

**ATTACHMENT 2  
SDC AMENDMENT  
STAFF REPORT**

**APPLICANT**

City of Springfield – **Case Number LRP 2008-0011**

**REQUEST**

Springfield Development Code (SDC) Amendments – Section 5.13-100 Master Plans; Section 3.3-200 Drinking Water Protection (DWP) Overlay District; and various sections to correct Scrivener’s errors created with the adoption of the reformatted SDC.

**BACKGROUND**

1. Proposed Master Plan amendments. The proposed amendment of Section 5.13-100 Master Plans arises from issues occurring during and after the review of the Marcola Meadows, RiverBend and MountainGate Master Plan applications. The proposed amendment addresses the following issues:
  - a. Incomplete applications - by requiring the same Pre-Submittal Meeting review process that currently applies to Site Plan, Subdivision and Partition applications to also apply to Preliminary and Final Master Plan applications (see Sections 5.13-115 and 5.13-132).
  - b. The lack of a formal Final Master Plan review process - by establishing a specific Preliminary Master Plan application review process (see Sections 5.13-115 through 5.13-130) and a specific Final Master Plan application review process (see Sections 5.13-131 through 5.13-134).
  - c. The broad purpose statement - by stating that the Master Plan specifically applies to phasing of development over several years (see Section 5.13-105).
  - d. The appropriate level of review - by limiting the Master Plan process purpose to phasing, the level of Preliminary Master Plan review can be reduced from an initial Type III/IV procedure to an initial Type II/III procedure. The Final Master Plan application is specified as a Type I/II procedure (see Sections 5.13-115 and 5.13-131).
  - e. Broad Preliminary Master Plan submittal requirements and approval criteria - by establishing clearer Preliminary Master Plan submittal requirements and approval criteria sections (see Sections 5.13-120 and 5.13-125).
  - f. Vague regulation - by deleting the reference to “basic underlying assumptions” that had to be addressed during the Master Plan modification process (see Sections 5.13-120 and 5.13-135).
  - g. Perceived lack of public involvement - by requiring the applicant to hold a Neighborhood Meeting prior to Preliminary Master Plan submittal (see Section 5.13-117).
  
2. Proposed Drinking Water Protection Overlay District amendments. The amendment to the Drinking Water Overlay District is primarily necessitated by the recently adopted Springfield Fire Code which supersedes the current Uniform Fire Code. This requires amending the appropriate Fire Code references specified in this Section. In addition to the specific Fire Code references, there are several instances where text is added from the current Uniform Fire Code because the Springfield Fire Code does not have any requirements equivalent to the inspection and record-keeping requirements (see Sections 3.3-235A.7., B.7., and C.5.). This is necessary in order to preserve the existing inspection and record-keeping

requirement for drinking water protection. The inserted text does not represent a policy change since these requirements in the Uniform Fire Code have been and continue to be the standard used for drinking water protection. Also, the phrase “hazardous materials that pose a risk to groundwater” is changed to “hazardous or other materials that pose a risk to groundwater.” (See Sections 3.3-205 through 3.3-225 and 3.3-235) because while the SDC defines hazardous materials according to Fire Code definitions, some materials that pose a risk to groundwater (e.g., certain pharmaceuticals, fertilizers) may not currently be regulated by this Section. This amendment is considered to be a clarification of current practice.

3. Proposed Scrivener’s Errors amendments. The reformatted Springfield Development Code (SDC) was adopted by the Springfield City Council on September 17, 2007. The reformatting process was a substantial undertaking that resulted in the reorganization of hundreds of Code regulations in what were formerly 45 “Articles” into 6 Chapters. The volume of the reorganization task resulted in some unintentional omissions; some inaccurate references due to renumbering; and some errors in punctuation known as Scrivener’s errors. Thus, on December 3, 2007 the City Council adopted the first round of what are called Scrivener’s errors. The proposed SDC amendments in this staff report are the second, and hopefully the last round of Scrivener’s errors. The proposed amendments do not include policy or policy implementation changes.

## **SPRINGFIELD DEVELOPMENT CODE CRITERIA FOR SDC AMENDMENTS**

**SDC 5.6-115** of the Springfield Development Code establishes criteria that must be met in order to approve this request. ***“In reaching a decision on these actions, the Planning Commission and the City Council shall adopt findings which demonstrate conformance to the following: A. The Metro Plan; B. Applicable State statutes; and C. Applicable State-wide Planning Goals and Administrative Rules.”***

### ***A. The Metro Plan;”***

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

### **Staff Response and Finding:**

The proposed Master Plan amendments involve proposed process changes discussed in general in B.1., above and specifically in the proposed text in Attachment 4. The term “Master Plan” is mentioned in the Metro Plan, but not in the context of Springfield’s utilization of the word. In the Metro Plan there is a reference to the *Eugene Airport Master Plan* and Local Facility Master Plans. Springfield’s use of the term “Master Plan” regards approval of phased development for at least 7 years. The proposed amendment to the Master Plan regulations concerns an existing process. When this process was added to the SDC in 1994, that application addressed all applicable Metro Plan policies. Therefore, there are no applicable Metro Plan policies that apply to this proposed amendment.

The proposed Drinking Water Protection Overlay District amendments involve changes in the Fire Code. There are no policy implementation issues regarding this amendment. While there are goals, findings and policies in the Metro Plan's Environmental Resources Element, the proposed Drinking Water Protection Overlay District amendments amend existing regulations and regard Fire Code references/text only. When this process was added to the SDC in 2000, that application addressed all applicable Metro Plan policies. Therefore, there are no applicable Metro Plan policies that apply to this proposed amendment.

The proposed Scribner's errors amendments correct; they do not seek to add, delete or amend the intent, purpose or meaning of any of these provisions, regulations or standards. Nothing about the original instruction from Council during the SDC Reformat Project allowed any change to policy implementation; nothing about the reformatting end product contained any change to policy implementation; nothing about any of these proposed corrections changes any policies or the implementation of policies held forth in this Code. The Springfield Development Code implements Metro Plan policies. The proposed amendments do not rise to the Metro Plan policy level. The proposed amendments, as with the reformatted Code, continue to implement the Eugene-Springfield Metropolitan Area General Plan as demonstrated in the findings of Journal LRP 2007-00020 adopted on September 17, 2007. Therefore, there are no applicable Metro Plan policies that apply to this proposed amendment.

***“B.) Applicable State statutes,”***

**Staff Response and Finding:**

As stated under criterion A., above, the proposed Master Plan amendments revise existing procedure and the proposed Drinking Water Protection Overlay District amendments are necessary due to changes in Fire Code regulations. The Scrivener's error amendments are undertaken exclusively to correct omissions, reference citations and punctuation that resulted in the reformatting of the Springfield Development Code. Nothing contained in any of these proposed amendments is of sufficient magnitude, impact or effect to rise to the level of assessment intended by the application of state statutes. Except as specified below in response to ORS 197.610, there are no other applicable ORS that apply.

**POST ACKNOWLEDGEMENT PROCEDURES**

**ORS 197.610**

**“197.610 Local government notice of proposed amendment or new regulation; exceptions; report to commission.**

**(1) A proposal to amend a local government acknowledged comprehensive plan or land use regulation or to adopt a new land use regulation shall be forwarded to the Director of the Department of Land Conservation and Development at least 45 days before the first evidentiary hearing on adoption. The proposal forwarded shall contain the text and any supplemental information that the local government believes is necessary to inform the director as to the effect of the proposal. The notice shall include the date set for the first evidentiary hearing. The director shall notify persons who have requested notice that the proposal is pending.**

**(2) When a local government determines that the goals do not apply to a particular proposed amendment or new regulation, notice under subsection (1) of this section is**

not required. In addition, a local government may submit an amendment or new regulation with less than 45 days' notice if the local government determines that there are emergency circumstances requiring expedited review. In both cases:

(a) The amendment or new regulation shall be submitted after adoption as provided in ORS 197.615 (1) and (2); and

(b) Notwithstanding the requirements of ORS 197.830 (2), the director or any other person may appeal the decision to the board under ORS 197.830 to 197.845....”

**Staff Response and Finding:**

Although these amendments have no direct impact or consequential degree of impact on the Goals, staff FedExed the 45 day notice to Department of Land Conservation and Development (DLCD) prior to the first evidentiary hearing as required on August 22, 2008. The first scheduled hearing will be held by the Planning Commission on October 7, 2008. The Department will receive notice of Council adoption as specified in (2)(a) above.

***“C. Applicable State-wide Planning Goals and Administrative Rules.”***

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

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

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

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

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

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

**GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS**

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

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

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

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

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

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

**GOAL 14: URBANIZATION OAR 660-015-0000(14)**

**GOAL 15: WILLAMETTE RIVER GREENWAY OAR 660-015-000(15)**

**GOAL 16: ESTUARINE RESOURCES OAR 660-015-000(16)**

**GOAL 17: COASTAL SHORELANDS OAR 660-015-000(17)**

**GOAL 18: BEACHES AND DUNES OAR 660-015-000(18)**

**GOAL 19: OCEAN RESOURCES OAR 660-015-000(19)**

**Staff Response and Finding:**

Goal 1 Citizen Involvement: The public hearings to consider these amendments were noticed in the Eugene Register Guard on Monday, September 29, 2008. A public hearing on these amendments was conducted by the Planning Commission on Tuesday, October 7, 2008; a public hearing on these amendments will be conducted by the City Council on Monday, November 17, 2008. Specifically, In addition, there was a Planning Commission work session held on September 16, 2008 and a City Council work session will be held on November 3, 2008. The proposed Master Plan amendment, specifically, SDC Section 5.13-117 adds language that requires an applicant to schedule and hold a public meeting to explain the proposed development to neighboring property owners prior to the public hearing process. This allows the public to be involved in a major development while still in its early stages and complies with/utilizes State-wide Planning Goal 1, Citizen Involvement.

Goal 2 Land Use Planning: Although these amendments are exclusively corrections to an existing land use document, that document was adopted in compliance with the Goals; implements an acknowledged comprehensive plan in compliance with the Goals; and therefore furthers the state's interest in the proper and appropriate observation of land use planning goals and guidelines.

Goals 3-15. Except for portions of the Master Plan process and the changes to the Fire Code references in the Drinking Water Protection Overlay District, these amendments do not change any of the provisions, standards or regulations in the recently reformatted Code. However, nothing about these amendments rises to the level of assessment of impact or relation to the Goals contemplated by the legislature or the Commission when post acknowledgment provisions were adopted.

Goals 16-19. These goals do not apply because there are no coastal, ocean, estuarine, or beach and dune resources within the City's jurisdiction.

There are no State-wide Planning Goals or Administrative Rules which apply to this amendment or which this amendment seeks to implement other than compliance with Goal 1, Citizen Involvement, pertaining to public notice for these proposed amendments and the Master Plan neighborhood meeting process. Notice of Planning Commission and City Council work sessions and public hearings were printed in the Eugene Register Guard and placed on the City's web site on September 29, 2008.

**CONCLUSION/RECOMMENDATION/REQUESTED ACTION**

Staff has demonstrated consistency with criteria of approval listed in SDC Chapter 5, Section 5.6-115; with Metro Plan policies; with State statutes; and with State-wide Planning Goals and Administrative Rules where such law applies to these amendments. Staff recommends the Planning Commission: approve the attached Order and forward the proposed amendment of Chapters 3, 4, 5 and 6 of the SDC to the City Council with a recommendation for adoption.