



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

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Salem, OR 97301-2540

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www.lcd.state.or.us

### NOTICE OF ADOPTED AMENDMENT

July 28, 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 002-08

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: August 8, 2008**

This amendment was submitted to DLCD for review 45 days 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 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.**

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

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City: Eugene

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## 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 20412**

**COUNCIL BILL NUMBER 4980**

**AN ORDINANCE AMENDING SECTIONS 9.0500, 9.2161, AND 9.4530, OF THE EUGENE CODE, 1971; ADDING A NEW MAP 9.2161(6) (DOWNTOWN PLAN MAP) TO THAT CODE; AND AMENDING MAP 9.4510 AND FIGURE 9.4530(3).**

**ADOPTED: JULY 14, 2008**

**PASSED: 7/1**

**REJECTED:**

**OPPOSED: Bettman**

**ABSENT:**

**EFFECTIVE: August 16, 2008**

ORDINANCE NO. 20412

AN ORDINANCE AMENDING SECTIONS 9.0500, 9.2161, AND 9.4530, OF THE EUGENE CODE, 1971; ADDING A NEW MAP 9.2161(6) (DOWNTOWN PLAN MAP) TO THAT CODE; AND AMENDING MAP 9.4510 AND FIGURE 9.4530(3).

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

**Section 1.** The definition of "Floor Area" as set forth in Section 9.0500 of the Eugene Code, 1971, is amended 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:

**Floor Area.** The floor area of a building, except areas used exclusively for the service of the building, such as: mechanical equipment spaces and shafts; elevators; stairways, escalators and ramps; rest rooms; loading docks or ramps. The term "Floor Area," when calculated for the purpose of determining the Floor Area Ratio (FAR) within the /TD Transit Oriented Development Overlay Zone, includes that portion of the basement that is designed and constructed as permanent underground parking, office or retail use, and the entire floor area of the rest of the building. In all other zones, basement areas shall be excluded from the FAR calculation.

**Section 2.** Subsection (6) of Section 9.2161 of the Eugene Code, 1971, is amended to provide as follows:

**9.2161 Special Use Limitations for Table 9.2160.**

(6) **Residential Use Limitation in C-1 and C-2.** Except for the Downtown Plan Area, residential dwellings are allowed in the C-1 and C-2 zones if the ground floor of the structure is used for commercial or non-residential purposes according to Table 9.2161 Commercial Uses Requirements in Mixed-Use Residential Developments. Within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, residential dwellings are allowed in C-1 and C-2 zones and are not required to use the ground floor of the structure for commercial or non-residential purposes.

Table 9.2161 Commercial Uses Requirements in Mixed-Use Residential Developments Not Within the Downtown Plan Area (See Map 9.2161(6) Downtown Plan Map)		
	C-1	C-2
Commercial Uses Requirements in Mixed-Use Residential Developments		

	<b>C-1</b>	<b>C-2</b>
<b>Minimum Percent of Building Street Frontage in Commercial Use.</b> Building street frontage shall be measured along the length of the building at the ground level within the maximum front yard setback. As used herein, "commercial" includes any non-residential use occupying a space at least 15 feet deep from the street facade of the building, excluding parking areas and garages.	80%	60%
<b>Minimum Percent of Ground Floor Area in Commercial Use.</b>	80%	20%

**Section 3.** Subsections (3) and (7) of Section 9.4530 of the Eugene Code, 1971, are amended to provide as follows;

**9.4530 /TD Transit Oriented Development Overlay Zone Development Standards.**

**(3) Minimum Floor Area Ratio (FAR).**

- (a) The total minimum floor area of buildings on a lot within the core /TD area as shown on Map 9.4510 Transit Oriented Development Overlay Zone shall not be less than 2 square feet of floor area to 1 square foot of the lot (2.0 FAR). The total floor area of any building on a lot within the /TD area outside that core area shall not be less than 0.65 square feet of floor area to 1 square foot of the lot (0.65 FAR). **(See Figure 9.4530(3) Floor Area Ratio Calculation).**
- (b) Major transit facilities, existing development and expansions of existing development are exempt from FAR requirements.
- (c) At-or-below-grade parking within the building's footprint and areas used for enhanced pedestrian spaces and amenities accessible to the public may be credited to satisfy the minimum floor area requirement. Credit for pedestrian spaces and amenities shall be applied at the rate of 2 square feet of floor area for each 1 square foot of enhanced pedestrian space. Enhanced pedestrian spaces and amenities include plazas, arcades, sheltered or recessed entries, galleries, courtyards, outdoor cafes, and widened public sidewalks (more than 6 feet wide outside of the public right-of-way), with benches, shelters, street furniture, public art, kiosks, or space for outdoor vending.
- (d) The building and permit services manager shall allow basement areas to be calculated as part of the gross square footage of the building, for purposes of calculating floor area ratio, if the basement is designed and constructed as permanent underground parking, office or retail use.

- (7) Adjustments.** An adjustment to any of the standards in this section may be made pursuant to the criteria beginning at EC 9.8015 of this land use code.

**Section 4.** A new Map 9.2161(6) Downtown Plan Map as attached hereto is

hereby adopted; Map 9.4510 is hereby amended and replaced with the attached Map 9.4510 Transit Oriented Development Overlay Zone; and Figure 9.4530(3) Floor Area Ratio Calculation, is hereby amended and replaced with the attached Figure 9.4530(3) Floor Area Ratio Calculation; and they shall be incorporated with other similar maps and figures in the Eugene Code, 1971.

**Section 5.** The City Recorder, at the request of, or with the consent 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 6.** The legislative findings attached as Exhibit A hereto are adopted in support of this Ordinance.

**Passed by the City Council this**

**14<sup>th</sup> day of July, 2008**

  
\_\_\_\_\_  
City Recorder

**Approved by the Mayor this**

**16 day of July, 2008**

  
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Mayor

Map 9.2161 (6)  
**Downtown Plan Map**

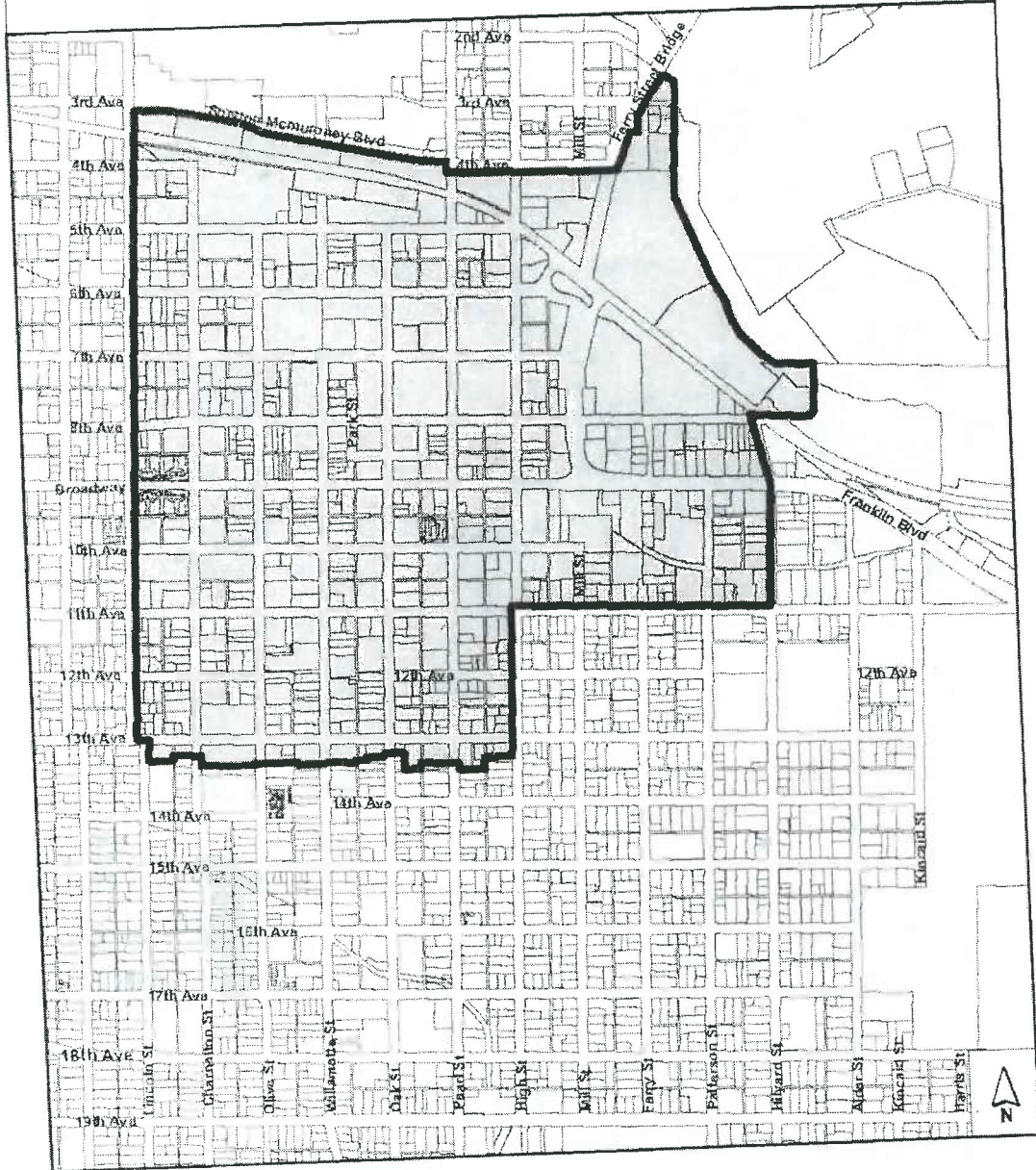


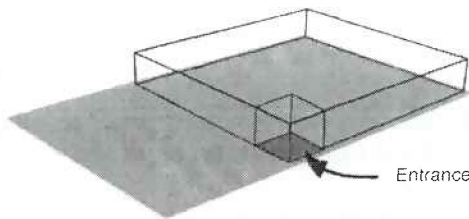




Figure  
9.4530(3)

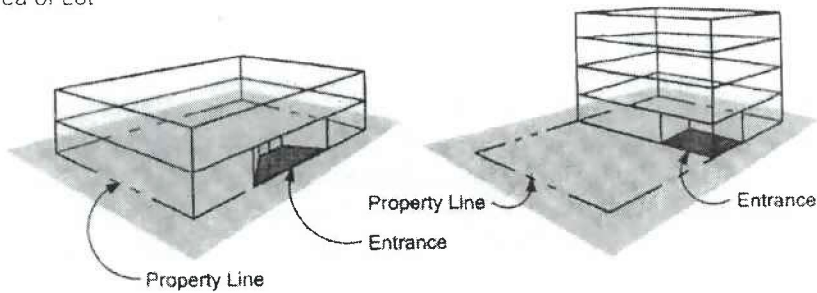
## Floor Area Ratio Calculation

0.65 FAR  
Total Building Floor Area =  
0.65 Area of Lot



Example: 1 story over 0.65 of the  
Lot Area equals 0.65 FAR

2.0 FAR  
Total Building Floor Area =  
2 Times Area of Lot



Example 1: 2 Stories over the  
full Lot Area equals 2.0 FAR

Example 2: 4 Stories over Half  
the Lot Area equals 2.0 FAR

**Exhibit A:  
Findings**

***E.C. 9.8065 Code Amendment Approval Criteria.***

*If the city council elects to act, it may, by ordinance, adopt an amendment to this land use code that:*

- (1) Is consistent with applicable statewide planning goals as adopted by the Land Conservation and Development Commission.*
- (2) Is consistent with applicable provisions of the Metro Plan and applicable adopted refinement plans.*
- (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.*

Criteria (1) and (2) are discussed below. Criterion (3) is not applicable; no special area zone is being proposed.

***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 has acknowledged provisions for citizen involvement that ensure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The action does not amend the citizen involvement program. The process for reviewing these amendments complies with Goal 1 since it complies with, and surpasses the requirements of, the citizen involvement provisions.

The process to draft the code amendments has employed significant public involvement opportunities. The need for a comprehensive review of existing downtown zones emerged as part of the initial Downtown Visioning effort in 1999 and was included as an implementation strategy in the Downtown Plan, adopted in April, 2004. In May, 2004 staff introduced the topic of a review of Downtown Area Zoning at the Eugene Planning Commission. Since that time, Planning and Development staff met with the Eugene Planning Commission, the Eugene Redevelopment Advisory Committee, and City Council on multiple occasions, in addition to hosting public workshops. In July, 2006 City Council initiated the downtown code amendment process. Since that time, city staff held four additional Planning Commission meetings, a follow-up meeting with ERAC, and a well attended public workshop.

The Planning Commission public hearing was duly noticed to the City of Springfield, Lane County, all neighborhood organizations, as well as community groups and individuals who have requested notice. In addition, notice was also published in the Register Guard.

The City Council then held a duly noticed public hearing to consider approval, modification, or denial of the code amendments. These processes afford ample opportunity for citizen

involvement consistent with Goal 1. Therefore, the amendments are 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 decision 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 to support these code amendments as required by Goal 2, including the public testimony from the Eugene Redevelopment Advisory Committee and other testimony given by the public. This testimony stated that the commercially zoned land outside the Transit Oriented Development Overlay Zone was being developed but the land inside the zone was not.

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.

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

This Goal is not applicable to the code amendments as the subject area and actions do not affect any agricultural plan designation or use. Therefore, this Goal is not relevant and these amendments do not affect compliance with Statewide Planning Goal 3.

**Goal 4 - Forest Land:** *To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.*

This Goal is not applicable to the code amendments as the subject area and actions do not affect any forest plan designation or use. There are no forest lands related to these amendments. Therefore, this Goal is not relevant and these amendments do not affect 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.*

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.*

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 with a particular significant Goal 5 resource, and do not amend the acknowledged Urban Growth Boundary. Therefore, it is clear that the amendments do not trigger the need to consider Goal 5 pursuant to OAR 660-023-0250(3) (a) (b) or (c).

**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 intent of the code amendments is to facilitate the dense, mixed-use development desired downtown as indicated in the Downtown Plan. The code amendments do not affect the environmental factors specified in Goal 6 except that a densely developed downtown may support reduced automobile dependence and ultimately lead to less automobile emissions and cleaner air. Therefore, the code amendments are consistent with Statewide Planning 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 floods, land slides, earthquakes and related hazards, tsunamis and wildfires. The Goal prohibits a development in natural hazard areas without appropriate safeguards. A portion of the EWEB riverfront property is considered within the flood zone, which will need to be addressed at the time that the EWEB property is master planned, as required by the land use code. The area affected by the code amendments is not otherwise characterized by Goal 7 hazards. Based on these facts, the amendments will not result in development in areas normally associated with natural disaster or the damage and loss of life normally associated therewith. Therefore, the code amendments are consistent with Statewide Planning 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 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 code amendments will not impact provision of recreation facilities. The Downtown Plan area is served by a variety of parks including Alton Baker and Skinner Butte Parks. Access to the recreation opportunities provided by these parks will not be affected as a result of the code amendments. Therefore, the code 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 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 Eugene Commercial Lands Study acknowledged that the inventory of commercial land is dynamic and that different commercial needs need to be accommodated through a variety of means. An emphasis of the Study is to encourage higher intensity in-fill and redevelopment of commercial lands by constraining the supply of new commercial land.

The code amendments are specifically intended to facilitate downtown development and redevelopment in accordance with the Downtown Plan. The amendments do not affect the amount of land designated or zoned for commercial use and will have no direct impact on the existing supply of or any existing commercially designated land. Therefore, the code amendments are consistent with Statewide Planning Goal 9.

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

The Residential Land and Housing Study, adopted in February 1999, is considered a refinement to the Metro Plan. The code amendments do not alter the calculation of residential land consumption and supply or the density that was presumed in the study. Therefore, the code 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 downtown core and adjacent areas within the /TD Transit Oriented Development Overlay Zone are located in the city limits and are served by public facilities in which the existing level of service is adequate to serve the needs of current and future development. The intent of the code amendments is to facilitate desired development where existing services are already in place. Therefore, the code amendments are consistent with Statewide Planning 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, OAR 660-12). TransPlan provides the regional policy framework through which the TPR is enacted at the local level.

The code amendments will not significantly affect any transportation facility. The level of development currently permitted through existing code and zoning regulations will remain the same. No change in the functional classification of streets will result from these amendments. In addition, no changes are proposed to the standards that implement the functional classification system.

The /ND Nodal Development Metro Plan Diagram overlay designation has been applied to the entire Downtown Plan area. This designation identifies the Downtown Plan area as a nodal development, transit-oriented/pedestrian district, in further compliance with the State Transportation Planning Rule. Well designed mixed-use developments at higher densities which encourage transit use are particularly desired in this area.

The amendments do not affect the /ND designation. The code amendment to lower the required Floor to Area Ratio (FAR) from 1.0 to 0.65 does not prevent higher density projects. This amendment would support and facilitate desired downtown area development by reducing the amount of FAR required outside of the downtown core area but within the /TD Transit Oriented Development Overlay Zone. Therefore, the amendments are consistent with statewide planning Goal 12.

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

The code amendments do not specifically impact energy conservation, except to encourage compact urban development within the downtown area. This amendment is consistent with Statewide Planning Goal 13.

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

No property is being converted from rural to urban land use. For all the properties affected by these amendments, all necessary urban services are in place. Therefore, the code amendments are consistent with statewide planning Goal 14.

**Goal 15 - Willamette River Greenway:** *To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.*

The Willamette Greenway area within the Eugene Urban Growth Boundary is governed by existing local provisions which have been acknowledged as complying with Goal 15. Those provisions are unchanged by this ordinance. Therefore, the amendments are consistent with

Statewide Planning Goal 15.

**Goals 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 or involved in the amendment. Therefore, Statewide Planning Goals 16 through 19 do not apply.

The above findings demonstrate that the code amendments are consistent with all relevant statewide planning goals.

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

**Eugene-Springfield Metropolitan Area General Plan (Metro Plan)**

The Residential Land Use and Housing Element of the Metro Plan contains two relevant policies for the code amendments:

- A. 14: Review local zoning and development regulations periodically to remove barriers to higher density housing and to make provision for a full range of housing options.*
- A. 19: Encourage residential developments in or near downtown core areas in both cities.*

Only one of the code amendments would directly impact housing by allowing exclusively residential uses on the ground floor of properties zoned C-2 General Commercial that are located within the Downtown Plan area. The intent of this code amendment is to facilitate residential development downtown, and is directly supported by these policies.

FAR as a measure of density is only one component of the strategy to create a transit-supportive land use pattern. Other components include mix of uses, design, site orientation, and location of parking. Local policies that support higher density development do not specify a specific floor area ratio requirement. FAR requirements which are set inappropriately high will have the effect of impeding rather than encouraging development. Furthermore, FAR requirements cannot compel private development. The proposed reduction in the required FAR from 1.0 to 0.65 for the areas outside of the downtown core is directed at lowering the FAR threshold for development without limiting the amount of density allowed.

**Eugene-Springfield Transportation System Plan (TransPlan)**

TransPlan is considered a refinement to the Metro Plan. The above discussion of compliance with Goal 12 is herein incorporated by reference.

TransPlan contains several policies that relate to the proposed amendments.

*Land Use Policy #1. Apply the nodal development strategy in areas selected by each jurisdiction that have identified potential for this type of transportation-efficient land use pattern.*



The Metropolitan Area General Plan (Metro Plan) and TransPlan are based on a land use pattern in which employment is dispersed throughout the region. This “polycentric” land use pattern has provided a blueprint for community growth for the past 40 years.

One of the key elements of the region’s strategy to reduce reliance on the automobile is Nodal Development. The Nodal Development concept that emerged through TransPlan is based on the potential to guide certain kinds of development into the areas where a mixed-use, pedestrian-friendly development pattern can be achieved, to require development to be built following certain “nodal” design principles, and to design a transportation system that allows people to choose modes of travel other than the automobile for many of their trips.

The ND Nodal Development land use designation was applied to the Downtown Plan area with the adoption of the plan in 2004. However, many key components of the nodal development strategy were applied to the downtown area long before the ND designation was adopted for the area. Various programs and regulations that implement nodal development strategies (establishing maximum parking allowances, encouraging compact mixed use development, requiring bicycle parking for commercial and multi-family developments, encouraging transit-oriented development along transit corridors, etc., etc.) had been put into effect over the past 20 years. The nodal development strategy remains intact in the downtown plan area.

*Land Use Policy #3. Provide for transit-supportive land use patterns and development, including higher intensity, transit-oriented development along major transit corridors and near transit stations, medium- and high-density residential developments within ¼ mile of transit stations, major transit corridors, employment centers, and downtown areas, and development and redevelopment in designated areas that are or could be well served by existing or planned transit.*

The minimum floor area ratio requirements are not the only factors in implementing a transit-supportive, nodal development land use pattern. As indicated above, FAR as a measure of density and development intensity is one component of a transit-supportive land use pattern. Eugene’s minimum FAR requirement was established by the City of Eugene in 1993 as one element of new transit oriented development (TOD) standards. Those standards also address the location and orientation of buildings on the site, building setbacks, the location of building entrances and parking, and improvements between the building and the street. Eugene’s inclusion of minimum FAR standards was not mandated by the state. In fact, the State of Oregon does not require local jurisdictions to establish floor area ratios as an essential component of the transit-supportive land use pattern or transit-oriented development. Other TOD standards within the same section of the Eugene code are not affected by the proposed code amendments.

Removing the 20 space surface parking limit for properties zoned C-3 Major Commercial would not affect the nodal development strategies. These properties would still be bound by the requirements that apply within the TOD area.

*Land Use Policy #4. Require improvements that encourage transit, bicycles and pedestrians in new commercial, public, mixed-use, and multi-unit residential development.*

Eugene codes contain numerous provisions directed specifically at encouraging use of alternative modes of transportation in all of the above-described areas. Adjustments to existing code requirements such as the reduction of the 1.0 FAR requirement to 0.65 FAR is intended to stimulate new development and redevelopment to which the alternative modes-related requirements would be applied. In addition, the increased overall density provided by the new development supports a mix of uses in closer proximity, further encouraging the use of alternative modes.

*Transportation Demand Management (TDM) Policy #2. Increase the use of motor vehicle parking management strategies in selected areas throughout the Eugene-Springfield metropolitan area.*

The Transportation Planning Rule requirement for jurisdictions to implement a parking plan that achieves a 10% reduction in the number of parking spaces per capita in the MPO area over the 20 year planning period or (2) revise ordinances to achieve specific objectives, has been addressed by the City of Eugene. In response to the adoption of the TPR, in 1993 the City of Eugene established parking reduction policies and ordinance revisions intended to implement the TPR by reducing the per capita parking supply within the City of Eugene.

Beginning in 1993, Eugene's development codes have been amended several times to:

- Reduce automobile parking space requirements for all uses (except non-multi-family residential) by 10%;
- Allow provision of on-street parking to meet minimum off-street parking requirements. For certain nodal development planning areas, including the Royal Node Special Area and Chase Node Special Area. Development code concepts for the Walnut Station Mixed Use Plan have included discussion of an on-street parking allowance for that nodal development area as well;
- Establish off-street parking maximums for non-residential uses. With few exceptions, the maximum number of parking spaces allowed for Eugene non-residential uses may not exceed 125 % of the minimum parking space requirement for those uses.
- Exempt required parking spaces for persons with disabilities, spaces provided in park and ride lots operated by a public transit agency, and spaces within structured parking lots with two or more levels from parking maximums.
- Require that parking lots for large, multi-tenant commercial developments and multifamily residential developments provide street-like features along major driveways (including curbs, sidewalks and street trees or planting strips). LUCU code amendments provided for Large Multi-Tenant Commercial site plans to designate "shopping streets" that identify and include vehicle travel lanes, sidewalks, street trees, pedestrian-scale lighting, curb extensions at intersections, and on-street parking. Development codes for parking areas in large multi-family residential developments contain similar requirements.

The City of Eugene has aggressively pursued city-wide parking management strategies to meet TPR parking reduction objectives. The City of Eugene also supports and participated in the development of the TransPlan Parking Management Plan which anticipates that the 10% reduction per capita mandated by the State for the metropolitan area will be met. In fact, TransPlan projections significantly exceed the 10% reduction required for the metropolitan area. Eugene's earlier code amendments have played a significant part in efforts to achieve that reduction target.

Removing the 20 space surface parking limit for properties zoned C-3 Major Commercial would not affect TPR compliance. Parking would still be limited to a ratio of one space per 1000, less than the three spaces per thousand required as a minimum for commercial properties outside of the parking exempt zone. In addition, the area zoned C-3 is a small percentage of the overall non-residentially zoned area to which parking restrictions apply.

### **Commercial Lands Study**

The Commercial Lands Study is considered a refinement to the Metro Plan. The code amendments directly address Policy 6.0:

*Promote redevelopment of existing commercial areas and compact, dense growth by encouraging business to revitalize and reuse existing commercial sites.*

The amendments also indirectly address Policy 7.0:

*Recognize private sector costs of redevelopment, especially in the downtown area, and offer public incentives to assist redevelopment efforts.*

The code amendments assist private developers to invest in the downtown area by removing impediments in the land use code.

### **Central Area Transportation Study (CATS)**

The Central Area Transportation Study (CATS) is considered a refinement of TransPlan for the greater downtown area. CATS includes two policies relevant to the code amendments:

*8. Support intensive development in the downtown area by balancing new parking supply with specific area demands and ensure an adequate supply of parking is available downtown to meet the needs of residents, workers and customers of downtown facilities.*

*9. Make parking downtown convenient, affordable, safe and easy to use.*

In the long term, surface parking lots are not a preferred land use downtown. However, convenient, safe, affordable and easy to use parking supports existing and potential new development downtown. The code amendment to permit more than 20 surface spaces when associated with a new development addresses these policies.

Currently underground parking is not included in the calculation of the required FAR. However, underground parking supports intensive downtown development, is an investment in compact

urban development, and should generally be encouraged. The code amendment to allow underground parking as part of the FAR calculation also addresses these policies.

Structured parking within a building's footprint currently counts towards the required density. The code amendment clarifies the existing code language but does not change existing code provisions.

### **Downtown Plan**

The Downtown Plan is the applicable refinement plan for the downtown area. The Downtown Plan contains numerous policies supporting mixed use and density in downtown. Specific relevant policies include the following:

*I.1. Downtown development shall support the urban qualities of density, vitality, livability and diversity to create a downtown, urban environment.*

*II.2. Use downtown development tools and incentives to encourage development that provides character and density downtown.*

*V.1. Stimulate multi-unit housing in the downtown core and on the edges of downtown for a variety of income levels and ownership opportunities.*

The intent of the code amendments is to implement the Downtown Plan by insuring that appropriate zoning and code regulations are in place to set the stage for desired dense, mixed-use downtown development. The code amendments address these policies. Currently the density requirement in the core of downtown is 2.0 FAR; no change is proposed to this requirement. The area proposed for reduction in the required density from 1.0 FAR to .65 FAR includes property downtown outside of the core area as well as neighborhood areas outside of the Downtown Plan area. The intended purpose of the reduction is to provide a wider range of allowable densities to facilitate desired development given the current economic climate and the public testimony indicating that development is occurring outside the /TD zone and not within it. Public testimony also indicated that inappropriately high FAR requirements actually result in less area density by discouraging development; appropriately set FAR requirements, even if at a lower level, can therefore result in more density.

### **West University Refinement Plan and Jefferson Far West Refinement Plan**

The code amendment to areas zoned C-3 Major Commercial impacts property within the West University Refinement Plan area. The code amendments to the /TD Transit Oriented Development Overlay Zone affect property within the West University Refinement Plan area as well as the Jefferson Far West Refinement Plan area.

Policies in both of these refinement plans do not specifically address the code amendments. However, the following policy in the Neighborhood Economic Development Element of the Jefferson Far West Refinement Plan lends general support to the amendments, although it does not constitute a mandatory approval criterion:

*3.0 Take actions to continue to attract investment by the private sector in the central city.*

Similarly, the following policy in the Land Use, Housing and Commerce Element of the West University Plan relates in general to the changes to the FAR required in the /TD Transit Oriented Development Overlay Zone outside of the downtown core area:

*24. Commercially zoned property in the plan area shall be used more intensely in the future.*

This policy refers to all commercially-zoned property in the plan area, not specifically the area that is regulated by the /TD Transit Oriented Development Overlay Zone. The intent of the amendments to the /TD Overlay Zone, however, is encourage and facilitate development of the property within the West University neighborhood that is located within and is therefore supported by this policy.



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## NOTICE OF DECISION

July 18, 2008

On July 14, 2008, the Eugene City Council adopted Ordinance No. 20412 amending sections 9.0500, 9.2161, and 9.4530, of the Eugene Code, 1971; adding a new map 9.2161(6) (Downtown Plan Map) to that code; and amending map 9.4510 and figure 9.4530(3).

This ordinance specifically amends the Eugene Code in the following areas:

1. Amends the Floor Area Ratio (FAR) required from 1.0 FAR to .65 FAR within the Transit Oriented Development zone outside of the downtown core.
2. Amends the area used for calculating FAR from "development site" to "lot".
3. Allows basement areas used for underground parking, retail or office to be part of the FAR calculation.
4. Clarifies the existing provision that structured parking within a building's footprint is part of the FAR calculation.
5. Amends the Transit Oriented Development zone to allow all parcels within this overlay zone to be eligible for the adjustment review process.
6. Removes the requirement for nonresidential ground floor uses for properties zoned C-1 or C-2 within the Downtown Plan area.

The amendments, findings and related materials can be reviewed at 1<sup>st</sup> Floor Reception, Atrium Building, 99 West 10<sup>th</sup> Avenue, Eugene Oregon between 9:00 a.m. and 5:00 p.m., Monday through Friday.

All decisions of the elected officials are final. Persons who participated either orally or in writing in the local government proceedings leading to adoption of the amendments may appeal the decision to the Land Use Board of Appeals, in accordance with ORS 197.825 ET SEQ.

For additional information, please contact:

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Eugene, OR 97401

E-mail: [nan.laurence@ci.eugene.or.us](mailto:nan.laurence@ci.eugene.or.us)  
Phone: (541) 682-5340

**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. 20412 approval of City File: CA 07-3, to:

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

Dated July 18, 2008

Becky Wheeler  
Becky Wheeler  
Land Use Planning Specialist

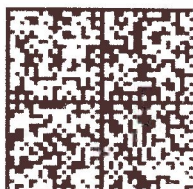


*Mar Lawrence*

**Planning & Development**  
Community Development Division

City of Eugene  
99 West 10th Avenue  
Eugene, Oregon 97401

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Attn: Plan Amendment Specialist  
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635 Capital Street NE Suite 150  
Salem OR 97301-2540