the Springfield Development Code Update Project:

- Residential Districts, Table 3.2.210 Permitted Uses
- Commercial Districts, Table 3.2.320 Permitted Uses
- Medical Services District, 3.2.510 Schedule of Use Categories
- Mixed-Use Districts, 3.2.610 Schedule of Use Categories
- Public Land and Open Space District, 3.2.710 Schedule of Use Categories
- Glenwood Riverfront Mixed-Use Plan District, 3.4.250 Schedule of Use Categories
- Booth Kelly Mixed-Use Plan District, 3.4.320 Schedule of Use Categories

3. Added Income-Qualified Housing standards to the following permitted use tables.

Note: Where housing is allowed outright, Income-Qualified Housing was not listed in the permitted use tables, as income-qualified housing is already allowed under the same standards as market-rate housing. Staff included income-qualified housing as a special permitted use only in land use districts that do not otherwise permit housing or the standards for income-qualified housing are more permissive than those for market-rate housing.

- Commercial Districts, Table 3.2.320 Permitted Uses
- Industrial Districts, Table 3.2.420 Permitted Uses
- Medical Services District, 3.2.510 Schedule of Use Categories
- Mixed-Use Districts, 3.2.610 Schedule of Use Categories – Note: Staff added income-qualified housing to the table with a qualifier that it is permitted subject to either (1) the approval standards in the district for residential uses (Mixed-Use Commercial and Mixed-Use Residential permit housing outright); or (2) the approval

standards in SDC 4.7.370 and 4.7.405 (only income-qualified housing is permitted in the Mixed-Use Employment district but not income-qualified housing owned by a religious nonprofit subject to the standards in 4.7.370)

- Public Land and Open Space District, 3.2.710 Schedule of Use Categories
- Glenwood Riverfront Mixed-Use Plan District, 3.4.250 Schedule of Use Categories – Note: Staff added income-qualified housing to the table with a qualifier that it is permitted subject to either (1) the approval standards in the district for residential uses (the Glenwood Commercial Mixed-Use, Glenwood Office Mixed-Use, and Glenwood Residential Mixed-Use) permit housing outright); or (2) the approval standards in SDC 4.7.370 and 4.7.405 (only income-qualified housing is permitted in the Glenwood Employment Mixed-Use district but not income-qualified housing owned by a religious nonprofit subject to the standards in 4.7.370)
- Booth Kelly Mixed-Use Plan District, 3.4.320 Schedule of Use Categories

- 4. Single Room Occupancy:** House Bill 3395 established a density standard for single room occupancy (SRO) units. The bill states that “single room occupancy means a residential development with no fewer than four attached units. Within an urban growth boundary, each local government shall allow the development of a single room occupancy: (a) With up to six units on each lot or parcel zoned to allow for the development of a detached single-family dwelling; and (2) With the number of units consistent with the density standards of a lot or parcel zoned to allow for the development of residential dwellings with five or more units.” Staff interpret this to mean, that in the R-1 district, a lot or parcel can contain up to 6 SRO units. In the R-2 and R-3 districts where multiple-unit dwellings are allowed, the density of SROs will match the density in the applicable district. To reflect these changes, amended:

- 3.2.215 Lot Area and Dimensions
- 3.2.235 Density
- 6.1.110 Definitions – revised definition for SROs (although maintained current reference to multiple single room dwelling units rather than requiring a minimum of four) and added a definition for food preparation to clarify the difference between food preparation and a kitchen for SRO uses.

- 5. Moved specific development standards from 4.7.100 that reference a particular land use district to that district. These amendments will make the code more user-friendly by listing standards that apply to a district in one place instead of needing to reference another chapter in the code.**

- Created new SDC 3.2.330 Development Standards – To include standards that were specific to one or more commercial districts. Moved from the following sections:
 - SDC 4.7.145 and 4.7.235 (Eating and Drinking Establishments and Small Scale Repair and Maintenance Services (in the Neighborhood Commercial District));
 - SDC 4.7.115 (Animal Overnight Accommodations (permitted in the Community Commercial (CC) District only)) and 4.7.175 (Manufacturing as a Secondary Use in Commercial Districts (permitted in the CC District));
 - SDC 4.7.230 (Secondary Retail Sales in the General Office District); and
 - SDC 4.7.210 (Residential Uses in Commercial Districts).
- Created new SDC 3.2.428 Development Standards – To include standards that were specific to one or more industrial districts. Moved from the following sections:
 - SDC 4.7.170 Manufactured Dwelling as a Permanent Office; and

- SDC 4.7.245 Warehouse Commercial Retail and Wholesale.
- Created new SDC 3.2.720 Development Standards – To include standards that were specific to the Public Land and Open Space (PLO) District. Moved from the following sections:
 - SDC 4.7.200 (Public and Private Parks (in the PLO District);
 - SDC 4.7.203 (Public Land and Open Space); and
 - SDC 4.7.250 (Wellness Centers in the PLO District).
- Amended SDC 3.3.825 Development Standards that are specific to the urbanizable fringe overlay district. Moved from the following section:
 - The standards in (E) of this section were moved from SDC 4.7.200 (Public and Private Parks (in the Urbanizable Fringe Overlay District). The overall content of this section was not changed.
- Created new SDC 3.4.330 Development Standards – To include standards that were specific to the Booth Kelly mixed-use district. Moved from the following sections:
 - SDC 4.7.200 (Public and Private Parks (in the BKMU District);
 - SDC 4.7.210 (Residential Uses in Commercial Districts (in the BKMU District)); and
 - SDC 4.7.245 (Warehouse Commercial Retail and Wholesale (in the BKMU District)).
- Created new SDC 4.7.330 Public and Private Parks in Residential Districts as the standards in 4.7.200 Public and Private Parks are specific to residential districts.
- Created new SDC 4.7.335 Professional Offices in Residential Districts as the standards in 4.7.190 Professional Offices are specific to residential districts.
- Deleted and moved standards in 4.7.210 Residential Uses in Commercial Districts as follows:
 - For standard (A), staff moved this standard to SDC 3.2.330 Development Standards in Commercial Districts – Specific as this standard is specific to commercial districts in areas designated mixed-use.
 - For standard (B), staff removed this standard from the code. The phrase ‘the residential development standards of the applicable mixed-use land use districts and/or overlay district apply to the residential use’ is an obvious statement and redundant if moved to the mixed-use district standards in either SDC 3.2.600 or SDC 4.7.180.
 - For standard (C), it was originally listed in Table 3.2.215 but was removed during the 2022 Development Code Update Project. Staff applied the correct references to Setbacks (SDC 3.2.220) and Height (SDC 3.2.230) in Table 3.2.320 Permitted Uses in Commercial Districts.
 - For standard (D), staff moved this standard to SDC 3.4.330 Booth Kelly Mixed-Use Development Standards—Specific as there is no reference to this standard in the Booth Kelly Mixed-Use District.

6. Created new section 4.7.215 Conversion from Commercial to Residential Use.

- House Bill 2984 requires local governments to allow conversion of a building from commercial to residential use without requiring a zone change or conditional use permit, as long as the land is not in an industrial district. See Legislative Draft Code for changes.

- 7. Amended the Manufactured Dwelling Park standards in 4.7.345 to exempt a manufactured dwelling park from the standards in that section when the development meets the income-qualified housing standards in 4.7.405.**
- 8. Substantial changes to 4.7.370 as follows:**
 - Reorganized the standards in SDC 4.7.370 to make the code clearer and easier to interpret. The section (previously titled “Places of Worship and Property Owned by Religious Nonprofits”) is now specific to income-qualified housing on property owned by religious nonprofits. Moved the definition of place of worship from this section to SDC 6.1.110 Meaning of Specific Words and Terms and also removed an incorrect reference in (E)(1). See Legislative Draft code.
- 9. Substantial changes to 4.7.375 Architectural Design Standards.** For consistency and clarity, moved the standards in 4.7.385(B) Building Orientation and (C) Building Form to this section to match the Clear and Objective standards and renamed the existing 4.7.375(C)(3)(b) from ‘Design Review Option’ to ‘Detailed Design, Design Review Option’ for the Discretionary tract (in comparison to the Detailed Design, Menu Option for the Clear and Objective tract).
- 10. Amended 4.7.380 Multiple Unit Housing (Clear and Objective Standards) to remove the reference to ‘Development Standards for Multiple Unit Housing Developments in the R-2 and R-3 Districts’ as multiple unit housing is allowed in other districts besides R-2 and R-3.**
- 11. As stated above, the standards in 4.7.385 Multiple Unit Housing (Discretionary Option) have been amended by moving the standards in 4.7.485(B) Building Orientation and (C) Building Form to 4.7.375 (D) Design Review Option (Discretionary Review Option) for clarity and consistency. Other amendments include renumbering (B) through (H) following the removal of Sections (B) and (C) and amending references to sections that were changed with these amendments.**
- 12. Substantial changes to 4.7.405. Reorganized the standards in SDC 4.7.405 (A) through (D) to make the code clearer and easier to understand. Addressed House Bill 2984 and 3151 and created subsections (E) and (F) in response to House Bill 3395. The code is amended as follows:**
 - Amended 4.7.405(A) to reference the purpose of the section and change the term affordable housing to income-qualified housing.
 - Created an Applicability section for 4.7.405(B). This section now contains two separate but related sections from House Bills 2984 and 3151 which impact subsections (C) and (D), and House Bill 3395 which impacts subsections (E) and (F).
 - Amended and created section 4.7.405(C) for ORS 197A.445 Review as follows:
 - Created and amended an Affordability subsection (1) to include a manufactured dwelling park that serves populations with incomes of 120 percent of the area median income within the definition of income-qualified housing.
 - Created and amended an Ownership subsection (2) to include the addition of several income-qualified housing owners; namely, those owned by a nonprofit

corporation organized as a public benefit corporation whose primary purpose is the development of income-qualified housing, a housing authority, manufactured dwelling park nonprofit cooperative, or a utility provider who conveys property for one of the listed owners.

- Reorganized existing code language into a Land Use Districts subsection (3), a Use subsection (4), and an Eligibility of Industrial Property subsection (5).
- Amended existing code language and created section 4.7.405(D) for ORS 197A.445 Standards as follows:
 - Created and amended a Site Suitability subsection (1) and a Development Standards subsection (2). **Note: Subsection (D)(3) 'Density and height in residential districts' was moved to a new section, (G), following the Planning Commission Public Hearing on April 2, 2024.**
 - Added SDC 4.7.405 (D)(2)(f) to address the lack of income-qualified middle housing standards in SDC 4.7.405.
- Created section 4.7.405 (E) House Bill 3395 Review to include the following:
 - Created an Affordability and Structure type subsection (1) to comply with House Bill 3395 which allows income-qualified housing in commercial districts and in mixed-use structures provided they meet the area median income thresholds shown in the code.
 - Created a Land Use Districts subsection (2) to list the land use districts that “allow only commercial uses and not industrial uses” to be the Neighborhood Commercial (NC), Community Commercial (CC), Major Retail Commercial (MRC), General Office (GO), Mixed-Use Commercial (MUC), Glenwood Commercial Mixed-Use (CMU) or Glenwood Office Mixed-Use Districts (OMU).
- Created section 4.7.405(F) House Bill 3395 Standards to include the following:
 - Created a Site Suitability subsection (1) for requirements where this type of housing is not permitted.
 - Created a Standards and Procedures subsection (2) for this type of housing. A requirement in House Bill 3395 is to apply the most comparable residential density to the allowed uses in the subject district. The comparable density contains minimum densities for commercial districts and the MUC district when they contain either residential structures or part of a mixed-use development. There are no maximum densities in this section because neither the commercial districts nor Glenwood mixed-use districts have a maximum density for residential. In the commercial districts and MUC district, the MUC development standards apply. The development standards in the Glenwood CMU and OMU are referenced.
- **Create section 4.7.405(G) Density and height in residential districts standards. Subsection (G) was created to clarify that the standards apply to any income-qualified housing in residential districts and not just development under ORS 197A.445.**

13. Amendments to 5.1.210 Pre-Development Meetings clarified that a completeness check meeting is required even if a pre-application meeting has been utilized and that any application that requires a completeness check meeting meet the standards in SDC 5.1.405.

- 14. Created an exception for conversion of non-conforming commercial to residential uses permitted in SDC 4.7.215 in SDC 5.8.100 Non-Conforming Uses.** House Bill 2984 allows for the conversion of a building or a portion of a building from a commercial use to a residential use. However, this also has an impact on existing non-conforming uses where a commercial use might already exist.
- 15. Clarified that the Minimum Development Standards (MDS) process in 5.15.110 does not apply to new multiple-unit housing development. A Site Plan Review or multiple-unit housing review in SDC 4.7.380 would apply.** For clarification, also:
- Amended the reference in (A) from R-2 or R-3 districts to be residential land use districts;
 - Amended the reference in (B) to say that an MDS application would only apply in Springfield city limits and not its jurisdiction. Springfield's jurisdiction is any land within the urban growth boundary and may not be within the city limits.
- 16. Amended the Site Plan Review Applicability standards for clarity. The intent of the amendment to 5.17.110(A)(1)(c) is to clarify when Site Plan Review is required—When an addition, expansion, or change of use is for a nonresidential use, in a land use district that is not residential, and located within 50 feet of a residential land use district or residentially designated land.** An exception to this requirement has been added in 5.17.110(A)(1)(d) when a multiple unit housing development can meet the standards in 4.7.380. Moved the Water Quality Limited Watercourses (WQLW) requirements 5.17.110(A)(1)(c)(i) and (ii) to a new section 5.17.110(A)(1)(e) so that all new development, redevelopment, additions, expansions, or changes of use on property that contains a WQLW or tributary of a WQLW require Site Plan Review.
- 17. Added Definitions to SDC 6.1.110 for changes made to the code to comply with House Bills 2984, 3151, and 3395.**
- 18. Fixed references to code standards that were incorrect or changed with these code amendments. See draft code throughout.**

ATTACHMENT 5

MEMORANDUM**City of Springfield**

Date: 6/10/2024

To: Nancy Newton

From: Haley Campbell, Senior Planner
Jeff Paschall, Community Development Director

Subject: Springfield Development Code Amendments:
Housing Opportunities in Non-Residential Areas

COUNCIL

BRIEFING

MEMORANDUM

ISSUE:

This project is a continuation of work that has been ongoing since 2018 involving a phased plan to update the entire Springfield Development Code. Updating the development code to support efficient, timely, and clear development review is part of Springfield's Housing Strategy. This work would amend income-qualified housing-related code sections from bills that were passed by the 2023 Oregon Legislature:

- House Bill 2984 – Commercial to Residential Building Conversions
- House Bill 3151 – Manufactured Dwelling Parks on Non-Residential Lands
- House Bill 3395 – Residential Use of Commercial Lands

The City is also using this opportunity to make other changes to the code for clarity and ease of use including:

- Significant changes to SDC 4.7.100 for various districts;
 - Changes to SDC 4.7.375 through SDC 4.7.385 for Architectural Design and multiple unit housing;
 - Changes to SDC 5.15.110 Minimum Development Standards and SDC 5.17.110 for Site Plan Review for multiple unit housing; and
- Changes to SDC 6.1.110 Definitions.

BACKGROUND:

Regulations for income-qualified housing are contained in the Springfield Development Code. The Ordinance in Attachment 2 includes amendments to the Springfield Development Code Sections 4.7.370 Income-Qualified Housing on Property Owned by Religious Nonprofits and 4.7.405 Income-Qualified Housing, various sections in 4.7.100, various sections in 4.7.375 through 4.7.385 for architectural design and multiple unit housing, various sections in 5.15.110 Minimum Development Standards and 5.17.110 Site Plan Review for multiple unit housing, and 6.1.110 Definitions. The proposed amendments to the Springfield Development Code require co-adoption by Springfield and Lane County. The Staff Report (Attachment 4 Exhibit A) provides a summary of the project background and findings of fact related to the proposed amendments.

Amendments to the Springfield Development Code are subject to a land use approval process. Article IV, Section 3 of the Urban Transition Agreement between the City of Springfield and Lane County allows the Springfield Planning Commission to exercise legislative land use authority otherwise belonging to the Lane County Planning Commission for the urbanizable portion of the Springfield UGB. Therefore, a joint Planning Commission hearing between Springfield and Lane County was not required for these code amendments.

The Springfield Planning Commission held a public hearing on April 2, 2024. The meeting minutes are included in Attachment 3. On April 2, 2024, the Springfield Planning Commission made a recommendation of approval to the Springfield City Council and Lane County Board of

Commissioners which are the Approval Authorities for the final local decision. The Springfield Planning Commission Order and Recommendation is included in Attachment 4 and the recommended Development Code amendments as part of the Ordinance are consistent with the Springfield Planning Commission's recommendation except for one change as noted below.

After the Planning Commission's recommendation, staff identified a few more code amendments for consideration by the elected officials.

Staff-recommended amendments revise the schedule of uses for the Public Land and Open Space District Table 3.2.710 and the Density and height in residential districts standards in 4.7.405(G). For Public Land and Open Space District Table 3.2.710, uses previously marked with an "S" for special development standards are now listed as P* with reference to applicable code standards. This approach matches the formatting for updated use tables in recent development code updates to commercial, industrial, and residential districts. An explanation is also provided in the legislative code amendments for changes made to uses previously listed under the "secondary uses" heading.

Subsection (D)(3) 'Density and height in residential districts' was moved to a new section following the Planning Commission Public Hearing on April 2, 2024. Subsection (G) was created to clarify that the standards apply to any income-qualified housing in residential districts and not just development under ORS 197A.445. See Attachment 2: Exhibit A.

One person submitted written testimony prior to the Planning Commission public hearing and this testimony is provided in Attachment 7. Mr. Farrington, Director of Planning & Real Estate Development for CDC Management Corporation, encouraged the Planning Commission to amend the development code for the Mixed-Use Commercial district. This testimony was addressed in the Staff Report included as Attachment 2 Exhibit A.

Changes made in the Staff Report and the Legislative Code Amendments since the April 2, 2024 hearing are shown with **yellow highlight** in Attachment 2.

Attachment 5 identifies and explains the key substantive changes proposed for Springfield's income-qualified housing sections of the Springfield Development Code and various other sections of the Code. It may be helpful to use that document in conjunction with review of the recommended amendments.

NEXT STEPS

The City Council and Lane County Board of Commissioners may decide if they should continue the public hearing to allow for additional public comment. If the Council and Board decide to close the public hearing, staff requests that they begin deliberations to determine if there are any desired changes to the recommended amendments. The City Council is scheduled to hold a second reading for adoption of the Ordinance on July 1, 2024. After the Council adopts the ordinance, the Board will hold its third reading of the Ordinance.

RECOMMENDED ACTION:

Hold the public hearing and potentially conduct deliberations in order to direct staff to incorporate any changes to the proposed amendments and/or findings of fact in the staff report.
