



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

August 21, 2008



TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Eugene Plan Amendment
DLCD File Number 004-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: September 4, 2008

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Ed Moore, DLCD Regional Representative
Bill Holmstrom, DLCD Transportation Planner
Alissa Hansen, City of Eugene

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DLCD

Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

In person electronic mailed

DEPT OF

AUG 15 2008

LAND CONSERVATION
AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **City of Eugene**

Local file number: **CA 07-5**

Date of Adoption: **8/11/2008**

Date Mailed: **8/14/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 4/3/2008

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

A variety of minor land use code amendments, including amendments that address lot configurations, fence heights, final plat processes, developer/neighborhood meetings, how building heights are measured, how density is calculated, multi-family standards, stormwater and the definitions of kennel.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD # 004-08 (16819)

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

None

Local Contact: **Alissa Hansen**

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Address: **99 W. 10th Avenue**

Fax Number: **541-682-5572**

City: **Eugene**

Zip: **97401-**

E-mail Address: **alissa.h.hansen@ci.eugene.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

COUNCIL ORDINANCE NUMBER 20417

COUNCIL BILL NUMBER 4979

AN ORDINANCE CONCERNING LAND USE REGULATIONS; AMENDING SECTIONS 9.0020, 9.0500, 9.2160, 9.2450, 9.2630, 9.2683, 9.2740, 9.2741, 9.2751, 9.2760, 9.2761, 9.2775, 9.3310, 9.3810, 9.3910, 9.5500, 9.6790, 9.6791, 9.7010, 9.7055, 9.7105, 9.7205, 9.7230, 9.8320, 9.8430, 9.8555, AND 4.330 OF THE EUGENE CODE, 1971; ADDING A NEW SECTION 9.7007 TO THAT CODE; AND PROVIDING AN EFFECTIVE DATE.

ADOPTED: August 11, 2008

PASSED: 5/3

REJECTED:

OPPOSED: Clark, Pryor, Solomon

ABSENT:

**EFFECTIVE: September 13, 2008
or upon date of its acknowledgement
as provided by ORS 197.625,
whichever date is later.**

ORDINANCE NO. 20417

AN ORDINANCE CONCERNING LAND USE REGULATIONS; AMENDING SECTIONS 9.0020, 9.0500, 9.2160, 9.2450, 9.2630, 9.2683, 9.2740, 9.2741, 9.2751, 9.2760, 9.2761, 9.2775, 9.3310, 9.3810, 9.3910, 9.5500, 9.6790, 9.6791, 9.7010, 9.7055, 9.7105, 9.7205, 9.7230, 9.8320, 9.8430, 9.8555, AND 4.330 OF THE EUGENE CODE, 1971; ADDING A NEW SECTION 9.7007 TO THAT CODE; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Section 9.0020 of the Eugene Code, 1971, is amended to provide as

follows:

- 9.0020** **Purpose.** The purpose of the land use code is to protect and promote the health, safety, and general welfare of the public and to preserve and enhance the economic, social, and environmental qualities of the community.
- (1) The land use code is intended to effectively and efficiently implement applicable state and federal laws, the Metro Plan, and the following policies from the Growth Management Study:
- (a) Support the existing Eugene Urban Growth Boundary by taking actions to increase density and use existing vacant land and under-used land within the boundary more efficiently. (Policy 1)
 - (b) Encourage in-fill, mixed-use, redevelopment, and higher density development. (Policy 2)
 - (c) Encourage a mix of businesses and residential uses downtown using incentives and zoning. (Policy 3)
 - (d) Improve the appearance of buildings and landscapes. (Policy 4)
 - (e) Work cooperatively with Metro area partners (Springfield and Lane County) and other nearby cities to avoid urban sprawl and preserve the rural character in areas outside the urban growth boundaries. (Policy 5)
 - (f) Increase density of new housing development while maintaining the character and livability of individual neighborhoods. (Policy 6)
 - (g) Provide for a greater variety of housing types. (Policy 7)
 - (h) Promote construction of affordable housing. (Policy 8)
 - (i) Mitigate the impacts of new and/or higher density housing, in-fill, and redevelopment on neighborhoods through design standards, open space and housing maintenance programs, and continuing historic preservation and neighborhood planning programs. (Policy 9)
 - (j) Encourage the creation of transportation-efficient land use patterns and implementation of nodal development concepts. (Policy 10)
 - (k) Increase the use of alternative modes of transportation by improving the capacity, design, safety, and convenience of the transit, bicycle, and pedestrian transportation systems. (Policy 11)

- (l) Encourage alternatives to the use of single-occupant vehicles through demand management techniques. (Policy 12)
 - (m) Focus future street improvements on relieving pressure on the city's most congested roadways and intersections to maintain an acceptable level of mobility for all modes of transportation. (Policy 13)
 - (n) Development shall be required to pay the full cost of extending infrastructure and services, except that the city will examine ways to subsidize the costs of providing infrastructure or offer other incentives that support higher-density, in-fill, mixed uses, and nodal development. (Policy 14)
 - (o) Target publicly-financed infrastructure extensions to support development for higher densities, in-fill, mixed uses, and nodal development. (Policy 15)
 - (p) Focus efforts to diversify the local economy and provide family-wage jobs principally by supporting local, and environmentally-sensitive businesses. Direct available financial and regulatory incentives to support these efforts. (Policy 16)
 - (q) Protect and improve air and water quality and protect natural areas of good habitat value through a variety of means such as better enforcement of existing regulations, new or revised regulations, or other practices. (Policy 17)
 - (r) Increase the amount and variety of parks and open spaces. (Policy 18)
 - (s) Expand city efforts to achieve community-based policing. (Policy 19)
- These policies shall serve as guidance as the city considers proposed changes to this land use code.

- (2) The land use code is designed to help:
 - (a) Attain community goals and policies.
 - (b) Allow amendments to local plans and regulatory measures to address changes in circumstances and public values.
 - (c) Ensure an appropriate mix of land uses that provide the economic and social advantages which result from an orderly, planned use of land.
 - (d) Provide adequate public facilities and services, allow for adequate light, air, and open space, and protect from fire, flood, and other risks and dangers.
 - (e) Preserve and restore significant historic resources and increase public awareness of the community's historic and cultural heritage.
 - (f) Preserve and enhance environmental resources, the natural scenic beauty of the area, and aesthetic qualities of the community.

Section 2. Section 9.0500 of the Eugene Code, 1971, is amended by adding new definitions of "Alley Access Only Lot/Parcel" and "Residential Character" in alphabetical order therein, and amending the definitions of "Building Height," "Flag Lots," and "Kennel," to provide as follows:

9.0500 **Definitions.** As used in this land use code, unless the context requires otherwise, the following words and phrases mean:

Alley Access Only Lot/Parcel. A lot or parcel whose only legal and practicable vehicle access to the portion of the lot on which the dwelling(s) or other main building(s) will be located is from the alley.

Building Height. The vertical distance above a reference datum measured to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the gables of a pitched or hipped roof. For the purposes of residential zones, building height shall be the vertical distance above a reference datum measured to the highest point of the roof. The maximum height of a stepped or terraced building is the maximum height of all segments of that building. The reference datum shall be whichever of the following two measurements results in the greater building height:

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

(See Figure 9.0500 Building Height Calculation.)

Flag Lot. A lot located behind another lot except for a narrow portion extending to the public street which is suitable for vehicular, bicycle and pedestrian access. The "flag pole" of a flag lot is the access corridor to the buildable "flag portion" of the lot. **(See Figure 9.2775(2) Residential Flag Lot Description.)**

Kennel. An establishment or premises on which 4 or more dogs over 6 months of age are kept or maintained, whether by owners of the dogs or by persons providing facilities and care, and whether or not for compensation, not including the temporary keeping of one additional dog for up to 6 months in any 12-month period. For purposes of this definition, if the "premises" consists of a lot that contains a main dwelling and a secondary dwelling unit, the "premises" means the lot. **(See EC 9.2741(2)(a)5.)**

Residential Character. A combination of qualities and features that gives identity to a particular area where the predominant use is housing and that distinguishes the area from other areas.

Section 3. The paragraph preceding Table 9.2160 in Section 9.2160 of the Eugene Code, 1971, is amended to provide as follows:

9.2160 Commercial Zone Land Use and Permit Requirements. The following Table 9.2160 Commercial Zone Land Uses and Permit Requirements identifies those uses in Commercial Zones that are:

- (P) Permitted, subject to zone verification.
- (SR) Permitted, subject to an approved site review plan or an approved final planned unit development.
- (C) Subject to a conditional use permit or an approved final planned unit development.

- (S) Permitted, subject to zone verification and the Special Development Standards for Certain Uses beginning at EC 9.5000.
- (#) The numbers in () in the table are uses that have special use limitations described in EC 9.2161.

Examples shown in Table 9.2160 are for informational purposes, and are not exclusive. Table 9.2160 does not indicate uses subject to Standards Review. Applicability of Standards Review procedures is set out at EC 9.8465.

Section 4. The paragraph preceding Table 9.2450 in Section 9.2450 of the Eugene Code, 1971, is amended to provide as follows:

9.2450 Industrial Zone Land Use and Permit Requirements. The following Table 9.2450 Industrial Zone Land Use and Permit Requirements identifies those uses in the Industrial Zones that are:

- (P) Permitted, subject to zone verification.
- (SR) Permitted, subject to an approved site review plan or an approved final planned unit development.
- (C) Subject to a conditional use permit or an approved final planned unit development.
- (S) Permitted subject to zone verification and the Special Development Standards for Certain Uses beginning at EC 9.5000.
- (#) The numbers in () in the table are uses that have special use limitations that are described in EC 9.2451.

The examples listed in Table 9.2450 are for informational purposes and are not exclusive. Table 9.2450 does not indicate uses subject to Standards Review. Applicability of Standards Review procedures is set out at EC 9.8465.

Section 5. The paragraph preceding Table 9.2630 in Section 9.2630 of the Eugene Code, 1971, is amended to provide as follows:

9.2630 PRO Zone Land Use and Permit Requirements. The following Table 9.2630 Park, Recreation, and Open Space Zone Uses and Permit Requirements identifies those uses in the PRO zone that are:

- (P) Permitted if use complies with special setbacks shown in Table 9.2640. If the use does not meet the special setbacks in Table 9.2640, the use may be approved through the conditional use permit process. Shall require zone verification.
- (SR) Permitted, subject to an approved site review plan or an approved final planned unit development.
- (C) Subject to a conditional use permit or an approved final planned unit development.
- (S) Permitted, subject to the Special Development Standards for Certain Uses beginning at EC 9.5000 and zone verification.
- (#) The numbers in () in the table are uses that have special use limitations that

are described in EC 9.2631. Entertainment and recreational uses allowed in other zones are subject to the standards set out for those zones. Any examples reflected in Table 9.2630 are for informational purposes only and are not exclusive. Table 9.2630 does not indicate uses subject to Standards Review. Applicability of Standards Review procedures is set out at EC 9.8465.

Section 6. Subsection (2) of Section 9.2683 of the Eugene Code, 1971, is amended to provide as follows:

9.2683 **Special Use Limitations.**

- (2) **Permitted Uses Subject to Site Review.** When a proposed public use, other than those listed in subsection (3) of this section, is to be located within 300 feet of land in the broad zone category of residential, and such use will generate the need for a Traffic Impact Analysis according to EC 9.8670 Applicability, such use shall be subject to an approved site review application or an approved final planned unit development application.

Section 7. The paragraph preceding Table 9.2740 in Section 9.2740 of the Eugene Code, 1971, is amended to provide as follows:

9.2740 **Residential Zone Land Use and Permit Requirements.** The following Table 9.2740 Residential Zone Land Use and Permit Requirements identifies those uses in the residential zones that are:

- (P) Permitted, subject to zone verification.
(SR) Permitted, subject to an approved site review plan or an approved final planned unit development.
(C) Subject to an approved conditional use permit or an approved final planned unit development.
(PUD) Permitted, subject to an approved final planned unit development.
(S) Permitted, subject to zone verification and the Special Development Standards for Certain Uses beginning at EC 9.5000.
(#) The numbers in () in the table are uses that have special use limitations that are described in EC 9.2741 Special Use Limitations for Table 9.2740.

The examples listed in Table 9.2740 are for informational purposes and are not exclusive. Table 9.2740 does not indicate uses subject to Standards Review. Applicability of Standards Review procedures is set out at EC 9.8465.

Section 8. Subsections (2)(a) and (4) of Section 9.2741 of the Eugene Code, 1971, are amended to provide as follows:

9.2741 Special Use Limitations for Table 9.2740.

- (2) **Secondary Dwellings.** Secondary dwellings are only permitted in R-1 and are subject to the standards below.
- (a) Secondary dwellings that are within the same building as the primary dwelling shall comply with all of the following:
1. The dwelling shall not exceed 800 square feet unless occupying the full story of a multi-story structure with ground floor residential use.
 2. Either the primary dwelling or the secondary dwelling shall be occupied by the property owner.
 3. There shall be at least 1 off-street parking space on the property.
 4. Except for flag lots, the lot shall be at least 4,500 square feet. Flag lots shall contain at least 13,500 square feet to permit a secondary dwelling.
 5. No more than 3 dogs shall be permitted on the lot, not including the temporary keeping of one additional dog for up to 6 months in any 12-month period.
- (4) **Duplex.** When located in R-1, a duplex shall conform to 1 of the following standards:
- (a) The duplex was legally established on August 1, 2001.
 - (b) The duplex is on a corner lot abutting public streets as provided in EC 9.2760 Residential Zone Lot Standards, which is at least 8,000 square feet in size.
 - (c) The duplex is on a lot that was identified as being developable for a duplex on a subdivision plat.

Section 9. Subsections (1)(c), (3) and (13)(b) of Section 9.2751 of the Eugene Code, 1971, are amended to provide as follows:

9.2751 Special Development Standards for Table 9.2750.

(1) **Density.**

- (c) For purposes of calculating net density:
1. The acreage of land considered part of the residential use shall exclude public and private streets and alleys, public parks, and other public facilities.
 2. In calculating the minimum net density required for a specific lot or development site, the planning director shall round down to the previous whole number.
 3. In calculating the maximum net density allowed for a specific lot or development site the planning director shall round up to the next whole number only for:
 - a. A lot or development site that is 13,500 square feet or more in area;
 - b. A lot or development site that is not abutting the boundary of, or directly across an alley from land zoned R-1; and

c. Fractions of .75 or above.

In all other circumstances the planning director shall round down to the previous whole number.

4. At the request of the developer, the acreage described in 1. above, also may exclude natural or historic resources. For purposes of this section, natural resources include those designated for protection in an adopted plan and the area within natural resources protection or conservation setbacks that have been applied to the development site. For purposes of this section, historic resources include historic property and resources identified in an official local inventory as "primary" or "secondary." It may also include additional natural or historic resources upon approval of the planning director.

(3) **Building Height.**

- (a) In the R-3 and R-4 zone, the maximum building height shall be limited to 30 feet for that portion of the building located within 50 feet from the abutting boundary of, or directly across an alley from, land zoned R-1.
- (b) An additional 7 feet of building height is allowed for roof slopes of 6:12 or steeper in the R-1, R-2 and R-3 zones.

(13) **Fences.**

(b) Location and Heights.

1. Fences up to 42 inches in height are permitted within the required front yard setback. For corner lots or double frontage lots, a fence between 42 inches and 6 feet in height is permitted within one of the two front yard setbacks, so long as for corner lots, this fence cannot extend past a line created by an extension of the front wall of the dwelling. **(See Figure 9.2751(13)(b)1.)**
2. Fences up to 6 feet in height are permitted within the required interior yard setback.
3. The height of fences that are not located within the required setback areas is the same as the regular height limits of the zone.
4. Fences must meet the standards in EC 9.6780 Vision Clearance Area

Section 10. The Small Lot entry, Duplex Lot entry, and Triplex Lot entry of the Lot Area Minimum section, and the Lot Frontage and Lot Width standards in Table 9.2760 set forth in Section 9.2760 of the Eugene Code, 1971, are amended to provide as follows:

9.2760 Residential Zone Lot Standards. The following Table 9.2760 sets forth residential zone lot standards, subject to the special standards in EC 9.2761.

Table 9.2760 Residential Zone Lot Standards (See EC 9.2761 Special Standards for Table 9.2760.)					
	R-1	R-1.5	R-2	R-3	R-4
Lot Area Minimum (1)					
Small Lots (2)	Per Cluster Subdivision or PUD		2,250 square feet or per Cluster Subdivision or PUD	2,250 square feet or per Cluster Subdivision or PUD	2,250 square feet or per Cluster Subdivision or PUD
Duplex Lots (in R-1, a duplex lot shall be indicated on the final subdivision plat as developable as a duplex. Such lots may not be created by a partition. Alternatively, a duplex lot may be located on a corner lot that contains at least 8,000 square feet.)	8,000 square feet	--	--	--	--
Triplex Lots (in R-1, lots shall be indicated on the final subdivision plat as developable as a triplex. Such lots may not be created by a partition.)	12,000 square feet	--	--	--	--
Lot Frontage Minimum (1)					
Interior Lot	50 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Corner Lot	50 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Curved Lot	35 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Cul-de-sac Bulb Lot	35 feet	20 feet	20 feet	20 feet	20 feet
Residential Flag Lot (4)					
1 Lot	15 feet		15 feet	15 feet	15 feet
2 to 4 Lots	25 feet		25 feet	25 feet	25 feet
Rowhouse Lot	15 feet	15 feet	15 feet	15 feet	15 feet
Lot Width Minimum (1)					
Interior Lot (7)	50 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Corner Lot	50 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Curved Lot	35 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Cul-de-sac Bulb Lot	35 feet	20 feet	20 feet	20 feet	20 feet
Residential Flag Lot (4)	50 feet		--	--	
Rowhouse Lot	15 feet	15 feet	15 feet	15 feet	15 feet

Section 11. Subsections (1) and (4) are amended, and new Subsections (9) and (10) are added to Section 9.2761 of the Eugene Code, 1971, to provide as follows:

9.2761 Special Standards for Table 9.2760.

(1) Lot Standards.

(a) In determining lot area in a residential zone, the area within a public or

- private street or alley shall be excluded.
- (b) Solar standards may impose a more restrictive lot standard. (See EC 9.2790 Solar Lot Standards.)
 - (c) Lot area, frontage, and width minimums may be modified with an approved cluster subdivision in R-1 or Planned Unit Development (PUD) in any zone.
- (4) No variances to residential flag lot standards are allowed. Minimum lot area excludes the pole portion of the lot. Other residential flag lot standards also apply. (See EC 9.2775 Residential Flag Lot Standards for R-1, R-2, R-3 and R-4.)
 - (9) Lot width and lot frontage minimums in R-2, R-3 and R-4 can be reduced to 20 feet as part of an approved site review plan, planned unit development, or cluster subdivision. Unless otherwise approved through a planned unit development or cluster subdivision, at no point, for the entire extent of the lot, shall the side lot lines be less than 20 feet apart.
 - (10) Alley Access Only Lots/Parcels can be created only through an approved cluster subdivision in the R-1 zone or an approved planned unit development in any zone.

Section 12. The caption for Section 9.2775 of the Eugene Code, 1971, is amended to provide as follows:

9.2775 Residential Flag Lot Standards for R-1, R-2, R-3 and R-4.

Section 13. The paragraph preceding Table 9.3310 in Section 9.3310 of the Eugene Code, 1971, is amended to provide as follows:

- 9.3310 S-E Elmira Road Special Area Zone Land Use and Permit Requirements.** The following Table 9.3310 S-E Elmira Road Special Area Zone Uses and Permit Requirements identifies those uses in the S-E zone that are:
- (P) Permitted, subject to zone verification.
 - (SR) Permitted, subject to an approved site review plan or an approved final planned unit development.
 - (C) Subject to an approved conditional use permit or an approved final planned unit development.
 - (PUD) Permitted, subject to an approved final planned unit development.
 - (S) Permitted subject to zone verification and the Special Development Standards for Certain Uses beginning at EC 9.5000.
 - (#) The numbers in () in the table are uses that have special use limitations that are described in EC 9.3311.

The examples listed in Table 9.3310 are for informational purposes and are not exclusive. Table 9.3310 does not indicate uses subject to Standards Review. Applicability of Standards Review procedures is set out at EC 9.8465.

Section 14. The paragraph preceding Table 9.3810 in Section 9.3810 of the Eugene Code, 1971, is amended to provide as follows:

- 9.3810 S-RN Royal Node Special Area Zone Land Use and Permit Requirements.** The following Table 9.3810 S-RN Royal Node Special Area Zone Uses and Permit Requirements identifies those uses in the S-RN zone that are:
- (P) Permitted, subject to zone verification.
 - (C) Subject to an approved conditional use permit.
 - (S) Permitted subject to zone verification and the Special Development Standards for Certain Uses beginning at EC 9.5000.
 - (SR) Permitted, subject to an approved site review plan or approved final planned unit development.
 - (#) The numbers in () in the table are uses that have special use limitations described in EC 9.3811 Special Use Limitations for Table 9.3810.

Examples listed in Table 9.3810 are for informational purposes and are not exclusive. Table 9.3810 does not indicate uses subject to Standards Review. Applicability of Standards Review procedures is set out at EC 9.8465.

Section 15. The paragraph preceding Table 9.3910 in Section 9.3910 of the Eugene Code, 1971, is amended to provide as follows:

- 9.3910 S-W Whiteaker Special Area Zone Land Use and Permit Requirements.** The following Table 9.3910 S-W Whiteaker Special Area Zone Uses and Permit Requirements identifies those uses in the S-W zone that are:
- (P) Permitted, subject to zone verification.
 - (SR) Permitted, subject to an approved site review plan or an approved final planned unit development.
 - (C) Subject to conditional use permit or an approved final planned unit development.
 - (PUD) Permitted, subject to an approved final planned unit development.
 - (S) Permitted subject to zone verification and the Special Development Standards for Certain Uses beginning at EC 9.5000.
 - (#) The numbers in () in the table are uses that have special use limitations that are described in EC 9.3911.

Examples of uses in Table 9.3910 are for informational purposes and not exclusive. Table 9.3910 does not include uses subject to Standards Review. Applicability of Standards Review procedures is set out at EC 9.8465.

Section 16. Subsections (9)(c) and (11)(c) of Section 9.5500 of the Eugene Code, 1971, are amended to provide as follows:

9.5500 **Multiple-Family Standards.**

(9) **Open Space.** Open space that complies with Table 9.5500(9) and the standards in this subsection (9) shall be provided unless exempt under other provisions of this land use code.

(c) **Open Space Credit.**

1. An open space credit, not to exceed 25 percent of the total open space requirement, may be applied toward compliance with that requirement, for developments that are located within one-quarter mile of a public park as measured along the route of the shortest existing public way or private street.
2. Required setback areas and areas required to comply with perimeter parking lot landscape standards may be applied toward the minimum open space requirements when the minimum dimension of such space is 15 feet or greater.

(11) **Site Access and Internal Circulation.**

(c) **Alley Access.** Development sites with alley access, either at the rear yard or along the side yard, shall use the alley to provide vehicle access to the development site if either:

1. The alley right-of-way width is 20 feet for the length of the alley between the development site and the street; or
2. The development site's only street frontage is on an arterial or collector street.

In the instances described in 1. or 2., no direct access to the street, other than by the alley, shall be permitted. **(See Figure 9.5500(11)(b) Multiple-Family Driveways.)** In other instances, alley access is optional.

Section 17. A new Subsection (6) is added to Section 9.6790 of the Eugene

Code, 1971, to provide as follows:

9.6790 **Stormwater Management Manual.** In order to implement Section 9.6791 through 9.6797 of this code, the City Manager shall adopt in accordance with EC 2.019, City Manager – Administrative and Rulemaking Authority and Procedures, a Stormwater Management Manual. The Stormwater Management Manual may contain forms, maps and facility agreements and shall include requirements that are consistent with the following goals:

- (6) Except as otherwise allowed by this land use code, allow disturbances or development within drainage ways only when all of the following conditions exist:
- (a) The disturbance or development will not impede or reduce flows within the drainage way;

- (b) The disturbance or development will not increase erosion downstream; and
- (c) The constructed pipe system is sized to convey all of the runoff from the upstream watershed when the upstream watershed is completely developed.

Section 18. Subsection (3) of Section 9.6791 of the Eugene Code, 1971, is amended to provide as follows:

9.6791 Stormwater Destination.

- (3) **Standards.** Stormwater drainage facilities shall be designed and constructed according to adopted plans and policies, and in accordance with standards in EC Chapters 6 and 7, and the stormwater destination provisions and the facility design requirements set forth in the Stormwater Management Manual. On-site infiltration is the preferred stormwater destination for development in the River Road-Santa Clara Basin. An applicant proposing a new development must submit documentation to the city showing the stormwater destination into which the proposed development will be disposed. The documentation must establish that the new development will be disposed of into existing stormwater drainage facilities that, considering all developments that have received tentative or final plan approval as of the date the developer submits a complete application, have the capacity to handle the stormwater runoff that will be generated by the proposed new development for the flood control design storm, or, if the applicant cannot establish that existing stormwater drainage facilities have such capacity, the applicant must construct storm drainage facilities to accommodate the stormwater draining from the proposed development.

Section 19. A new Section 9.7007 is added to the Eugene Code, 1971, to provide as follows:

9.7007 Neighborhood/Applicant Meetings.

- (1) This section applies to the following types of land use applications:
 - (a) Type II: 3-lot partitions, tentative subdivisions and tentative cluster subdivisions;
 - (b) Type III: Only conditional use permits and tentative planned unit developments;
 - (c) Type IV applications that are not city-initiated;
 - (d) Metro Plan amendments that are not city-initiated.
- (2) Prior to the submittal of an application listed in subsection (1) above, the applicant shall host a meeting for the surrounding property owners. The purpose of this meeting is to provide a means for the applicant and surrounding property owners and residents to meet to review the proposal, share information and identify issues regarding the proposal. The applicant may consider whether to incorporate solutions to these issues prior to

application submittal.

- (3) The neighborhood/applicant meeting shall be held on a weekday evening, starting no earlier than 5:00 p.m. and starting no later than 7:00 p.m., or on a weekend no earlier than 10:00 a.m. and no later than 6:00 p.m., at a location within the city that is in, or is as close as practicable to, the boundaries of the city-recognized neighborhood association in which the proposal is located, if any.
- (4) If the subject property is located within the boundaries of a city-recognized neighborhood association, the applicant must contact the applicable neighborhood association by registered or certified mail, proposing three possible dates and times for the meeting. The neighborhood association should reply to the applicant within 14 days and specify on which of the proposed three suggested dates the meeting should be held. If the neighborhood association does not reply to the applicant's letter within 14 days, the applicant may schedule the neighborhood meeting on any one of the three proposed dates without further delay.
- (5) The applicant shall mail notice of the meeting:
 - (a) At least 14 days and no more than 28 days prior to the meeting;
 - (b) To:
 1. Owners and occupants of properties within 300 feet of the subject property for Type II and IV applications and to owners and occupants within 500 feet of the property for a Type III application or a Metro Plan amendment;
 2. Any city-recognized neighborhood associations whose boundaries are within 300 feet of the subject property;
 3. The city planning director; and
 4. The city engineer; and
 - (c) That states the date, time and location of the meeting and briefly discusses the nature and location of the proposal.
- (6) Failure of a property owner or occupant to receive notice shall not invalidate the neighborhood/applicant meeting procedure.
- (7) The applicant shall post notice of the meeting by posting a waterproof sign on the subject property at least 14 days before the meeting. The notice, containing the information described in (5)(c) above, shall be supplied by the applicant.
- (8) The applicant shall provide the proposed site plan at the meeting for review.
- (9) The applicant shall prepare and keep meeting notes identifying the major points that were discussed and expressed, and a sign-in sheet identifying the persons attending.
- (10) The applicant is required to hold one meeting prior to submitting an application for a specific site, but may hold additional meetings if desired.
- (11) If an applicant fails to include in its application the materials described in EC 9.7010, the application shall be deemed incomplete.
- (12) Applications shall be submitted to the city within 180 days of the neighborhood/applicant meeting. If an application is not submitted in this time frame, or if the site plan submitted with the application does not substantially conform to the site plan provided at the meeting, the applicant shall be required to hold a new neighborhood/applicant meeting.

Section 20. Section 9.7010 of the Eugene Code, 1971, is amended to provide as

follows:

- 9.7010** **Application Filing.** Applicants shall be submitted on a form approved by the city manager, be accompanied by a fee established pursuant to EC Chapter 2, and be signed by the property owner, unless the applicant is a public agency, in which case the signature of the property owner is not required. Application materials shall address each of the criteria and standards applicable to the proposed use including any requested adjustments to standards as provided in provisions beginning at EC 9.9015. For applications described at EC 9.7007(1), the application shall include the following materials related to the neighborhood/applicant meeting:
- (1) The list of persons to whom notice was mailed pursuant to EC 9.7007(5) and a signed statement that notice was posted and mailed to those on the list;
 - (2) A copy of the notice;
 - (3) A copy of the meeting notes and sign-in sheet described at EC 9.7007(9); and
 - (4) A copy of the site plan presented at the meeting.

Section 21. The "Partition" and "Subdivision" entries in Table 9.7055 of Section 9.7055 of the Eugene Code, 1971 are amended to provide as follows:

- 9.7055** **Applications and Review Authorities.** Table 9.7055 Applications and Review Authorities, lists applications and the review authorities for the decision and the appeal of the decision.

Table 9.7055 Applications and Review Authorities						
R = Recommendation, D = Decision Maker, A = Appeal Review Authority						
Application	Type	Planning Director	Hearings Official	Historic Review Board	Planning Commission	City Council
Partition:						
- Tentative Plan	II	D	A			
- Final Plat	I	D				
Subdivision:						
- Tentative Plan	II	D	A			
- Final Plat	I	D				

Section 22. Table 9.7105 in Section 9.7105 of the Eugene Code, 1971, is amended to provide as follows:

- 9.7105** **Type I Application Requirements and Criteria Reference.** The following applications are reviewed under the Type I process according to the requirements

and criteria set forth for each application as reflected in the beginning reference column in Table 9.7105.

Table 9.7105 Type I Application Requirements and Criteria	
Type I Applications	Beginning Reference
Historic Landmark, Removal of Designation	EC 9.8150
Partition – Final Plat	EC 9.8225
Property Line Adjustment	EC 9.8400
Subdivision – Final Plat	EC 9.8550
Temporary Manufactured Dwelling Hardship Permit	EC 9.8600
Temporary Manufactured Dwelling Hardship Permit - Renewal	EC 9.7120(2)
Vacation of an Unimproved Public Easement	EC 9.8700
WR Water Resources Conservation Overlay Zone – Map or Zone Error	EC 9.4960(2)

Section 23. The entries for "Partition" and "Subdivision" in Table 9.7205 of Section 9.7205 of the Eugene Code, 1971, are amended to provide as follows:

9.7205 **Type II Application Requirements and Criteria Reference.** The following applications are reviewed under the Type II review process according to the requirements and criteria set forth for each application as reflected in the beginning reference column in Table 9.7205.

Table 9.7205 Type II Application Requirements and Criteria	
Type II Applications	Beginning Reference
Partition:	
- Tentative Plan	EC 9.8200
Subdivision:	
- Tentative Plan	EC 9.8500

Section 24. The entries for "Partition" and "Subdivision" in Table 9.7230 of Section 9.7230 of the Eugene Code, 1971, are amended to provide as follows:

9.7230 **Expiration.**

- (1) The planning director's approval of an application shall expire in 12 months, 18 months, or 36 months from the effective date of approval, depending upon the type of land use application as specified in Table 9.7230 Expiration of Type II Application Approvals, or as provided in subsections (2) through (9) of this section. If an application approval has expired according to any of the conditions stated in subsections (2) through (9), the original application approval is revoked and a new application must be filed.

Table 9.7230 Expiration of Type II Application Approvals			
Application	12 months	18 months	36 months
Partition:			
- Tentative Plan		X	
Subdivision:			
- Tentative Plan			X

Section 25. A new Subsection (16) is added to Section 9.8320 of the Eugene Code, 1971, to provide as follows:

9.8320 Tentative Planned Unit Development Approval Criteria- General. The hearings official shall approve, approve with conditions, or deny a tentative PUD application with findings and conclusions. Decisions approving an application, or approving with conditions shall be based on compliance with the following criteria:

- (16) For property with the /SR Site Review Overlay Zone, the PUD complies with any additional site-specific criteria that were specified at the time the /SR designation was applied to the property.

Section 26. Section 9.8430 of the Eugene Code, 1971, is amended to provide as follows:

9.8430 Applicability. Site review provisions shall be applied when any of the following conditions exist:

- (1) Property is zoned with the /SR overlay zone and the proposal would result in either of the following:
 - (a) New development of vacant sites (excluding partitions and any development that consists only of new or expanded parking areas).
 - (b) An expansion of 20 percent or more of the total existing building square footage on the development site.
- (2) The proposed use on the property is identified as a use which requires site review under other provisions of this land use code and the proposal would result in either of the following:
 - (a) New development of vacant sites (excluding development that consists only of new or expanded parking areas).
 - (b) An expansion of 20 percent or more of the total existing building square footage on the development site.
- (3) The application proposes needed housing, as defined by State statutes. Applications proposing needed housing shall be reviewed through the Type II site review procedures utilizing the criteria at EC 9.8445 Site Review Approval Criteria - Needed Housing unless the applicant specifically request in the application that the city apply the criteria at EC 9.8440 Site Review Approval Criteria - General.

In lieu of site review, an application that falls within (1), (2), or (3) above, may obtain approval through the Planned Unit Development process. No development permit

shall be issued by the city prior to approval of the site review application, or the final planned unit development application.

Section 27. Section 9.8555 of the Eugene Code, 1971, is amended to provide as follows:

9.8555 **Applicability of Subdivision, Final Plat Applications.** A subdivision final plat application follows a Type I process. Applications for final plat approval cannot be submitted unless the subject property received tentative plan approval and any approval conditions required prior to submittal of the final plat have been met.

Section 28. The definition of "Noncommercial dog kennel" set forth in Section 4.330 of the Eugene Code, 1971, is amended to provide as follows:

4.330 **Animal Control - Definitions.** For purposes of sections 4.330 to 4.500 of this chapter, the following words and phrases mean:

Noncommercial dog kennel. An establishment or premises where four or more dogs, over six months of age, are kept or maintained, whether by owners of the dogs or by persons providing facilities and care, and whether or not for compensation, not including the temporary keeping of one additional dog for up to 6 months in any 12-month period. No more than two of the dogs shall be used for breeding. The term does not include any animal hospital. For purposes of this definition, if the "premises" consists of a lot that contains a main dwelling and a secondary dwelling unit, the "premises" means the lot.

Section 29. A new Figure 9.2751(13)(b)1. Fences, as attached hereto is hereby adopted; Figure 9.0500 Building Height Calculation is hereby amended and replaced with the attached Figure 9.0500 Building Height Calculation; and Figure 9.5500(11)(b) Multiple-Family Driveways, is hereby amended and replaced with the attached Figure 9.5500(11)(b) Multiple-Family Driveways; and they shall be incorporated with other similar maps and figures in the Eugene Code, 1971.

Section 30. The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference errors contained

herein or in other provisions of the Eugene Code, 1971 to the provisions added, amended, or repealed herein.

Section 31. The legislative findings attached as Exhibit A hereto are adopted in support of this Ordinance.

Section 32. Notwithstanding the effective date of ordinances as provided in the Eugene Charter of 2002, this Ordinance shall become effective 30 days from the date of its passage by the City Council and approval by the Mayor, or upon the date of its acknowledgment as provided by ORS 197.625, whichever date is later.

Passed by the City Council this

11th day of August, 2008



City Recorder

Approved by the Mayor this

13 day of August, 2008



Mayor

Figure
9.2751(13)(b)1.

Fences

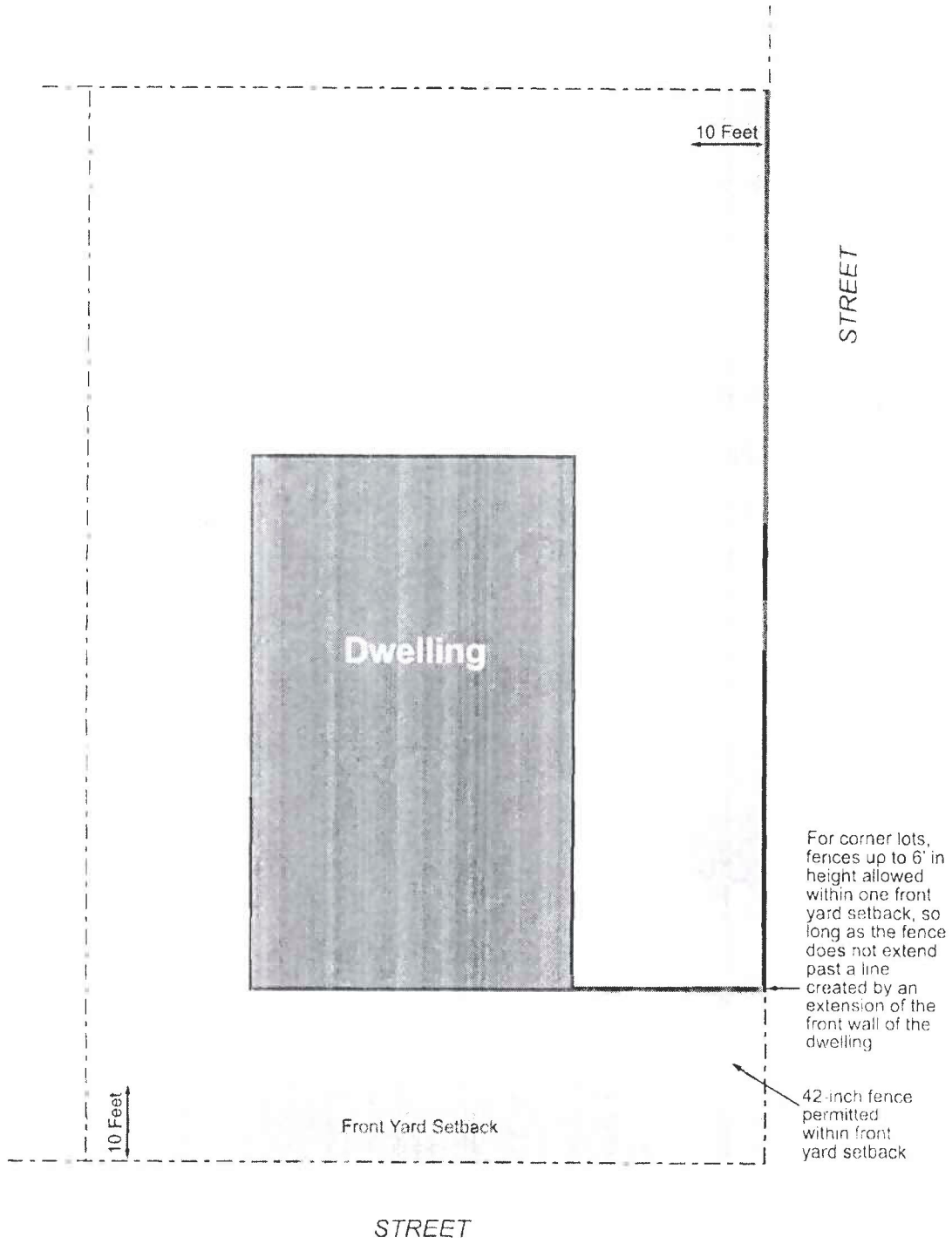


Figure 9.0500

Building Height Calculation

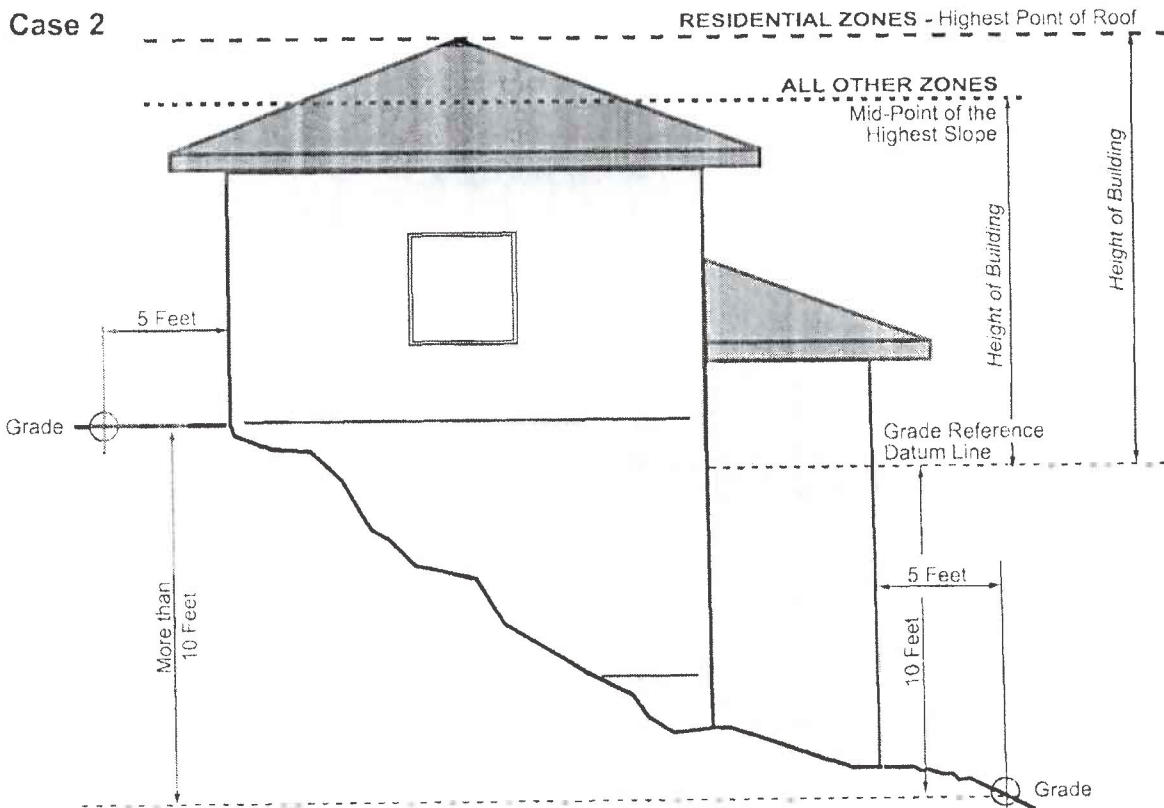
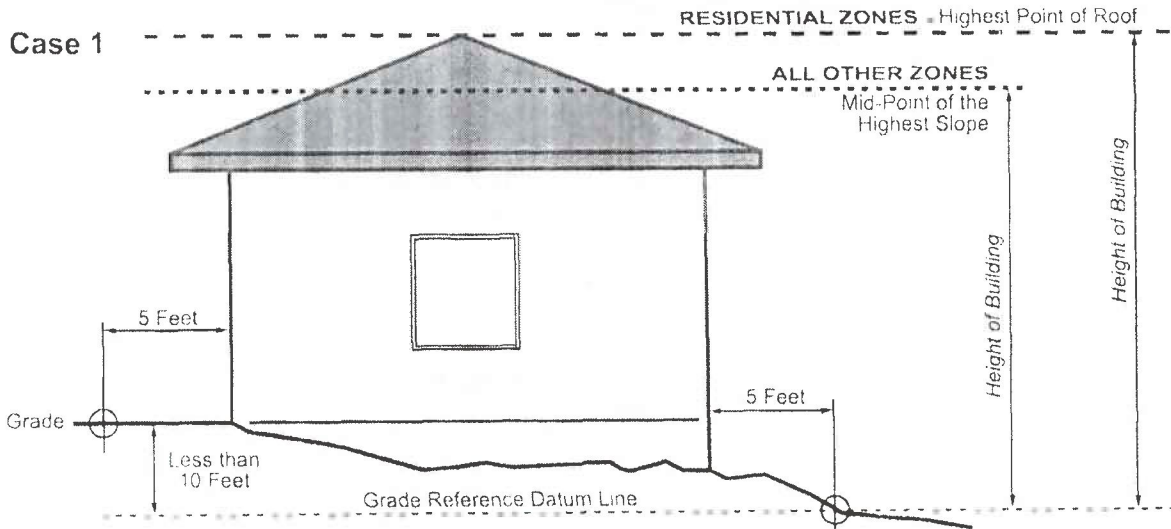


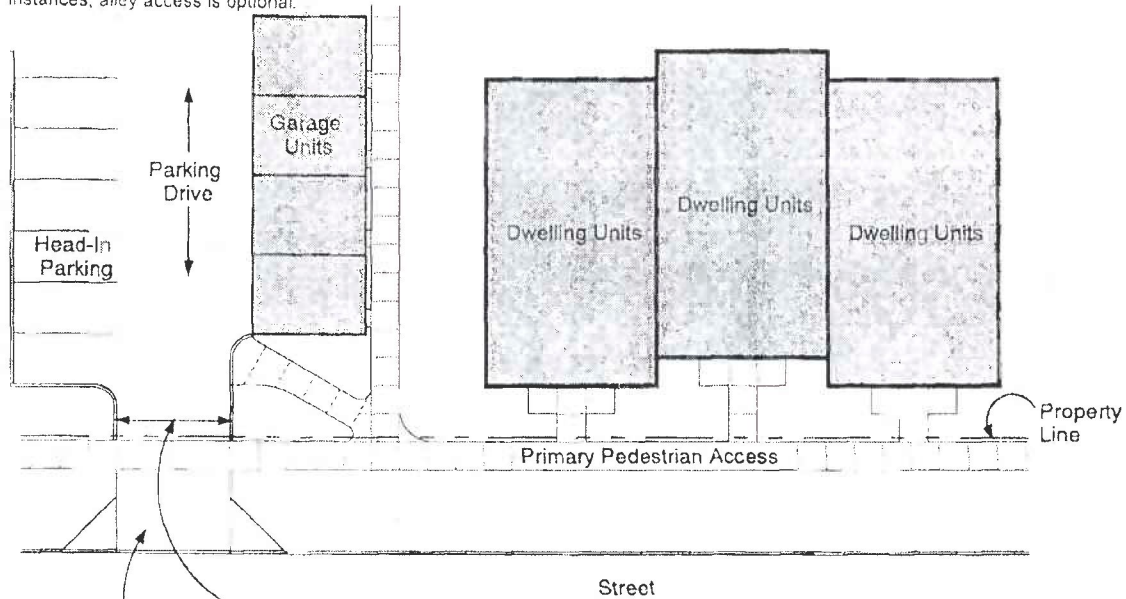
Figure 9.5500(11)(b)

Multiple-Family Driveways

Development sites with alley access, either at the rear yard or along the side yard, shall use the alley to provide vehicle access to the development site if either

1. The alley right-of-way width is 20 feet for the length of the alley between the development site and the street; or
2. The development site's only street frontage is on an arterial or collector street.

In the instances described in 1 or 2, no direct access to the street, other than by the alley, shall be permitted. In other instances, alley access is optional.



Two-way driveways shall be a minimum width of 20 feet, one-way driveways shall be a minimum width of 12 feet. The maximum driveway width is 28 feet.

All driveways shall be perpendicular to the street they connect to.

EXHIBIT A

Findings

Code Amendment Eugene Code Section 9.8065 requires that the following approval criteria (in bold and italics) be applied to a code amendment:

(1) The amendment is consistent with applicable statewide planning goals adopted by the Land Conservation and Development Commission.

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

The City has acknowledged provisions for citizen involvement which insure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The action taken did not amend the citizen involvement program. The process for adopting these amendments complied with Goal 1 because it is consistent with the citizen involvement provisions. Specifically, the Planning Commission held a series of public work sessions followed by separate public hearings held by the Planning Commission and City Council. Based on this information, the process followed is consistent with Statewide Planning Goal 1.

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.

The Eugene Land Use Code specifies the procedure and criteria that were used in considering these amendments to the code. The record shows that there is an adequate factual base for the amendments. The Goal 2 coordination requirement is met when the City engages in an exchange, or invites such an exchange, between the City and any affected governmental unit and when the City uses the information obtained in the exchange to balance the needs of the citizens. To comply with the Goal 2 coordination requirement, the City engaged in an exchange about the subject of these amendments with all of the affected governmental units. Specifically, the City provided notice of the proposed action and opportunity to comment to Lane County, Springfield and the Department of Land Conservation and Development.

There are no Goal 2 Exceptions required for these amendments. Therefore, the amendments are consistent with Statewide Planning Goal 2.

Goal 3 - Agricultural Lands. To preserve agricultural lands.

The amendments are for property located within the urban growth boundary and do not affect any land designated for agricultural use. Therefore, Statewide Planning Goal 3 does not apply.

Goal 4 - Forest Lands. To conserve forest lands.

The amendments are for property located within the urban growth boundary and do not affect any land

designated for forest use. Therefore, Statewide Planning Goal 4 does not apply.

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

OAR 660-023-0250(3) provides: Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:

- (a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5,*
- (b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list, or*
- (c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.*

These amendments do not create or amend the city's list of Goal 5 resources, do not amend a code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, do not allow new uses that could be conflicting uses with a significant Goal 5 resource site and do not amend the acknowledged UGB. Therefore, Statewide Planning Goal 5 does not apply.

Goal 6 - Air, Water and Land Resource Quality. *To maintain and improve the quality of the air, water and land resources of the state.*

Goal 6 addresses waste and process discharges from development, and is aimed at protecting air, water and land from impacts from those discharges. The amendments do not affect the City's ability to provide for clean air, water or land resources. Therefore, Statewide Planning Goal 6 does not apply.

Goal 7 - Areas Subject to Natural Disasters and Hazards. *To protect life and property from natural disasters and hazards.*

Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards such as floods, land slides, earthquakes and related hazards, tsunamis and wildfires. The Goal prohibits a development in natural hazard areas without appropriate safeguards. The amendments do not effect the City's restrictions on development in areas subject to natural disasters and hazards. Further, the amendments do not allow for new development that could result in a natural hazard. Therefore, Statewide Planning Goal 7 does not apply.

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.*

Goal 8 ensures the provision of recreational facilities to Oregon citizens and is primarily concerned with the provision of those facilities in non-urban areas of the state. The plan amendments do not effect the city's provisions for recreation areas, facilities or recreational opportunities. Therefore, Statewide Planning Goal 8 does not apply.

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.

The Administrative Rule for Statewide Planning Goal 9 (OAR 660, Division 9) requires cities to evaluate the supply and demand of commercial land relative to community economic objectives. The Eugene Commercial Land Study (October 1992) was adopted by the City of Eugene as a refinement of the Metro Plan, and complies with the requirements of Goal 9 and its Administrative Rule. The amendments do not impact the supply of industrial or commercial lands. Therefore, the amendments are consistent with Statewide Planning Goal 9.

Goal 10 - Housing. To provide for the housing needs of citizens of the state.

Goal 10 requires that communities plan for and maintain an inventory of buildable residential land for needed housing units. Although some of the amendments address residential development standards, the land use code amendments do not impact the supply or availability of residential lands included in the documented supply of "buildable land" that is available for residential development as inventoried in the acknowledged 1999 Residential Lands Study. Therefore, the amendments are consistent with Statewide Planning Goal 10.

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.

The amendments do not effect the City's provision of public facilities and services. Therefore, Statewide Planning Goal 11 does not apply.

Goal 12- Transportation. To provide and encourage a safe, convenient and economic transportation system.

The Transportation Planning Rule (OAR 660-012-0060) contains the following requirement:

- (1) *Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility...*
- (2) *A plan or land use regulation amendment significantly affects a transportation facility if it:*
 - (a) *Changes the functional classification of an existing or planned transportation facility,*
 - (b) *Changes standards implementing a functional classification system,*
 - (c) *Allows types or levels of land uses which would result in levels of travel or access*

- which are inconsistent with the functional classification of a transportation facility,
or*
- (d) *Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP*

Due to the minor nature of these amendments, the amendments do not affect the provision of safe, convenient and economic transportation systems and do not significantly affect any transportation facilities.

Goal 13 - Energy Conservation. *To conserve energy.*

The amendments do not impact energy conservation. Therefore, Statewide Planning Goal 13 does not apply.

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

The amendments do not affect the City's provisions regarding the transition of land from rural to urban uses. Therefore, Statewide Planning Goal 14 does not apply.

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.*

The amendments do not contain any changes that affect the regulation of areas within the Willamette River Greenway. Therefore, Statewide Planning Goal 15 does not apply.

Goal 16 through 19 - Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources

There are no coastal, ocean, estuarine, or beach and dune resources related to the property effected by these amendments. Therefore, these goals are not relevant and the amendments will not affect compliance with Statewide Planning Goals 16 through 19.

(2) *The amendment is consistent with applicable provisions of the Metro Plan and applicable adopted refinement plans.*

The code amendments include minor changes to the Land Use Code that address issues raised by the community that are primarily related to residential development and lot configuration standards, without raising significant policy issues. Given the minor nature of these amendments, there are no relevant Metro Plan policies affected by this action. Furthermore, the amendments do not address any adopted refinement plans. Therefore, no refinement plan is affected by this action.

- (3) *The amendment is consistent with EC 9.3020 Criteria for Establishment of an S Special Area Zone, in the case of establishment of a special area zone.*

The amendments do not establish a special area zone. Therefore, this criterion does not apply to these amendments.

COUNCIL ORDINANCE NUMBER 20418

COUNCIL BILL NUMBER 4988

AN ORDINANCE CONCERNING LAND USE REGULATIONS; AMENDING SECTIONS 9.2751 AND 9.6410 OF THE EUGENE CODE, 1971; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A SUNSET DATE.

ADOPTED: August 11, 2008

PASSED: 6/2

REJECTED:

OPPOSED: Clark, Solomon

ABSENT:

**EFFECTIVE: August 13, 2008,
and to sunset February 11, 2010.**

ORDINANCE NO. 20418

AN ORDINANCE CONCERNING LAND USE REGULATIONS; AMENDING SECTIONS 9.2751 AND 9.6410 OF THE EUGENE CODE, 1971; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A SUNSET DATE.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Subsection (3) of Section 9.2751 of the Eugene Code, 1971, is amended to revise subsection (a) and to add a subsection (c) as follows:

9.2751 Special Development Standards for Table 9.2750.

(3) **Building Height.**

- (a) Except as provided below, in the R-3 and R-4 zone, the maximum building height shall be limited to 30 feet for that portion of the building located within 50 feet from the abutting boundary of, or directly across an alley from, land zoned R-1.

- (c) For that area bound by Hilyard Street to the west, Agate Street to the east, East 18th Avenue to the north and East 20th Avenue to the south:
 - 1. In the R-3 zone, the maximum building height shall be limited to 35 feet for that portion of the building located within 160 feet from the abutting boundary of, or directly across an alley from, land zoned R-1.
 - 2. In the R-4 zone, the maximum building height shall be limited to 35 feet for that portion of the building located within 50 feet from the abutting boundary of, or directly across an alley from, land zoned R-1. It shall be limited to 50 feet for that portion of the building located within 175 feet from land zoned R-3, and shall be limited to 75 feet for that portion of the building located within 176 feet and 225 feet of land zoned R-3.

Section 2. Table 9.6410 in Section 9.6410 of the Eugene Code, 1971, is amended by adding additional requirements for Multi-Family developments, to provide as follows:

9.6410 Motor Vehicle Parking Standards.

Table 9.6410 Required Off-Street Motor Vehicle Parking

Uses	Minimum Number of Required Off-Street Parking Spaces
Residential	
Dwelling	
Multiple Family developments in the R-3 and R-4 zones within the boundaries of the City recognized West University Neighbors and South University Neighborhood Associations.	1 space per studio or 1-bedroom unit 1.5 spaces/unit per 2-bedroom unit** 2 spaces/unit per 3-bedroom unit* *.5 spaces required for each additional bedroom beyond 3 bedrooms ** Fractions of .50 are rounded up to the next whole number.
Multiple Family – all other areas	1 per dwelling

Section 3. The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference errors contained herein or in other provisions of the Eugene Code, 1971 to the provisions added, amended, or repealed herein.

Section 4. The legislative findings attached as Exhibit A hereto are adopted in support of this Ordinance.

Section 5. An immediate effective date of this Ordinance is necessary in order to serve the important public purpose of ensuring that infill development in the affected area is compatible with the surroundings.

Section 5. This Ordinance and the amendments authorized herein shall automatically sunset and be repealed on February 11, 2010. The City Recorder is requested to note the sunset date on appropriate City logs.

Passed by the City Council this


11th day of August, 2008



 City Recorder

Approved by the Mayor this

13 day of August, 2008



 Mayor

EXHIBIT A

Findings

Code Amendment Eugene Code Section 9.8065 requires that the following approval criteria (in bold and *italics*) be applied to a code amendment:

- (1) *The amendment is consistent with applicable statewide planning goals adopted by the Land Conservation and Development Commission.*

Goal 1 - Citizen Involvement. *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

The City has acknowledged provisions for citizen involvement which insure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The action taken did not amend the citizen involvement program. The process for adopting these amendments complied with Goal 1 because it is consistent with the citizen involvement provisions. Specifically, the Planning Commission held a series of public work sessions followed by separate public hearings held by the Planning Commission and City Council. Based on this information, the process followed is consistent with Statewide Planning Goal 1.

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.*

The Eugene Land Use Code specifies the procedure and criteria that were used in considering these amendments to the code. The record shows that there is an adequate factual base for the amendments. The Goal 2 coordination requirement is met when the City engages in an exchange, or invites such an exchange, between the City and any affected governmental unit and when the City uses the information obtained in the exchange to balance the needs of the citizens. To comply with the Goal 2 coordination requirement, the City engaged in an exchange about the subject of these amendments with all of the affected governmental units. Specifically, the City provided notice of the proposed action and opportunity to comment to Lane County, Springfield and the Department of Land Conservation and Development.

There are no Goal 2 Exceptions required for these amendments. Therefore, the amendments are consistent with Statewide Planning Goal 2.

Goal 3 - Agricultural Lands. *To preserve agricultural lands.*

The amendments are for property located within the urban growth boundary and do not affect any land designated for agricultural use. Therefore, Statewide Planning Goal 3 does not apply.

Goal 4 - Forest Lands. *To conserve forest lands.*

The amendments are for property located within the urban growth boundary and do not affect any land

designated for forest use. Therefore, Statewide Planning Goal 4 does not apply.

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

OAR 660-023-0250(3) provides: Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:

- (a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;*
- (b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or*
- (c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area*

These amendments do not create or amend the city's list of Goal 5 resources, do not amend a code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, do not allow new uses that could be conflicting uses with a significant Goal 5 resource site and do not amend the acknowledged UGB. Therefore, Statewide Planning Goal 5 does not apply.

Goal 6 - Air, Water and Land Resource Quality. *To maintain and improve the quality of the air, water and land resources of the state.*

Goal 6 addresses waste and process discharges from development, and is aimed at protecting air, water and land from impacts from those discharges. The amendments do not affect the City's ability to provide for clean air, water or land resources. Therefore, Statewide Planning Goal 6 does not apply.

Goal 7 - Areas Subject to Natural Disasters and Hazards. *To protect life and property from natural disasters and hazards.*

Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards such as floods, land slides, earthquakes and related hazards, tsunamis and wildfires. The Goal prohibits a development in natural hazard areas without appropriate safeguards. The amendments do not effect the City's restrictions on development in areas subject to natural disasters and hazards. Further, the amendments do not allow for new development that could result in a natural hazard. Therefore, Statewide Planning Goal 7 does not apply.

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.*

Goal 8 ensures the provision of recreational facilities to Oregon citizens and is primarily concerned with the provision of those facilities in non-urban areas of the state. The plan amendments do not effect the city's provisions for recreation areas, facilities or recreational opportunities. Therefore, Statewide Planning Goal 8 does not apply.

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.

The Administrative Rule for Statewide Planning Goal 9 (OAR 660, Division 9) requires cities to evaluate the supply and demand of commercial land relative to community economic objectives. The Eugene Commercial Land Study (October 1992) was adopted by the City of Eugene as a refinement of the Metro Plan, and complies with the requirements of Goal 9 and its Administrative Rule. The amendments do not impact the supply of industrial or commercial lands. Therefore, the amendments are consistent with Statewide Planning Goal 9.

Goal 10 - Housing. To provide for the housing needs of citizens of the state.

Goal 10 requires that communities plan for and maintain an inventory of buildable residential land for needed housing units. Although some of the amendments address residential development standards, the land use code amendments do not impact the supply or availability of residential lands included in the documented supply of "buildable land" that is available for residential development as inventoried in the acknowledged 1999 Residential Lands Study. Therefore, the amendments are consistent with Statewide Planning Goal 10.

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.

The amendments do not effect the City's provision of public facilities and services. Therefore, Statewide Planning Goal 11 does not apply.

Goal 12- Transportation. To provide and encourage a safe, convenient and economic transportation system.

The Transportation Planning Rule (OAR 660 012 0060) contains the following requirement:

- (1) *Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility....*
- (2) *A plan or land use regulation amendment significantly affects a transportation facility if it:*
 - (a) *Changes the functional classification of an existing or planned transportation facility;*
 - (b) *Changes standards implementing a functional classification system;*
 - (c) *Allows types or levels of land uses which would result in levels of travel or access*

- which are inconsistent with the functional classification of a transportation facility;*
or
(d) *Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP*

Due to the minor nature of these amendments, the amendments do not affect the provision of safe, convenient and economic transportation systems and do not significantly affect any transportation facilities.

In a May 27, 2008 letter to the City, the Department of Land Conservation and Development (DLCD) has asserted that the City must show how the imposition of building height transitions in the South University neighborhood (EC 9.2751(3)(c)) is “consistent with the region’s development strategy required by OAR 660-012-0035(5).” The City interprets DLCD’s assertion to mean that the City is required to show the amendment is consistent with the performance measures in TransPlan that were adopted in 2002 pursuant to OAR 660-012-0035(5). DLCD specifically refers to the performance measure that calls for 23.3% of new dwelling units in Eugene and Springfield to be in areas designated for nodal development by 2015. While a portion of the South University neighborhood is identified in TransPlan as being part of a “Potential Nodal Development Area,” no portion of the South University neighborhood has received the Nodal Development Area designation in the Metro Plan and no portion has been rezoned to include the /ND Nodal Development overlay zone.

Similarly, DLCD raises a concern that the increase in parking requirements for new multi-family developments in the West University and South University neighborhoods will encourage automobile use in a nodal area. Like the South University neighborhood, a portion of the West University neighborhood is identified in TransPlan as being part of a “Potential Nodal Development Area,” but no portion of the neighborhood has received the Nodal Development Area designation in the Metro Plan and no portion has been rezoned to include the /ND Nodal Development overlay zone.

It is not clear that any of the areas affected by the height and parking amendments will be designated and zoned as nodal areas for purposes of the 2015 performance measure. The transition requirement applies only to the R-3 Limited High Density Residential and R-4 High Density Residential zoned land just south of the University, within the area bound by Hilyard Street to the west, Agate Street to the east, E. 18th Avenue to the north and E. 20th Avenue to the south. Further, the building heights in the R-3 and R-4 zones would be restricted to 35 feet only for that portion of a building located within 160 feet from the abutting boundary of, or directly across an alley from, land zoned R-1, and building heights in the R-4 zone would be restricted to 50 feet only for that portion of a building located within 175 feet of land zoned R-3, and to 75 feet for a portion of a building greater than 175 feet and up to 225 feet from land zoned R-3. DLCD has not identified a basis for concluding that the proposed height transitions will unlawfully interfere with the region’s ability to meet its 23.3% performance standard and the City finds no such basis. Further, the City finds that the modest parking requirements are necessary to address excessive demand for on-street parking resulting from the increase in multi-family developments in the area and finds that the requirements do not conflict with any nodal policy, standard or criterion.

Goal 13 - Energy Conservation. *To conserve energy.*

The amendments do not impact energy conservation. Therefore, Statewide Planning Goal 13 does not apply.

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

The amendments do not affect the City's provisions regarding the transition of land from rural to urban uses. Therefore, Statewide Planning Goal 14 does not apply.

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.*

The amendments do not contain any changes that affect the regulation of areas within the Willamette River Greenway. Therefore, Statewide Planning Goal 15 does not apply.

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

There are no coastal, ocean, estuarine, or beach and dune resources related to the property effected by these amendments. Therefore, these goals are not relevant and the amendments will not affect compliance with Statewide Planning Goals 16 through 19.

(2) *The amendment is consistent with applicable provisions of the Metro Plan and applicable adopted refinement plans.*

The code amendments include minor changes to the Land Use Code that address issues raised by the community that are primarily related to residential development and lot configuration standards, without raising significant policy issues. Given the minor nature of these amendments, there are no relevant Metro Plan policies affected by this action. Furthermore, the amendments do not address any adopted refinement plans. Therefore, no refinement plan is affected by this action.

(3) *The amendment is consistent with EC 9.3020 Criteria for Establishment of an S Special Area Zone, in the case of establishment of a special area zone.*

The amendments do not establish a special area zone. Therefore, this criterion does not apply to these amendments.

CERTIFICATE OF MAILING

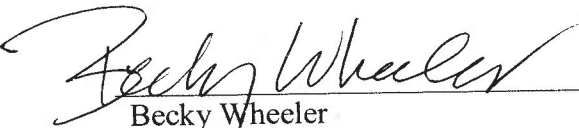
I certify that I mailed a true and correct copy of the DLCD Notice of Adoption and signed City Council Ordinance No. 20417 and 20418 approval of City File: CA 07-5, to:

Attention: Plan Amendment Specialist
Dept. of Land Conservation & Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

The amendments, findings and related materials for the Minor Code Amendment Project (city file CA 07-5) can be reviewed at 1st Floor Reception, Atrium Building, 99 West 10th Avenue, Eugene Oregon between 9:00 a.m. and 5:00 p.m., Monday through Friday. The ordinances can also be viewed at the following web page: www.eugene-or.gov/codeamendments.

Dated

August 14, 2008


Becky Wheeler
Land Use Planning Specialist



Planning & Development
 Planning
 City of Eugene
 99 West 10th Avenue
 Eugene, Oregon 97401

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