



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

3/19/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Eugene Plan Amendment
DLCD File Number 008-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, April 01, 2010

This amendment was submitted to DLCD for review prior to adoption 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 Acknowledgment or 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 above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Peggy Keppler, City of Eugene
Gloria Gardiner, DLCD Urban Planning Specialist
Ed Moore, DLCD Regional Representative
Bill Holmstrom, DLCD Transportation Planner
Thomas Hogue, DLCD Regional Representative

<paa> YA



FORM **2**

DLCD

Notice of Adoption

In person electronic mailed

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DEPT OF

MAR 12 2010

**LAND CONSERVATION
AND DEVELOPMENT**

For Office Use Only

This Form 2 must be mailed to DLCD within 5-Working Days after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Eugene**

Local file number:

Date of Adoption: **March 8, 2010**

Date Mailed: **March 11, 2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 7/9/09 & 8/21/09

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".

The proposed amendments to the City of Eugene's code relate to a proposed development's connection to, provision for, improvement of and impact on public ways. The proposed amendments: (1) amend EC 9.0500 to add definitions for the terms "access connection" and "driveway"; (2) amend EC 9.6505 and EC 9.8030 to require that streets paved in accordance with EC 9.6505(3)(b) include drainage, curbs, gutters, sidewalks, street trees and street lights, and provide for an adjustment to this requirement; (3) add a new code section EC 9.6703 regarding driveways and internal circulation; (4) amend EC 9.6735 (Public Access Required) to require that access from public streets be located in accordance with EC 7.420; (5) amend EC 9.6750 to: (a) allow for any intrusion into a special setback except for buildings and surface stormwater management facilities; (b) limit the application of the special setback to specific situations; and, (c) change the default special setback width from the maximum width required for the abutting street's classification to the minimum width; (6) amend EC 9.6870 to change the required street width for a street that is not designated on the Street Right-of-Way map from the maximum width for the street's type to the minimum width for that street's type; and, (7) amend EC 7.420 to provide access connection location standards.

Does the Adoption differ from proposal? Please select one

(1) Proposed amendment to EC 9.2775 was removed; and, (2) added sentence to proposed EC 9.6870 amendment that specifically addressed alley widths.

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

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 file No. Eugene 008-09 (17682) [16043]

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

City of Eugene

Local Contact: **Peggy Keppler**

Phone: **(541) 682-2869** Extension:

Address: **99 East Broadway, Suite 400**

Fax Number: **541-682-5032**

City: **Eugene**

Zip: **97401**

E-mail Address: **peggy.a.keppler@ci.eugene.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this Form 2 on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.



COUNCIL ORDINANCE NUMBER 20457

COUNCIL BILL NUMBER 5025

**AN ORDINANCE CONCERNING ACCESS CONNECTION
LOCATION REQUIREMENTS, SPECIAL SETBACKS AND
STREET WIDTH; AMENDING SECTIONS 9.0500, 9.5500,
9.6505, 9.6735, 9.6745, 9.6750, 9.6840, 9.6870, 9.8030, 9.8090,
9.8415, 9.8670, 9.8675, 9.8680, AND 7.420 OF THE EUGENE
CODE, 1971; AND ADDING SECTIONS 9.6703 AND 9.6873 TO
THAT CODE.**

ADOPTED: March 8, 2010

SIGNED: March 10, 2010

PASSED: 8/0

REJECTED:

OPPOSED:

ABSENT:

EFFECTIVE: April 10, 2010

ORDINANCE NO. 20457

AN ORDINANCE CONCERNING ACCESS CONNECTION LOCATION REQUIREMENTS, SPECIAL SETBACKS AND STREET WIDTH; AMENDING SECTIONS 9.0500, 9.5500, 9.6505, 9.6735, 9.6745, 9.6750, 9.6840, 9.6870, 9.8030, 9.8090, 9.8415, 9.8670, 9.8675, 9.8680, AND 7.420 OF THE EUGENE CODE, 1971; AND ADDING SECTIONS 9.6703 AND 9.6873 TO THAT CODE.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Section 9.0500 of the Eugene Code, 1971, is amended by adding a definition for "Access Connection" in alphabetical order to the list of definitions, and amending the definition of "Driveway," 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:

Access Connection. The area located within the public right-of-way that provides for the movement of vehicles to or from a development site onto and from the vehicular travel way of the public transportation system.

Driveway. The area located outside of the public right-of-way that abuts the access connection and allows for vehicles to move to or from a development site. For purposes of the S-JW Jefferson Westside Special Area Zone provisions at EC 9.3600 through 9.3640, a surface area that is intended, prepared, or used for vehicle access to and about a lot.

Section 2. Subsection (11) of Section 9.5500 of the Eugene Code, 1971, is amended to provide as follows:

9.5500 Multiple-Family Standards.

(11) Site Access and Internal Circulation.

(a) **Streets.** Street standards and connectivity requirements for local residential streets shall be applied to public and private streets within multiple-family developments. (Refer to EC 9.6815 Connectivity for Streets.) **(See Figure 9.5500(12) Multiple-Family Parking.)**

(b) **Driveways.** Driveways and parking drives are private roadways for projects or portions of projects not served by streets. Driveways and parking drives shall be designed in accordance with the following standards:

1. **Driveways.** Driveways provide vehicular access to parking and dwelling units but do not provide primary pedestrian access to units. Driveways are intended to be used primarily for vehicular circulation and dwelling access and should be visually distinct from streets. **(See Figure 9.5500(11)(b) Multiple-Family Driveways).** The following standards apply:

- a. Two-way driveways shall be a minimum width of 20 feet, one-way driveways shall be a minimum width of 12 feet.
- b. The maximum driveway width is 28 feet.
- 2. **Parking Drives.** Parking drives are driveways lined with head-in parking spaces, diagonal parking spaces, garages, or any combination thereof along a significant portion of their length. Parking drives for multiple-family developments with more than 20 units shall be designed so as to permit no through-motor vehicle movements. **(See Figure 9.5500(12) Multiple-Family Parking.)**
- (c) **Alley Access.** Development sites with alley access, either at the rear yard or along the side yard, shall use the alley to provide 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.
- (d) **Setback Sidewalks.** Setback sidewalks shall be required along any public or private street adjacent to or within the development site.
- (e) **Criteria for Adjustment.** Adjustments to the standards in this subsection may be made, based on the criteria of EC 9.8030(8)(e).

Section 3. Subsection (3) of Section 9.6505 of the Eugene Code, 1971, is amended to provide as follows:

9.6505 Improvements - Specifications. All public improvements shall be designed and constructed in accordance with adopted plans and policies, the procedures specified in Chapter 7 of this code, and standards and specifications adopted pursuant to Chapter 7 of this code. Additionally, all developments shall make and be served by the following infrastructure improvements:

(3) Streets and Alleys.

- (a) The developer shall grade and pave all streets and alleys in the development site. All paving shall be to the width specified in EC 9.6870 **Street Width** and provide for drainage of all such streets and alleys, and construct curbs and gutters, sidewalks, street trees and street lights within the development site according to the Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Accessways and standards and specifications adopted pursuant to Chapter 7 of this code and other adopted plans and policies.
- (b) The developer shall pave streets and alleys adjacent to the development site to the width specified in EC 9.6870 **Street Width**, unless such streets and alleys are already paved to that width, provided the City makes findings to demonstrate consistency with constitutional requirements. All paving shall provide for drainage of all such streets and alleys, and construct curbs and gutters, sidewalks, street trees and street lights adjacent to the development site according to the Design

Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Accessways and standards and specifications adopted pursuant to Chapter 7 of this code and other adopted plans and policies.

- (c) The standard at (3)(b) may be adjusted if consistent with the criteria of EC 9.8030(19).

Section 4. Section 9.6703 of the Eugene Code, 1971, is added to provide as follows:

9.6703 Driveways and Internal Circulation

- (1) Unless otherwise permitted in this code, driveways abutting an arterial or major collector street that serve a commercial, industrial or multi-family development shall be a minimum of 20 feet wide.
- (2) If eight or more single-family or duplex dwellings will share one access connection, the driveway shall be designed and constructed as a private street in accordance with EC 9.6875.
- (3) Development sites that will generate 100 or more peak hour vehicular trips in any peak hour per the Institute of Transportation Engineer's Trip Generation shall comply with all of the following:
 - (a) All driveways shall have a minimum 50-foot internal vehicle stacking area. The internal vehicle stacking area is measured from the back of the sidewalk to centerline of the first internal circulation driveway or parking aisle, and is designed to queue vehicles exiting the development site and to prevent vehicles entering the development site from blocking the flow of traffic on the public street or causing unsafe conflicts with the on-site circulation.
 - (b) The development site shall provide internal circulation to accommodate emergency and delivery vehicles accessing the development site.
- (4) The standard at (3)(a) may be adjusted if consistent with the criteria of EC 9.8030(26).

Section 5. Section 9.6735 of the Eugene Code, 1971, is amended to provide as follows:

9.6735 Public Access Required.

- (1) Except as otherwise provided in this land use code, no building or structure shall be erected or altered except on a lot fronting or abutting on a public street or having access to a public street over a private street or easement of record approved in accordance with provisions contained in this land use code.
- (2) Access from a public street to a development site shall be located in accordance with EC 7.420 Access Connections – Location. If a development will increase the development site's peak hour trip generation by less than 50% and will generate less than 20 additional peak hour trips, the development site's existing access connections are exempt from this standard.
- (3) The standard at (2) may be adjusted if consistent with the criteria of EC 9.8030(27).

Section 6. Subsections (1) and (7) of Section 9.6745 of the Eugene Code, 1971, are amended to provide as follows:

9.6745 Setbacks-Intrusions Permitted.

- (1) **Applicability.** The intrusions permitted in this section are only applicable to standard front and interior yard setback requirements and do not apply to special setbacks required according to EC 9.6750 Special Setback Standards. Intrusions permitted in special setbacks are addressed in EC 9.6750 Special Setback Standards. Except as restricted to provide solar access according to EC 9.2795 Solar Setback Standards, and except where restricted by easements or other restrictions on title, the intrusions in this section may project into required front and interior yard setbacks to the extent and under the conditions and limitations indicated.
- (7) **Parking Spaces in Required Setbacks.**
 - (a) In areas with a broad zone category of residential, as depicted in Table 9.1030 Zones, parking in required front and interior yard setbacks is permitted with the following restrictions:
 1. Parking spaces in required front yard setbacks are permitted in conjunction with a one family dwelling, secondary dwelling, or duplex, provided the parking spaces are located on driveways.
 2. For lots and parcels with at least 50 feet of frontage, driveways shall cover a maximum of one-half of the area in the required front yard setback. All portions of required front yard setbacks not otherwise covered by legal driveways shall be landscaped and maintained.
 3. Within the required front yard setback, recreational vehicles, boats, boat trailers, and other vehicles not in daily use, may only be parked on the paved driveway portion of the required front yard setback. No parking shall occur in the landscaped portion of the required front yard setback. These vehicles not in daily use, are allowed to park in the front setback for not more than 48 consecutive hours.
 4. Recreational vehicles, boat trailers, and other vehicles not in daily use, are permitted to be located in the required interior yard setbacks.
 - (b) In areas with the broad zone category of commercial or industrial, as depicted in Table 9.1030 Zones, except for the C-1, C-2 and I-1 zones, parking spaces and parking areas are permitted in any required interior yard setback.

Section 7. Section 9.6750 of the Eugene Code, 1971, is amended to provide as follows:

9.6750 Special Setback Standards.

- (1) **Purpose of Special Setbacks.** Improved streets are necessary for safe and efficient circulation within the city. Due to historical development patterns, many streets within the city have public right-of-way widths that are less than the amount needed to design and construct the streets in accordance with specifications adopted pursuant to Chapter 7 of this code. Proper public right-of-way width is required to allow the improvement of streets to the standards

required in EC 9.6505 Improvements - Specifications. It is intended that all streets within the city will eventually be improved to the city standard. A special setback ensures that buildings are constructed in such a manner that they will conform with the front and interior setbacks required by specific zones when the streets on which they front are widened and improved to the city standard.

(2) Special Setback for Streets.

- (a) A lot or parcel of land in any zone adjoining an arterial or collector street that is not improved with curb, gutter, sidewalk, street lights and street trees shall have a special setback line equal to a distance of one-half the width designated on the adopted Street Right-of-Way Map. If the street is not designated on the adopted Street Right-of-Way Map, the special setback width shall be equal to the distance of one-half of the minimum width established by EC 9.6870 and Table 9.6870. The special setback width is separate from, and in addition to, any interior or front yard setback required by the zone.
- (b) A lot or parcel of land in any zone adjoining a local street or accessway that is not improved with curb, gutter, sidewalk, street lights and street trees shall have a special setback width equal to a distance of one-half of the minimum width established by EC 9.6870 and Table 9.6870. The special setback width is separate from, and in addition to, any interior or front yard setback required by the zone.
- (c) For purposes of subsection (a) and (b) of this section, the centerline of right-of-way shall be either the officially surveyed centerline or a centerline as on a precise plan. In the event of conflict between the two, the latter described line shall prevail. In all other cases, a line midway between properties abutting opposite sides of the public right-of-way shall be the centerline for the purposes of this land use code.

(3) Special Setback for Streets – Intrusions. Any intrusion into a special setback is allowed, except for:

- (a) Buildings; and
- (b) Surface stormwater management facilities.

(4) Special Setback for Utility Easements. A lot or parcel of land in any zone for which there is a planned utility easement, or where extension of public infrastructure has been identified through long-range infrastructure plans or the design of existing infrastructure, shall have a special building setback line to allow for the future easement.

Section 8. Section 9.6840 of the Eugene Code, 1971, is amended to provide as follows:

9.6840 Reserve Strips. The city manager may require the developer to dedicate a reserve strip controlling the access to a street or alley when a reserve strip is necessary to address one or more of the following:

- (1) To prevent access to abutting land at the end of a street in order to assure the proper extension of the street pattern and the orderly development of land lying beyond the street.
- (2) To prevent access to the side of a street on the side where additional width is required to meet the right-of-way standards provided in Table 9.6870 Right-of-Way and Paving Widths.
- (3) To prevent access to land abutting a street of the development, but not within

- the development itself.
- (4) To prevent access to land unsuitable for development.
 - (5) To prevent access prior to payment of street improvement assessments or connection charges.
 - (6) To prevent access to an arterial or collector street when such access would be inconsistent with EC 7.420.

Section 9. The text (not the table) of Section 9.6870 of the Eugene Code, 1971, is amended, including moving subsection (1) to new Eugene Code Section 9.6873 as follows:

9.6870 **Street Width.** Unless an alternative width is approved through use of other procedures in this code, the right-of-way width and paving width of streets and alleys dedicated shall conform to those designated on the adopted Street Right-of-Way map. When a street segment right-of-way width is not designated on the Street Right-of-Way map, the required street width shall be the minimum width shown for its type in Table 9.6870 Right-of-Way and Paving Widths. Based on adopted plans and policies, adopted "Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways, and Accessways," or other factors which, in the judgment of the planning and public works director necessitate a greater street width, a right-of-way width greater than the minimum width shown for its type in Table 9.6870 can be required for applications submitted in accordance with EC 9.8090, 9.8055, 9.8215, 9.8320, 9.8440 or 9.8515. The required alley width shall be the width shown for its type in Table 9.6870 Right-of-Way and Paving Width, unless, for applications submitted in accordance with EC 9.8090, 9.8055, 9.8215, 9.8320, 9.8440 or 9.8515, a lesser width is approved by the planning director and public works director based on adopted plans and policies, adopted "Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways, and Accessways" or other factors which, in the judgment of the planning and public works director allow for a lesser alley width.

Section 10. Section 9.6873 of the Eugene Code, 1971, is added to provide as follows:

9.6873 **Slope Easements.** Because of terrain, slope easements may be required to facilitate the construction of streets and alleys and protect the structural integrity of the constructed roadway. Slope easements shall be granted in addition to the required street or alley width listed in Table 9.6870 Right-of-Way and Paving Widths.

Section 11. Subsection (19) of Section 9.8030 of the Eugene Code, 1971, is amended and two new subsections (27) and (28) are added to Section 9.8030 of the Eugene Code, 1971, to provide as follows:

9.8030 **Adjustment Review - Approval Criteria.** The planning director shall approve, conditionally approve, or deny an adjustment review application. Approval or conditional approval shall be based on compliance with the following applicable

criteria.

(19) Improvements, Streets and Alleys.

- (a) The requirement in EC 9.6505(3)(b) that all paving improvements to streets and alleys adjacent to the development include drainage, curbs and gutters, sidewalks, street trees and street lights may be adjusted to allow the site developer to improve the streets and alleys adjacent to the development site with a temporary surface, designed and constructed in accordance with the City's adopted temporary surface permit procedures. A temporary surface may be allowed when the site developer can demonstrate that a temporary surface is adequate to serve the development site and that a temporary surface will not impede the public's use of the right-of-way.
- (b) The paving requirement at EC 9.6505(3)(b) may be adjusted if the site developer has shown that a street or alley adjacent to the development will not be impacted by the development.

(27) Driveways and Internal Circulation. The driveway requirement of EC 9.6703(3)(a) may be adjusted if the site developer demonstrates with an Alternative Traffic Safety Study that a shorter driveway stacking area will provide safe ingress and egress to the development site, will not negatively impact the efficiency of the public right-of-way, and will not result in a hazard to the bicycle, pedestrian or vehicular traffic using the right-of-way.

(28) Public Access Required. The public access requirement of 9.6735(2) may be adjusted if the site developer demonstrates any of the following:

- (a) Physical conditions preclude compliance with EC 7.420. Such conditions may include, but are not limited to, topography, trees, existing buildings or other existing development on the subject property or adjacent property.
- (b) The proposed adjustments to the standards will provide safe ingress and egress to the development site, will not negatively impact the efficiency of the public right-of-way, and will not result in a hazard to the bicycle, pedestrian or vehicular traffic using the right-of-way.
- (c) The proposed development will not impact one or more of the existing access connections to the development site. Impact to an existing access connection includes, but is not limited to, increasing the number of vehicles, either directly or indirectly, that will utilize an existing access connection for ingress or egress to the development site.
- (d) Compliance with EC 7.420(1)(c) will result in traffic patterns inconsistent with the character of the property located within a quarter mile radius of the development site or will increase the number of vehicular trips using the street with the lower classification above the typical daily trip range for that street's classification.

Section 12. Subsection (8) of Section 9.8090 of the Eugene Code, 1971, is amended to

provide as follows:

9.8090 **Conditional Use Permit Approval Criteria – General.** A conditional use permit shall be granted only if the proposal conforms to all of the following criteria:

- (8) The proposal complies with all applicable standards, including but not limited to:
- (a) EC 9.2000 through 9.3915 regarding lot dimensions, solar standards, and density requirements for the subject zone;
 - (b) EC 9.6500 through EC 9.6505 Public Improvement Standards;
 - (c) EC 9.6735 Public Access Required.
 - (d) EC 9.6791 through 9.6797 regarding stormwater destination, pollution reduction, flow control for headwaters area, oil control, source control, easements, and operation and maintenance; and
 - (e) EC 9.6800 through EC 9.6875 Standards for Streets, Alleys, and other Public Ways;
 - (f) Where the proposal is to establish non-residential uses subject to residential density requirements on development sites in the residential zone category, it shall achieve the minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards, unless specifically exempted elsewhere in this code or granted a modification through an approved conditional use permit. For purposes of calculating "net density," the acreage of land considered shall include the entire development site and exclude public property, such as public streets, parks, and other public facilities. In considering whether to grant a modification to the density requirements, the hearings official shall evaluate the following factors:
 - 1. The availability of the development site for residential use on August 1, 2001. The term "availability" in this section shall include consideration of whether the site was already developed with non-residential uses or had other site constraints impacting its suitability for residential use.
 - 2. The necessity of the development site to be developed with residential uses to be able to achieve the minimum residential density for the area designated on the Metro Plan Land Use Diagram for either medium- or high-density residential use.
 - 3. Adopted plan policies indicate the suitability and appropriateness of the site for non-residential use.

An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard. Additional criteria may also be required based on the applicability of other sections of this land use code.

Section 13. Section 9.8415(2) of the Eugene Code, 1971, is amended to provide as follows:

- 9.8415** **Property Line Adjustment Approval Criteria.** The planning director shall approve, approve with conditions, or deny the property line adjustment application. Approval or approval with conditions shall be based on compliance with the following criteria:
- (1) Any buildings to be retained on the properties comply with the minimum front and interior yard setbacks as defined in this land use code.
 - (2) The final configuration of property lines shall not reduce an existing lot below

the minimum lot standards established in this land use code or otherwise violate standards of this land use code, building codes, fire codes, and Chapter 7.

Section 14. Subsection (1) of Section 9.8670 of the Eugene Code, 1971, is amended to provide as follows:

9.8670 **Applicability.** Traffic Impact Analysis Review is required when one of the following conditions exist:

- (1) The development will generate 100 or more vehicle trips during any peak hour as determined by using the most recent edition of the Institute of Transportation Engineer's Trip Generation. In developments involving a land division, the peak hour trips shall be calculated based on the likely development that will occur on all lots resulting from the land division.

Section 15. Section 9.8675 of the Eugene Code, 1971, is amended to provide as follows:

9.8675 **General Application Requirements.** An application for Traffic Impact Analysis Review shall contain each of the items required by the "Standards for Traffic Impact Analyses" available from the city. An exception to any or all of the report content requirements listed in the "Standards for Traffic Impact Analyses" for development that generate less than 100 trips in any peak hour may be granted if the applicant demonstrates that the study is not necessary in order to demonstrate compliance with EC 9.8680.

Section 16. Section 9.8680 of the Eugene Code, 1971, is amended to provide as follows:

9.8680 **Approval Criteria.** The planning director shall approve, conditionally approve, or deny an application for Traffic Impact Analysis Review following a Type II process, or as part of a Type III process when in conjunction with a CUP or PUD. Approval or conditional approval shall be based on compliance with the following criteria:

- (1) Traffic control devices and public or private improvements as necessary to achieve the purposes listed in this section will be implemented. These improvements may include, but are not limited to, street and intersection improvements, sidewalks, bike lanes, traffic control signs and signals, parking regulation, driveway location, and street lighting.
- (2) Public improvements shall be designed and constructed to the standards specified in EC 9.6505 Improvements - Specifications. The requirement of improvements based on a traffic impact analysis does not negate the ability of the city traffic engineer to require improvements by other means specified in this code or rules or regulations adopted thereunder.
- (3) In addition to the above criteria, if the Traffic Impact Analysis Review was required based on EC 9.8670(4), the improvements shall also address the structural capacity of the street in the County's jurisdiction and address identified structural deficiencies, or reduction in the useful life of existing street structures related to the proposed development. Improvements may be needed to eliminate the identified structural deficiencies and to accommodate

vehicle impacts to structures.

Section 17. Section 7.420 of the Eugene Code, 1971, is amended to provide as follows:

7.420 Access Connections – Location.

- (1) Access Connections to all Street Classifications. Access connections to all street classifications shall be located in accordance with the following standards:
- (a) No access connection shall be located to encompass a municipal utility. An access connection may encompass a municipal utility if the applicant either:
 - 1. Executes a public utility easement for the encompassed municipal utility; or
 - 2. Agrees to accept financial responsibility for relocating and/ or adjusting the encompassed municipal utility.
 - (b) Except when an existing lot or parcel frontage is located entirely within an area where the adjacent street grade is over fifteen percent (15%), no access connection shall be located in areas where the street grade is over fifteen percent (15%). If an existing lot or parcel frontage is located entirely within an area where the existing street grade is over fifteen percent (15%), one access connection may be permitted at the point of lowest grade percentage.
 - (c) If a parcel has frontage on two or more streets of different street classifications, the access connection shall access the street with the lowest classification. The access connection can access the street with the higher classification if the applicant can demonstrate (1), (2) or (3):
 - 1. Both of the following conditions are met:
 - a. The proposed access connection is abutted by two or more directional travel lanes or an auxiliary deceleration lane; and
 - b. The applicant proposes a restricted movement access connection, including but not limited to median barriers or directional in/out barriers.
 - 2. Physical conditions preclude locating the access connection on the street with the lower classification. Such conditions may include, but are not limited to, topography, trees, existing buildings or other existing development on the subject property or adjacent property.
 - 3. The access connection for a parcel with frontage on an arterial or major collector can be located consistent with the requirements of EC 7.420(2)(a)-(e).
 - (d) Access connections located within five feet of an existing alley connection may be merged with the alley pavement. The combined connection width shall not exceed 35 feet. A public access easement shall be recorded and submitted to the city upon issuance of a permit to construct the access connection.
- (2) **Access Connections to Arterial and Major Collector Streets.** In addition to the standards set forth in this EC 7.420(1), access connections to arterial and major collector streets shall be located in accordance with the following standards.

- (a) Except when an existing lot or parcel is located entirely within the intersection influence area, no access connection to an arterial or major collector street shall be located within the intersection influence area. If an existing lot or parcel is located entirely within the intersection influence area, an access connection, of minimum width, onto an arterial or major collector street will be permitted provided the access connection is located along the property line furthest from the intersection.
1. Influence areas of controlled intersections shall be based on the street classification as set out in the chart below. The influence area for the primary street shall be measured from the centerline of the secondary street; the influence area for the secondary street shall be measured from the centerline of the primary street. If the intersecting streets have the same street classification, both streets are considered primary streets.

Primary Street Classification	Secondary Street Classification
Major Arterial – 250 ft.	Minor Arterial – 200 ft.
Minor Arterial – 200 ft.	Major Collector – 150 ft.
Major Collector – 150 ft.	Neighborhood Collector – 100 ft.

2. Influence areas of partially controlled intersections shall be based on the street classification as set out in the chart below. The influence area for the primary street shall be measured from the centerline of the secondary street, the influence area for the secondary street shall be measured from the centerline of the primary street. If the intersecting streets have the same street classification, both streets are considered primary streets.

Primary Street Classification	Secondary Street Classification
Major Arterial – 150 ft.	Minor Arterial – 75 ft.
Minor Arterial – 100 ft.	Major Collector – 75 ft.
Major Collector – 75 ft.	Neighborhood Collector – 50 ft.

- (b) Access connections shall be spaced based on the street classification as set out in the chart below. The spacing area shall be measured from the edge of one access connection to the leading edge of another access connection.

Street Classification	Spacing of Access Connections
Major Arterial	200
Minor Arterial	150
Major Collector	100

- (c) Access connection spacing requirements will be reduced up to a maximum of 50% of the required spacing, upon applicant request, if either 1. or 2.:
1. Both of the following conditions are met:

- a. The proposed access connection is abutted by two or more directional travel lanes or an auxiliary deceleration lane; and
 - b. The applicant proposes a restricted movement access connection, including but not limited to median barriers or directional in/ out barriers.
2. Physical conditions preclude locating the access connection on the street with the lower classification. Such conditions may include, but are not limited to, topography, trees, existing buildings or other existing development on the subject property or adjacent property.
- (d) Applicant with an existing lot or parcel as of {date of this ordinance} that cannot meet the spacing requirement, does not qualify for a reduction in the spacing requirements, and has no other access to the lot or parcel, will be allowed one minimum-width restricted movement access connection.
 - (e) Unrestricted access connections shall be aligned with connections across the street or have a minimum 50-foot offset so that opposing turns from the access connection and from a center turn lane can be executed in front of one another.
- (3) Access Connections to Local and Neighborhood Collector Streets.** In addition to the location standards set forth in EC 7.420(1), access connections to local and neighborhood collector streets shall be located in accordance with the following standards:
- (a) Lots and parcels at intersections shall have the access connection begin no less than 20 feet from the end of the radius of the curb, or 20 feet from the property corner if there is no curb.
 - (b) A safety island of not less than 22 feet of full height curb shall in all cases be provided between access connections under one ownership.

Section 18. 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 19. The legislative findings attached as Exhibit A hereto are adopted in support of this Ordinance.

Passed by the City Council this

8th day of March, 2009



 Acting City Recorder

Approved by the Mayor this

10th day of March, 2009



 Mayor

**Legislative Findings
to Ordinance No. 20457**

Code Amendments. Eugene Code Section 9.8065 requires that the following criteria (in bold and italic) be applied to a code amendment.

(1) Is consistent with applicable statewide planning goals as 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 of Eugene's land use code implements Statewide Planning Goal 1 by requiring that notice of the proposed land use code amendments be given and public hearings be held prior to adoption. Consideration of the amendments began with a Eugene Planning Commission work session on July 13, 2009. On August 25, 2009, a public hearing was held before the Eugene Planning Commission on the amendments. Department of Land Conservation and Development notice, notice to affected property owners, Planning Commissioners, neighborhood group leaders and interested parties, as well as a legal notice in the local newspaper was provided for that hearing. Additionally, a properly noticed public hearing before the Eugene City Council will be held on February 16, 2010.

The process for adopting these amendments complies with Goal 1 since it complies with, and surpasses the requirements of the State's citizen involvement provisions.

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 base 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 provided information and sought input on these proposed land use code amendments from all affected governmental units. Specifically, Lane County, Oregon Department of Transportation, Lane Transit District, the University of Oregon and other affected governmental agencies.

There are no Goal 2 exceptions required for this ordinance. Therefore, the amendments are consistent with Goal 2.

Goal 3 - Agricultural Land: To preserve and maintain agricultural lands.

Goal 3 is not applicable to the amendments as the subject sites and actions do not affect any agricultural plan designation or use. Goal 3 excludes lands inside an acknowledged urban growth boundary from the definition of agricultural lands. Since the amendments only apply to land entirely within the acknowledged urban growth boundary, Goal 3 is not relevant and the amendments do not affect the area's compliance with Statewide Planning Goal 3.

Goal 4 - Forest Land: To conserve forest lands.

Goal 4 is not applicable to the amendments as the subject sites and actions do not affect any forest plan designation or use. Goal 4 does not apply within urban growth boundaries and, therefore, does not apply to the adoption of the amendments. Goal 4 is not relevant and the amendments do not affect the area's compliance with Statewide Planning Goal 4.

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

The following administrative rule (OAR 660-023-0250) is applicable to this post-acknowledgement plan amendment (PAPA) request:

- (3) *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.*

The amendments do not affect a Goal 5 resource. Specifically, the amendments do not create or amend a list of Goal 5 resources, do not amend a plan or 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 particular Goal 5 resource site, and do not amend the acknowledged Urban Growth Boundary.

Therefore, Statewide Planning Goal 5 does not apply to these code amendments.

Goal 6 - Air, Water and Land Resources 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. Rather, the amendments relate to public ways. Specifically, the amendments relate to a proposed development's connection to, provision for, improvement of and impact on public ways. As such, the code amendments will not result in any action affecting compliance with this goal. Therefore, the amendments are consistent with Goal 6.

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 land slides. 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. The amendments relate to public ways. Specifically, the amendments relate to a proposed development's connection to, provision for, improvement of and impact on public ways. As such, the amendments will not result in any action affecting compliance with this goal. Therefore, the amendments are consistent with Goal 7.

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 provision of recreation facilities to Oregon citizens and is primarily concerned with the provision of those facilities in non-urban areas of the state. The amendments will not impact provision of recreational facilities, nor will it affect access to existing or future recreational facilities. Therefore, the amendments are consistent with Goal 8.

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 amendments will not impact the supply of industrial or commercial lands. Therefore, the amendments are consistent with Goal 9. The amendments do not render any property unusable for commercial or industrial uses. In fact, some of the amendments increase the amount of property usable for commercial or industrial use. Specifically, the following amendments will increase the amount of property usable for commercial or industrial uses:

1. Amending EC 9.6750 to: (a) allow for any intrusion into a special setback except for buildings and surface stormwater management facilities; (b) limit the application of the special setback requirements to situations in which the abutting street is not improved to the width identified in the adopted street right-of-way map or, if not on the adopted map, the abutting street is not improvement with curb, gutter, sidewalk, street lights and street trees; and, (c) change the default special setback width from the maximum width required for the abutting street's classification to the minimum width required for the abutting street's classification.

2. Amending EC 9.6870 to change the required street width for a street that is not designated on the Street Right-of-Way map from the maximum width for the street's type to the minimum width for that street's type.

Considering these amendments, the application of the amendments does not result in an unlawful diminution in the area's supply of commercial or industrial land. Therefore, the amendments are consistent with Goal 9.

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

The amendments will not impact the supply of residential lands. Therefore, the amendments are consistent with Goal 10. The amendments do not render any property unusable for residential uses. In fact, some of the amendments increase the amount of property usable for residential use. Specifically, the following amendments will increase the amount of property usable for residential uses:

1. Amending EC 9.6750 to: (a) allow for any intrusion into a special setback except for buildings and surface stormwater management facilities; (b) limit the application of the special setback requirements to situations in which the abutting street is not improved to the width identified in the adopted street right-of-way map or, if not on the adopted map, the abutting street is not improvement with curb, gutter, sidewalk, street lights and street trees; and, (c) change the default special setback width from the maximum width required for the abutting street's classification to the minimum width required for the abutting street's classification.

2. Amending EC 9.6870 to change the required street width for a street that is not designated on the Street Right-of-Way map from the maximum width for the street's type to the minimum width for that street's type.

Considering these amendments, the application of the amendments does not result in an unlawful diminution in the area's supply of residential land. Therefore, the amendments are consistent with 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 Eugene-Springfield metropolitan area has an acknowledged Public Facilities and Services Plan (PFSP). The amendments will not result in any change or conflict with the PFSP. Further, the amendments will not affect the City's provision of any public facilities and services, including the transportation facilities. Therefore, the amendments are consistent with Goal 11.

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

Goal 12 is implemented through the Transportation Planning Rule (TPR), as defined in Oregon Administrative Rule OAR 660-012-0000, et seq. The Eugene-Springfield Metropolitan Area

Transportation Plan (*TransPlan*) provides the regional policy framework through which the TPR is implemented at the local level. The TPR (OAR 660-012-0060) states that when land use changes, including amendments to acknowledged comprehensive plans, significantly affect an existing or planned transportation facility the local government shall put in place measures to assure that the allowed land uses are consistent with the identified function, capacity and performance standards (level of service, volume to capacity ratio, etc.) of the facility.

Adoption of the amendments will not significantly affect an existing or planned transportation facility, as that term is defined by the TPR. Specifically, the amendments do not change the functional classification of an existing or planned transportation facility, change the standards implementing a functional classification system, or, as measured at the end of the planning period identified in *TransPlan*, allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility, reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in *TransPlan* or worsen the performance of an existing or planned transportation facility that is otherwise projected to performance below the minimum acceptable performance standard identified in *TransPlan*. Further, none of the code provisions being amended were adopted to implement the TPR. Even if one or more of the amended code provisions had been adopted to implement the TPR, the amendments are consistent with the TPR and will not render any of the adopted code provisions inconsistent with the TPR. Therefore, the amendments are consistent with Goal 12.

Goal 13 - Energy Conservation: To conserve energy.

The amendments do not concern energy conservation. Therefore, 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 effect the transition from rural to urban land use. It applies only to property already within the City limits. Therefore, Goal 14 does not apply to the amendments.

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 Willamette Greenway area within the Eugene Urban Growth Boundary and city limits is governed by existing local provisions which have been acknowledged as complying with Goal 15. Those provisions are unchanged by the amendments. The amendments do not affect any area within the Willamette Greenway Boundary.

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 affected by the amendments. Therefore, these goals are not relevant and the amendments will not affect compliance with Goals 16 through 19.

(2) Is consistent with applicable provisions of the Metro Plan and applicable adopted refinement plans.

The code amendments relate to public ways. Specifically, the code amendments relate to a proposed development's connection to, provision for, improvement of and impact on public ways. The code amendments are consistent with applicable adopted policies of the *Metro Plan* and applicable adopted refinement plan policies.

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


The amendments do not establish a special area zone.

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CERTIFICATE OF MAILING

I certify that on March 11, 2010, I served a true and correct copy of Form 2, Notice of Adoption, Ordinance No. 20457, Legislative Findings in support of ordinance, and an electronic digital CD containing both the ordinance and findings, on the Plan Amendment Specialist for the Department of Land Conservation and Development, by causing the same to be deposited in the United States Mail at Eugene, Oregon, enclosed in a sealed envelope with postage prepaid, and addressed as follows:

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


Kathryn P. Brotherton, OSB #981530



City Attorney's Office

City of Eugene
777 Pearl Street, Room 105
Eugene, Oregon 97401-2793
(541) 682-8447
(541) 682-5414 FAX
www.eugene-or.gov

March 11, 2010

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

Re: *Notice of Adoption (DLCD File No. Eugene 009-09)*

Enclosed please find Form 2, Notice of Adoption, Ordinance No. 20457, Legislative Findings in support of the ordinance, an electronic digital CD containing both the ordinance and findings, and a Certificate of Mailing.

Sincerely,

A handwritten signature in cursive script that reads "Kathryn P. Brotherton".

Kathryn P. Brotherton
Assistant City Attorney

KPB:abm
Enclosures

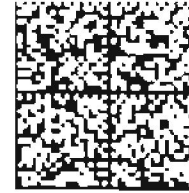
cc: Peggy Keppler (w/encs.)



City Attorney's Office

City of Eugene
777 Pearl Street, Room 105
Eugene, Oregon 97401

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