



Oregon  
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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## NOTICE OF ADOPTED AMENDMENT

08/05/2013

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 004-13

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: Friday, August 16, 2013

This amendment was submitted to DLCD for review prior to adoption with less than the required 35-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

**\*NOTE:** The 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: Alissa Hansen, City of Eugene  
Gordon Howard, DLCD Urban Planning Specialist  
Ed Moore, DLCD Regional Representative  
Gary Fish, DLCD Transportation Planner

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FORM 2

DLCD

# Notice of Adoption

This Form 2 must be mailed to DLCD within **20-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

DATE STAMP	<input type="checkbox"/> In person <input type="checkbox"/> electronic <input type="checkbox"/> mailed
	DEPT OF
	JUL 29 2013
	LAND CONSERVATION AND DEVELOPMENT For Office Use Only

Jurisdiction: **City of Eugene**

Local file number: **CA 13-1, MA 13-2**

Date of Adoption: **7/22/2013**

Date Mailed: **7/26/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: **4/5/2013**

☒ 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".

These amendments are intended to facilitate downtown and mixed use development, consistent with Envision Eugene, and address: Housing in Commercial Zones; Transportation Impact Analysis within Downtown; Surface Parking Limitation in C-3 Zone; Large Commercial Facilities Standards in Downtown; Nodal Development Overlay Zone; Transit Oriented Development Overlay Zone; Commercial Landscaping Standards; and General Commercial Standards.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: **NA**

to:

Zone Map Changed from: **NA**

to:

Location: **NA**

Acres Involved: **NA**

Specify Density: Previous: **NA**

New: **NA**

Applicable statewide planning goals:

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

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-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



004-13 (19770) [17563]

**DLCD file No.** \_\_\_\_\_

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

Local Contact: **Alissa Hansen**

Phone: **(541) 682-5508** Extension:

Address: **99 W. 10<sup>th</sup> Avenue**

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

City: **Eugene**

Zip: **97401-**

E-mail Address:

**alissa.h.hansen@ci.eugene.or.us**

## **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 20 working 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 the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615 ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845 ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615 ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

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**COUNCIL ORDINANCE NO. 20514**

**COUNCIL BILL 5096**

**AN ORDINANCE CONCERNING DOWNTOWN AND MIXED USE DEVELOPMENT AND AMENDING SECTIONS 9.2160, 9.2161, 9.2170, 9.2171, 9.2173, 9.4280, 9.4290, 9.4530, 9.8030, 9.8670, AND 9.9650 OF THE EUGENE CODE, 1971, TSI ROADWAY POLICY #2 OF THE EUGENE-SPRINGFIELD TRANSPORTATION SYSTEM PLAN (TRANSPLAN) AND POLICY F.15 OF THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN.**

**ADOPTED: July 22, 2013**

**SIGNED: July 24, 2013**

**PASSED: 6:2**

**REJECTED:**

**OPPOSED: Taylor, Brown**

**ABSENT:**

**EFFECTIVE; August 24, 201**

## ORDINANCE NO. 20514

AN ORDINANCE CONCERNING DOWNTOWN AND MIXED USE DEVELOPMENT AND AMENDING SECTIONS 9.2160, 9.2161, 9.2170, 9.2171, 9.2173, 9.4280, 9.4290, 9.4530, 9.8030, 9.8670, AND 9.9650 OF THE EUGENE CODE, 1971, TSI ROADWAY POLICY #2 OF THE EUGENE-SPRINGFIELD TRANSPORTATION SYSTEM PLAN (TRANSPLAN) AND POLICY F.15 OF THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN.

### THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

**Section 1.** The text of Section 9.2160 of the Eugene Code, 1971, and the "Residential,"

"Dwellings" section of Table 9.2160 are amended to provide as follows:

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

- (P) Permitted.
- (SR) Permitted, subject to an approved site review plan or an approved final planned unit development.
- (C) Subject to a conditional use permit or an approved final planned unit development.
- (S) Permitted, subject to the Special Development Standards for Certain Uses beginning at EC 9.5000.
- (#) The numbers in ( ) in the table are uses that have special use limitations described in EC 9.2161.

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

Table 9.2160 Commercial Zone Land Uses and Permit Requirements					
	C-1	C-2	C-3	C-4	GO
<b>Residential</b>					
<b>Dwellings</b>					
One-Family Dwelling	P(6)	P(6)	P(7)		
Rowhouse (One-Family on Own Lot Attached to Adjacent Residence on Separate Lot with Garage or Carport Access to the Rear of the Lot)	S(6)	S			P
Duplex (Two-Family Attached on Same Lot)	P(6)	P(6)	P(7)		P
Tri-plex (Three-Family Attached on Same Lot) (See EC 9.5500)	S(6)	S	S		S
Four-plex (Four-Family Attached on Same Lot) (See EC 9.5500)	S(6)	S	S		S
Multiple Family (3 or More Dwellings on Same Lot) (See EC 9.5500)	S(6)	S	S		S

**Section 2.** Subsections (5) and (6) of Section 9.2161 of the Eugene Code, 1971, and

Table 9.2161 are amended; a new subsection (7) is added to Section 9.2161; and subsections (7) and (8) are renumbered to subsections (8) and (9) respectively to provide as follows:

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

- (5) Parking Areas in C-3.** The maximum number of surface parking spaces on a development site shall be 20. Up to 20 additional surface parking spaces may be created if all on-site parking is accessed via an alley and no vehicle access from any street right-of-way (i.e. no access connection) is allowed. All parking spaces in excess of these limits shall be in structured parking.
- (6) Residential Use Limitation in C-1 and C-2.**
  - (a) All residential dwellings in the C-1 zone and one and two-family dwellings in the C-2 zone are allowed 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.
  - (b) For lots zoned C-1 within the S-JW Jefferson Westside Special Area Zone boundaries as shown on Figure 9.3605, the maximum number of dwellings per lot is specified at EC 9.3625(8) and 9.3626(1).

Table 9.2161 Commercial Uses Requirements in Mixed-Use Residential Developments		
	C-1	C-2
<b>Commercial Uses Requirements in Mixed-Use Residential Developments</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%

- (7) Residential Use Limitation in C-3.** Within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, a structure may include one- and two-family dwellings if 80 percent of the ground floor of the structure is used for commercial or non-residential purposes.
- (8) Broadcasting Studios, Commercial and Public Education Allowance in GO.** Any number of receiving antennas, and up to 1 station-to-station transmitter-link antenna not to exceed 10 watts are permitted in the GO zone.
- (9)** Permitted in the Commercial zone, subject to the PRO zone use limitations and standards in Table 9.2630, EC 9.2631 and EC 9.2640.

**Section 3.** Figure 9.2171(5) is relabeled as 9.2170(4)(b) as shown on Exhibit A attached hereto; Figure 9.2171(5)(e) is relabeled as 9.2170(4)(b)6. as shown on Exhibit B attached

hereto; Figure 9.2171(9) is relabeled as 9.2170(6) as shown on Exhibit C attached hereto; and Sections 9.2170 and 9.2171 of the Eugene Code, 1971, are amended and Section 9.2171 is incorporated into Section 9.2170 to provide as follows:

**9.2170 Commercial Zone Development Standards - General.**

- (1) **Intent.** These commercial zone development standards are intended to achieve the following:
  - (a) Improve the quality and appearance of commercial development in the city.
  - (b) Ensure that such development is compatible with adjacent development and is complementary to the community as a whole.
  - (c) Encourage crime prevention through environmental design, decrease opportunity for crime, and increase user perception of safety.
  - (d) Increase opportunities for use of alternative modes of transportation.
  - (e) Regulate the intensity of use allowed on a site.
  - (f) Control the overall scale of commercial buildings.
  - (g) Promote streetscapes that are consistent with the desired character of the various commercial zones.
  - (h) Promote safe, attractive, and functional pedestrian circulation systems in commercial areas.
- (2) **Application of Standards.** In addition to applicable provisions contained elsewhere in this land use code, the development standards listed in Table 9.2170 Commercial Zone Development Standards shall apply to all development in commercial zones.

<b>Table 9.2170 Commercial Zone General Building Height and Setback Standards</b>					
	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>C-4</b>	<b>GO</b>
<b>Building Height (See EC 9.2170(3))</b>					
Maximum Building Height	35 feet	120 feet	150 feet	50 feet	50 feet
<b>Setbacks (See EC 9.2170(4))</b>					
Minimum Front Yard Setback	10 feet	0 feet	0 feet	10 feet	10 feet
Maximum Front Yard Setback	15 feet	15 feet	15 feet	None	15 feet
Minimum Interior Yard Setback	0 feet to 10 feet	0 feet to 10 feet	0 feet	0 feet to 10 feet	0 feet to 10 feet

- (3) **Building Height.**
  - (a) Exceptions to the general height restrictions for commercial structures stated in Table 9.2170 Commercial Zone General Building Height and Setback Standards are contained in:
    1. EC 9.6715 Height Limitation Areas.
    2. EC 9.6720 Height Exemptions for Roof Structures and Architectural Features.
  - (b) Subject to the limitations in subsection (a) of this section, in the C-2, C-3, or C-4 zones, no portion of a building located within 50 feet of a residential zone shall exceed the maximum building height permitted in the abutting residential zone.
  - (c) Subject to the limitations in subsection (a) of this section, the maximum permitted building height for main or accessory buildings in the GO zone shall not exceed 35 feet in height within 50 feet of an abutting AG, R-1,



or R-2 zone. Otherwise, main and accessory building height maximums shall not exceed 50 feet.

**(4) Setbacks.**

- (a) Exceptions to the general minimum front and interior yard setback requirements stated in Table 9.2170 Commercial Zone General Building Height and Setback Standards are contained in:

1. EC 9.6745 Setbacks - Intrusions Permitted.
2. EC 9.6750 Special Setback Standards.

- (b) The maximum front yard setbacks stated in Table 9.2170 Commercial Zone General Building Height and Setback Standards, shall apply only to new buildings and any building addition that increases the length of the building facade facing a street, internal accessway, private drive, or shopping street as defined in EC 9.2175(3) by at least 100%. For purposes of this subsection, front yard setback may be measured from a public street or from the edge of the sidewalk furthest from the curb of an internal accessway, private drive, or shopping street. In addition, all new buildings and the portion of the development site specifically affected by the new building are subject to the requirements of this subsection. **(See Figure 9.2170(4)(b) Maximum Front Yard Setbacks, Building Orientation, and Entrances.)**

1. In C-1, at least 80% of all street facing facades of the building must be within the specified maximum front yard setback.
2. In C-2 and C-3, a minimum of 25% of all street facing facades must be within the specified maximum front yard setback, or, orientation to an internal accessway, private drive, or shopping street as defined in EC 9.2175(3) is permitted in compliance with EC 9.2173(4)(a).
3. In GO, at least 60% of all street facing facades of the building must be within the specified maximum front yard setback.
4. Vehicular parking and circulation is not permitted in between the street and the portion of the building that is used to comply with this subsection.
5. Buildings fronting on a street must provide a main entrance facing the street on any facade of the building within the front yard setback. A main entrance is a principal entrance through which people enter the building. A building may have more than one main entrance. Buildings having frontage on more than one street shall provide at least one main entrance oriented to a street.
6. The land between the portion of a building complying with EC 9.2170(4)(b)1. or 2. and a street must be landscaped or paved with a hard surface for use by pedestrians. If a hard surface is provided, the area must contain at least the equivalent of 1 pedestrian amenity for every 200 square feet of hard surface. The use of porous materials for hard surfacing is encouraged. Residential developments are exempt from this subsection. **(See Figure 9.2170(4)(b)6. Landscaped or Paved Pedestrian Area with Pedestrian Amenities.)**
7. The maximum front yard setback may be exceeded if the area between the building and the front property line is landscaped or paved for use by pedestrians. The area must contain at least the equivalent of 1 enhanced pedestrian amenity for every 200 square



feet of hard surface. (See Figure 9.2170(4)(b)6. Landscaped or Paved Pedestrian Area with Pedestrian Amenities.)

- (c) Where lot lines abut property within a residential zone category, the minimum interior yard setback for any building shall be 10 feet. Within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to this section may be made based on the criteria in EC 9.8030(16).
  - (d) For lots zoned C-1 within the S-JW Jefferson Westside Special Area Zone boundaries as shown on Figure 9.3605, setbacks from all portions of interior lot lines (as that term is defined for purposes of the S-JW Special Area Zone) shall be at least 10 feet from the interior lot line. In addition, at a point that is 20 feet above grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally (approximately 50 degrees from vertical) away from that lot line.
  - (e) **Adjustments.** Except for the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to the minimum and maximum front yard setbacks in this subsection, except subsection (4)(a), may be made, based on criteria at EC 9.8030(2) Setback Standards Adjustment. Within the Downtown Plan Area, adjustments to the minimum and maximum front yard setbacks in this subsection, except subsection (4)(a), may be made, based on the criteria at EC 9.8030(16).
- (5) **Landscaping.** The following landscape standards apply to new buildings, and the portion of the development site specifically affected by the new building and shall be subject to the requirements of this subsection.
- (a) Minimum Landscape Area Required. In all commercial zones, except C-2 within the Downtown Plan Area as shown on Map 9.2161(6) and C-3, a minimum of 10 percent of the development site shall be landscaped with living plant materials. Within the C-2 zone within the Downtown Plan Area, a minimum of 5 percent of the development site shall be landscaped with living plant materials. No minimum landscaping is required in the C-3 zone. All required landscaping shall comply with landscape standards beginning at EC 9.6200 Purpose of Landscape Standards. Any required landscaping, such as for required front or interior yard setbacks or off-street parking areas, shall apply toward the development site minimum landscape requirement. The area of exterior landscaping on the roof of a building or exposed terrace may be used to meet the 10% minimum landscaping standard. Up to 50% of the landscape area may be a hard surface for recreational or enhanced pedestrian space.
  - (b) Minimum Landscape Standard. Unless otherwise specified in this land use code, required landscape areas must, at a minimum, comply with EC 9.6210(1) Basic Landscape Standard (L-1).
  - (c) Landscaping In Interior Yard Setbacks Abutting Residential Zones. Landscape planting beds within the interior yard setbacks abutting a residential zone shall be a minimum of 7 feet in width and shall comply with EC 9.6210(3) High Screen Landscape Standard (L-3).
  - (d) Street Trees. Street tree requirements are specified in EC 7.280 Street Tree Program - Policies, Standards, Procedure.
  - (e) Within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to subsections (a) and (b) may be made based

- on the criteria in EC 9.8030(16).
- (6) **Fences.**
- (a) Types. The type of fence, wall or screen used in any situation is limited only by specific requirements stated in landscape standards beginning at EC 9.6200 Purpose of Landscape Standards.
- (b) Locations and Heights.
1. Fences up to 42 inches in height are permitted within the minimum or maximum front yard setback whichever is greater.
  2. Fences up to 8 feet high are allowed in interior yard setbacks.
  3. The height of fences that are not in required setback areas is the same as the regular height limits of the zone.
  4. Fences must meet standards in EC 9.6780 Vision Clearance Area. (See Figure 9.2170(6) **Fencing Standards in Commercial Zones** and Figure 9.0500 **Vision Clearance Area.**)
- (c) Adjustments. Within the Downtown Plan Area as shown on Map 9.2161(6) **Downtown Plan Map**, adjustments to subsections (6)(a) and (6)(b) may be made based on the criteria in EC 9.8030(16).
- (7) **Outdoor Storage Areas.** Except for plant nurseries, outdoor storage is not permitted in any commercial zone. All merchandise to be stored must be enclosed entirely within buildings or structures.
- (8) **Outdoor Merchandise Display.**
- (a) Except for plants and garden supply products, outdoor merchandise display is not allowed in C-1 and GO zones.
- (b) In the C-2 and C-4 zones, outdoor display of the uses listed in subsection 1. of this subsection, is permitted when in conformance with the standards listed in subsection 2. of this subsection.
1. Plants and garden supply products; motor vehicle sales, service, and repair; new and used boat sales; large equipment sales and rentals; service station pump islands; vending machines; manufactured home sales; children's outdoor play equipment; and hot tubs.
  2. Outdoor merchandise display is not permitted in required setback areas. Except for plant and garden supply displays, outdoor display areas shall be set back a minimum of 7 feet from the front lot lines with required setbacks landscaped to at least the EC 9.6210(1) **Basic Landscape Standard (L-1).**
- (c) In the C-3 zone, outdoor merchandise display is permitted if all products are placed in an enclosure after business hours.
- (d) Except for the Downtown Plan Area as shown on Map 9.2161(6) **Downtown Plan Map**, adjustments to subsection (b)2. of this section may be made based on criteria in EC 9.8030(2)(d). Within the Downtown Plan Area, adjustments to subsection (8)(b)2. may be made based on the criteria in EC 9.8030(16).
- (9) **Garbage Screening.** All outdoor garbage collection areas shall be screened on all sides within a solid perimeter enclosure that meets the following standards:
- (a) Materials within enclosures shall not be visible from streets and adjacent properties.
  - (b) Required screening shall comply with EC 9.6210(6) **Full Screen Fence Landscape Standard (L-6).**
  - (c) Garbage collection areas shall not be located within required setbacks.

Trash or recycling receptacles for pedestrians are exempt from these requirements.

- (10) **Underground Utilities.** All utilities on the development site shall be placed underground. Except for the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to this section may be made based on criteria in EC 9.8030(5). Within the Downtown Plan Area, adjustments to this section may be made based on criteria in EC 9.8030(16). Refer also to EC 9.6775.
- (11) **Delivery and Loading Facilities.**
  - (a) Delivery and loading facilities are not permitted in required setback areas.
  - (b) On lots abutting parcels with a residential zone, delivery and loading facilities shall be set back a minimum of 10 feet from property lines with required interior yard setbacks landscaped to at least the standards in EC 9.6210(4) High Wall Landscape Standard (L-4).
- (12) **Drive-Through Facilities.**
  - (a) Application. The regulations in (b) through (e) of this subsection apply to the establishment of new drive through facilities, the addition of travel lanes for existing drive-through facilities in existing developments, and the relocation of an existing drive-through facility.
  - (b) Drive-Through Facilities in C-1 Zone. Drive-through facilities are not permitted in C-1 zones.
  - (c) Service Areas Setback and Landscaping. Service areas and stacking lanes shall be set back a minimum of 10 feet from all lot lines. Setback areas abutting a street shall be landscaped to at least the standards in EC 9.6210(1) Basic Landscape Standard (L-1). Interior yard setback areas must be landscaped to at least the standards in EC 9.6210(3) High Screen Landscape Standard (L-3).
  - (d) Driveway Entrances. All driveway entrances, including stacking lane entrances, must be at least 100 feet from an intersection, as measured along the property line from the tangent point of a corner radius and the closest edge of a driveway.
  - (e) Stacking Lanes. Design of stacking lanes shall conform with the requirements of EC 9.6415 Loading and Drive-Through Design Standards.
  - (f) Adjustments. Except for lots adjacent to land zoned residentially:
    - 1. Outside of the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to subsection (c) Service Areas Setback and Landscaping may be made based on criteria at EC 9.8030(2) Setback Standards Adjustment.
    - 2. Within the Downtown Plan Area adjustments to subsection (c) Service Areas Setback and Landscaping and subsection (e) Stacking Lanes may be made based on the criteria at EC 9.8030(16).

**Section 4.** Section 9.2171 of the Eugene Code, 1971, was incorporated into Section 9.2170 of that Code. All references to Section 9.2171, including but not limited to the

references in Table 9.3125(3)(g), Section 9.3815, and Table 9.6205, are hereby updated to reflect the amendment.

**Section 5.** Subsections (2), (8) and (9) of Section 9.2173 of the Eugene Code, 1971, are amended; a new subsection (11) is added to Section 9.2173; and subsection (11) is renumbered to subsection (12) to provide as follows:

**9.2173     Commercial Zone Development Standards - Large Commercial Facilities.**

**(2)     Application of Standards.**

- (a) In addition to the standards of EC 9.2170 Commercial Zone Development Standards - General, except as provided in subsection (b) below, all of the standards in this section apply to any new building with 25,000 square feet or more of floor area in commercial or non-residential use, and the portion of the development site specifically affected by the new building.
- (b) The standards in subsections (5), (6), (7), (9) and (11) do not apply with the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map.

**(8)     Service and Loading Areas.**

- (a) Loading docks, outdoor storage, utility meters, mechanical equipment, trash collection, trash compaction, and other service functions shall comply with the standards stated in EC 9.2170 Commercial Zone Development Standards - General.
- (b) Outdoor areas for the display and sale of seasonal inventory shall be permanently defined and landscaped as set forth in EC 9.2170(8) Outdoor Merchandise Display.

**(9)     Delivery and Loading Facilities.** Delivery and loading facilities shall be set back a minimum of 30 feet from interior yards abutting residentially zoned lots with required setbacks landscaped to at least the standards in EC 9.6210(4) High Wall Landscape Standard (L-4).

**(11)     Interior Yard Setbacks from Residential Zoning.** Interior yard setbacks shall be a minimum of 30 feet from abutting residentially zoned lots.

**(12)     Adjustments.** Except for the Downtown Plan Area, adjustments to the standards in this section may be made, based on criteria at EC 9.8030(6) Large Commercial Facilities Standards Adjustment. Within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to the standards in this section may be made based on the criteria at EC 9.8030(16).

**Section 6.** Subsection (2) of Section 9.4280 of the Eugene Code, 1971, is amended to provide as follows:

**9.4280     Prohibited Uses and Special Use Limitations.**

**(2)     Special Use Limitations.**

- (a) Except for the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, no use may include a drive-through facility, unless



explicitly permitted in a refinement plan. Within the Downtown Plan Area:

1. Drive-through only establishments are not permitted.
  2. For a structure that has two or more functional floors, a drive-through facility is permitted.
  3. For a structure that has only one functional floor, a drive-through facility to provide financial services, pharmaceutical prescription dispensing, or government services may be permitted subject to an adjustment based on the criteria at EC 9.8030(16).
- (b) No new building designed to be occupied by retail uses may exceed 50,000 square feet of building area on the ground floor and only one such new building on the development site may contain 50,000 square feet of building area on the ground floor.

**Section 7.** Section 9.4290 of the Eugene Code, 1971, is amended to provide as follows:

**9.4290 Density and Development Standards.** In addition to the requirements of the base zone, the following standards shall apply to all development, except that the standards in subsection (2) and (3) do not apply to single-family dwellings or duplexes:

**(1) Minimum Residential Density and Floor Area Ratio (FAR).**

- (a) Where the base zone is R-1 or R-1.5, new subdivisions shall achieve a minimum residential density of 8 units per net acre. Minimum residential density in R-2 shall be 15 units per net acre; in R-3 it shall be 25 units per net acre; and in R-4 it shall be 30 units per net acre.
- (b) Where the base zone is C-1, C-2, C-3, or GO, the /TD standards in EC 9.4530 shall apply, except that the minimum floor area ratio (FAR) shall be 1.0 FAR (1.0 square feet of floor area to 1 square foot of the development site).
- (c) Where the base zone is C-4, I-1, I-2, or I-3, the /TD standards in EC 9.4530 shall apply, except that the minimum floor area ratio (FAR) shall be .40 FAR (.40 square feet of floor area to 1 square foot of the development site).

**(2) Building Setbacks.**

- (a) Buildings shall be set back a maximum of 15 feet from the street. There is no minimum setback.
- (b) Where the site is adjacent to more than one street, a building is required to meet the above maximum setback standard on only one of the streets.

**(3) Parking Between Buildings and the Street.**

- (a) Automobile parking, driving, and maneuvering areas shall not be located between the main building(s) and a street.
- (b) For a development site that abuts a street, parking may be located at the rear of the building or on 1 or both sides of a building when at least 60 percent of the site frontage abutting the street (excluding required interior yards) is occupied by a building and/or an enhanced pedestrian space with no more than 20 percent of the 60 percent in enhanced pedestrian spaces, as described in EC 9.4530(3)(c).
- (c) For purposes of determining the percent of site frontage, the building or enhanced pedestrian space shall be within 15 feet of the street.

- (d) For a development site with frontage on more than one street, these standards only apply along one street frontage.
- (4) **Adjustments.** An adjustment to any of the standards in this section may be made based on the criteria in EC 9.8030(31).

**Section 8.** Subsections (4) and (7) of Section 9.4530 of the Eugene Code, 1971, is amended to provide as follows:

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

- (4) **Parking Between Buildings and the Street.**
  - (a) Automobile parking, driving, and maneuvering areas shall not be located between the main building(s) and a street.
  - (b) For a development site that abuts a street, parking may be located at the rear of the building or on 1 or both sides of a building when at least 60 percent of the site frontage abutting the street (excluding required interior yards) is occupied by a building and/or an enhanced pedestrian space with no more than 20 percent of the 60 percent in enhanced pedestrian spaces, as described in EC 9.4530(3)(c).
  - (c) For purposes of determining the percent of site frontage, the building or enhanced pedestrian space shall be within 15 feet of the street. **(See Figure 9.4530(6) Parking Between Buildings and the Street in TD Area.)**
  - (d) For a development site with frontage on more than one street, these standards only apply along one street frontage.
- (7) **Adjustments.** An adjustment to any of the standards in this section may be made based on the criteria in EC 9.8030(32).

**Section 9.** Subsections (2) and (16) of Section 9.8030 of the Eugene Code, 1971, are amended, and Sections (31) and (32) of Section 9.8030, are added 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.
- (2) **Setback Standards Adjustment.** Where this land use code provides that the setback standards applicable to specific zones may be adjusted, the standards may be adjusted upon finding that the proposed setback is consistent with the following applicable criteria:
    - (a) **Minimum and Maximum Front Yard Setback Adjustment.** The minimum or maximum required front yard setback may be adjusted if the proposal achieves all of the following:
      1. Contributes to the continuity of building facades along the street.
      2. Creates an attractive pedestrian environment along all adjacent streets
      3. Is compatible with adjacent development.
 Maximum front yard setbacks may be adjusted without any requirement for pedestrian amenities if the location of the front yard is unsafe or

- intrinsically unsuitable for pedestrians or to protect disruption to significant natural resources.
- (b) Minimum Setbacks for Park Improvements in PRO Zone. The minimum required special setbacks for park improvements may be adjusted upon a finding that the proposal achieves all of the following:
    - 1. Consistent with EC 9.2600 Purpose of PRO Park, Recreation and Open Space Zone.
    - 2. Is compatible with adjacent development.
  - (c) Minimum Setbacks for Drive-Through Facility Service Areas and Stacking Lanes. Standards establishing a minimum setback for service areas and stacking lanes may be adjusted upon a finding that the proposal achieves all of the following:
    - 1. Is compatible with adjacent development.
    - 2. Creates an attractive pedestrian environment along all adjacent streets.
    - 3. Where necessary, provides visual separation between adjacent development.
  - (d) Outdoor Merchandise Display in C-2 and C-4. The limitation on outdoor merchandise display in EC 9.2170(8)(b)2. may be adjusted upon a finding that the proposed adjustment is consistent with the intent set out in EC 9.2170(1).
- (16) Downtown Plan Area.** Where this land use code provides that a development standard applicable within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map may be adjusted, approval of the request shall be given if the applicant demonstrates consistency with all of the following:
- (a) The requested adjustment will allow the project to achieve an equivalent or higher quality design than would result from strict adherence to the standards through:
    - 1. A building orientation, massing, articulation and façade that contribute positively to the surrounding urban environment; and
    - 2. An overall site and building design that creates a safe and attractive pedestrian environment. Design elements for this purpose may include special architectural design features, high quality materials, outdoor seating, pedestrian-scaled lighting, prominent entries facing the street, multiple openings or windows, and a significant use of clear, untinted glass.
  - (b) Impacts to any adjacent residentially-zoned property are minimized. Design elements for this purpose may include treatment of building massing, setbacks, screening and landscaping.
  - (c) For adjustments pursuant to EC 9.2170(10) only, placing utilities underground would be unreasonably onerous to the applicant.
- (31) /ND Nodal Development Overlay Zone.** Where this land use code provides that a development standard applicable within the /ND Nodal Development overlay zone may be adjusted, approval of the request shall be given if the applicant demonstrates consistency with all of the following:
- (a) The requested adjustment will allow the project to achieve an equivalent or higher quality design than would result from strict adherence to the standards through:
    - 1. A building orientation, massing, articulation and façade that contribute positively to the surrounding urban environment; and

2. An overall site and building design that creates a safe and attractive pedestrian environment. Design elements for this purpose may include special architectural design features, high quality materials, outdoor seating, pedestrian-scaled lighting, prominent entries facing the street, multiple openings or windows, and a significant use of clear, untinted glass.
- (b) Impacts to any adjacent residentially-zoned property are minimized. Design elements for this purpose may include treatment of building massing, setbacks, screening and landscaping.
- (32) /TD Transit Oriented Development Overlay Zone. Where this land use code provides that a development standard applicable within the /TD Transit Oriented Development overlay zone may be adjusted, approval of the request shall be given if the applicant demonstrates consistency with all of the following:
  - (a) The requested adjustment will allow the project to achieve an equivalent or higher quality design than would result from strict adherence to the standards through:
    1. A building orientation, massing, articulation and façade that contribute positively to the surrounding urban environment; and
    2. An overall site and building design that creates a safe and attractive pedestrian environment. Design elements for this purpose may include special architectural design features, high quality materials, outdoor seating, pedestrian-scaled lighting, prominent entries facing the street, multiple openings or windows, and a significant use of clear, untinted glass.
  - (b) Impacts to any adjacent residentially-zoned property are minimized. Design elements for this purpose may include treatment of building massing, setbacks, screening and landscaping.

**Section 10.** EC "Map 9.8670 Downtown Traffic Impact Analysis Exempt Area" is added

as shown on Exhibit D attached hereto, and 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 conditions in subsections (1) – (4) of this section exist unless the development is within an area (a) shown on Map 9.8670 Downtown Traffic Impact Analysis Exempt Area, or (b) subject to a prior approved Traffic Impact Analysis and is consistent with the impacts analyzed.
- (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.
  - (2) The increased traffic resulting from the development will contribute to traffic problems in the area based on current accident rates, traffic volumes or speeds that warrant action under the city's traffic calming program, and identified locations where pedestrian and/or bicyclist safety is a concern by the city that is documented.
  - (3) The city has performed or reviewed traffic engineering analyses that indicate



approval of the development will result in levels of service of the roadway system in the vicinity of the development that do not meet adopted level of service standards.

- (4) For development sites that abut a street in the jurisdiction of Lane County, a Traffic Impact Analysis Review is required if the proposed development will generate or receive traffic by vehicles of heavy weight in their daily operations. For purposes of EC 9.8650 through EC 9.8680, "daily operations" does not include routine services provided to the site by others, such as mail delivery, garbage pickup, or bus service. "Daily operations" does include, but is not limited to, delivery (to or from the site) of materials or products processed or sold by the business occupying the site. For purposes of EC 9.8650 through EC 9.8680, "heavy vehicles" are defined as a single vehicle or vehicle combination greater than 26,000 pounds gross vehicle weight or combined gross vehicle weight respectively.

**Section 11.** Subsection (3) of Section 9.9650 of the Eugene Code, 1971, is amended to provide as follows:

**9.9650     TransPlan Policies.**

- (3) **Transportation System Improvements: Roadways.** Motor vehicle level of service policy:

- (a) Use motor vehicle level of service standards to maintain acceptable and reliable performance on the roadway system. These standards shall be used for:
1. Identifying capacity deficiencies on the roadway system.
  2. Evaluating the impacts on roadways of amendments to transportation plans, acknowledged comprehensive plans and land-use regulations, pursuant to the TPR (OAR 660-12-0060).
  3. Evaluating development applications for consistency with the land-use regulations of the applicable local government jurisdiction.
- (b) Acceptable and reliable performance is defined by the following levels of service under peak hour traffic conditions:
1. Level of Service F within Eugene's Downtown Traffic Impact Analysis Exempt Area;
  2. Level of Service E within the portion of Eugene's Central Area Transportation Study (CATS) area that is not within Eugene's Downtown Traffic Impact Analysis Exempt Area; and
  3. Level of Service D elsewhere.
- (c) Performance standards from the OHP shall be applied on state facilities in the Eugene-Springfield metropolitan area.

In some cases, the level of service on a facility may be substandard. The local government jurisdiction may find that transportation system improvements to bring performance up to standard within the planning horizon may not be feasible, and safety will not be compromised, and broader community goals would be better served by allowing a substandard level of service. The limitation on the feasibility of a transportation system improvement may arise from severe constraints including but not limit to environmental conditions, lack of public agency financial resources, or land use constraint factors. It is not the intent of Policy F-15: Motor Vehicle Level of Service to require deferral of development in such cases. The intent is to

defer motor vehicle capacity increasing transportation system improvements until existing constraints can be overcome or develop an alternative mix of strategies (such as: land use measures, TDM, short-term safety improvements) to address the problem.

**Section 12.** TSI Roadway Policy #2 of the Eugene-Springfield Transportation System

Plan (TransPlan), is amended to provide as follows:

***TSI Roadway Policy #2: Motor Vehicle Level of Service***

1. Use motor vehicle level of service standards to maintain acceptable and reliable performance on the roadway system. These standards shall be used for:
  - a. Identifying capacity deficiencies on the roadway system.
  - b. Evaluating the impacts on roadways of amendments to transportation plans, acknowledged comprehensive plans and land-use regulations, pursuant to the TPR (OAR 660-12-0060).
  - c. Evaluating development applications for consistency with the land-use regulations of the applicable local government jurisdiction.
2. Acceptable and reliable performance is defined by the following levels of service under peak hour traffic conditions:
  - a. Level of Service F within Eugene's Downtown Traffic Impact Analysis Exempt Area;
  - b. Level of Service E within the portion of Eugene's Central Area Transportation Study (CATS) area that is not within Eugene's Downtown Traffic Impact Analysis Exempt Area; and
  - c. Level of Service D elsewhere.
3. Performance standards from the OHP shall be applied on state facilities in the Eugene-Springfield metropolitan area.

In some cases, the level of service on a facility may be substandard. The local government jurisdiction may find that transportation system improvements to bring performance up to standard within the planning horizon may not be feasible, and safety will not be compromised, and broader community goals would be better served by allowing a substandard level of service. The limitation on the feasibility of a transportation system improvement may arise from severe constraints including but not limit to environmental conditions, lack of public agency financial resources, or land use constraint factors. It is not the intent of TSI Roadway Policy #2: Motor Vehicle Level of Service to require deferral of development in such cases. The intent is to defer motor vehicle capacity increasing transportation system improvements until existing constraints can be overcome or develop an alternative mix of strategies (such as: land use measures, TDM, short-term safety improvements) to address the problem.

Policy F.15 of the Eugene-Springfield Area Metropolitan Plan, is amended as follows:

F.15 Motor vehicle level of service policy:

- a. Use motor vehicle level of service standards to maintain acceptable and reliable

- performance on the roadway system. These standards shall be used for:
- (1) Identifying capacity deficiencies on the roadway system.
  - (2) Evaluating the impacts on roadways of amendments to transportation plans, acknowledged comprehensive plans and land-use regulations, pursuant to the TPR (OAR 660-12-0060).
  - (3) Evaluating development applications for consistency with the land-use regulations of the applicable local government jurisdiction.
- b. Acceptable and reliable performance is defined by the following levels of service under peak hour traffic conditions:
- (1) Level of Service F within Eugene's Downtown Traffic Impact Analysis Exempt Area;
  - (2) Level of Service E within the portion of Eugene's Central Area Transportation Study (CATS) area that is not within Eugene's Downtown Traffic Impact Analysis Exempt Area; and
  - (3) Level of Service D elsewhere.
- c. Performance standards from the OHP shall be applied on state facilities in the Eugene-Springfield metropolitan area.

In some cases, the level of service on a facility may be substandard. The local government jurisdiction may find that transportation system improvements to bring performance up to standard within the planning horizon may not be feasible, and safety will not be compromised, and broader community goals would be better served by allowing a substandard level of service. The limitation on the feasibility of a transportation system improvement may arise from severe constraints including but not limit to environmental conditions, lack of public agency financial resources, or land use constraint factors. It is not the intent of TSI Roadway Policy #2: Motor Vehicle Level of Service to require deferral of development in such cases. The intent is to defer motor vehicle capacity increasing transportation system improvements until existing constraints can be overcome or develop an alternative mix of strategies (such as: land use measures, TDM, short-term safety improvements) to address the problem.

**Section 13.** Notwithstanding Section 9 of this Ordinance adopting amendments to EC 9.8030(16), the previous amendment to EC 9.8030(16)(a) adopted by Ordinance No. 20513 on July 8, 2013, which will become effective on August 9, 2013, shall continue and is neither repealed nor superseded by this Ordinance.

**Section 14.** The findings set forth in Exhibit E attached to this Ordinance are adopted as findings in support of this Ordinance.

**Section 15.** 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 16.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**Passed by the City Council this**

**22<sup>nd</sup> day of July, 2013**

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

**Approved by the Mayor this**

**24 day of July, 2013**

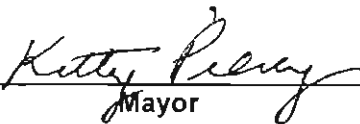
  
\_\_\_\_\_  
Mayor



Figure  
9.2170(4)(b)

## Maximum Front Yard Setbacks, Building Orientation, and Entrances

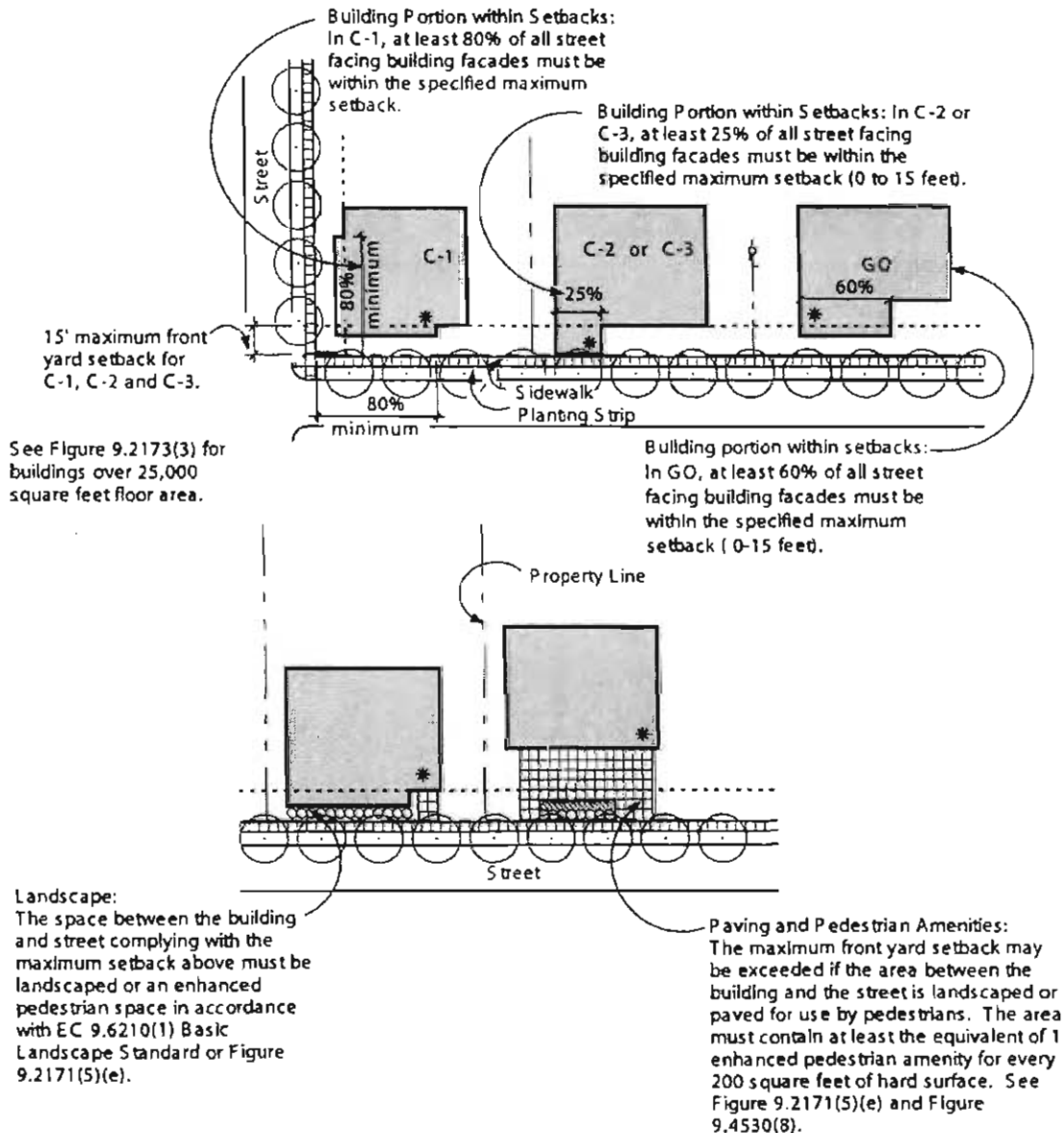
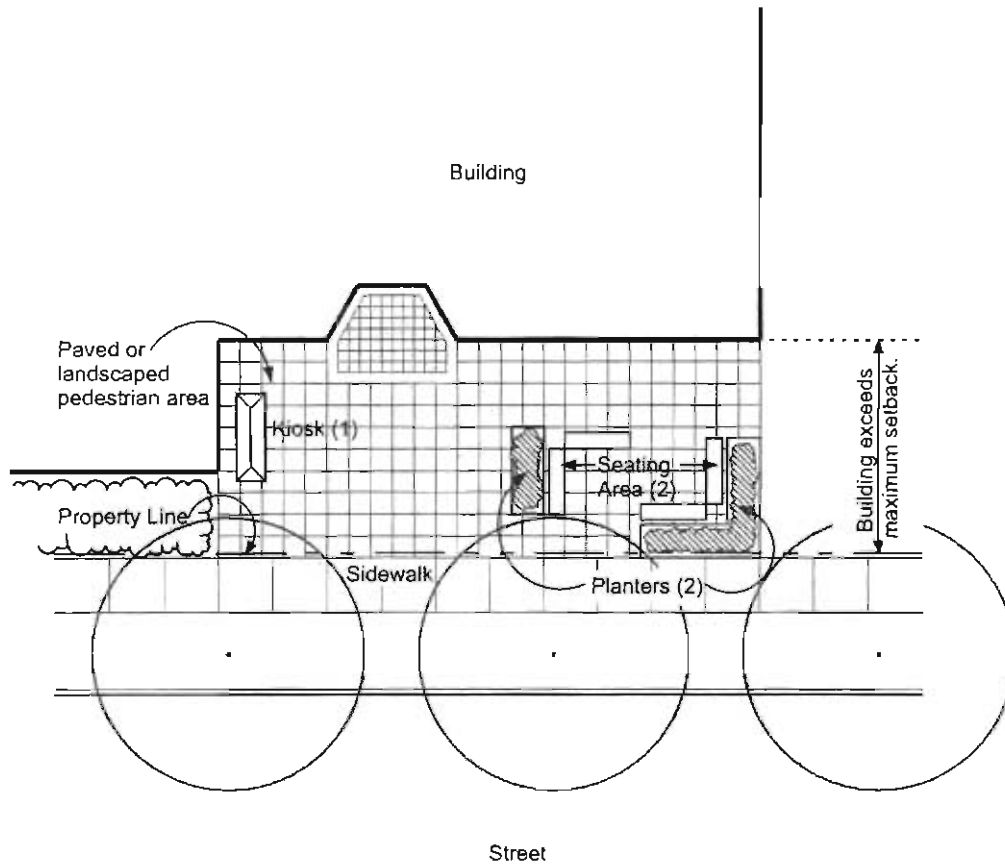


Figure  
9.2170(4)(b)6

## Landscaped or Paved Pedestrian Area with Pedestrian Amenities

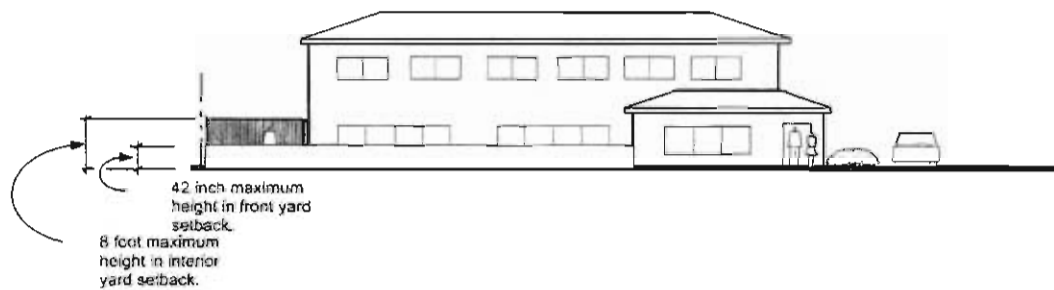
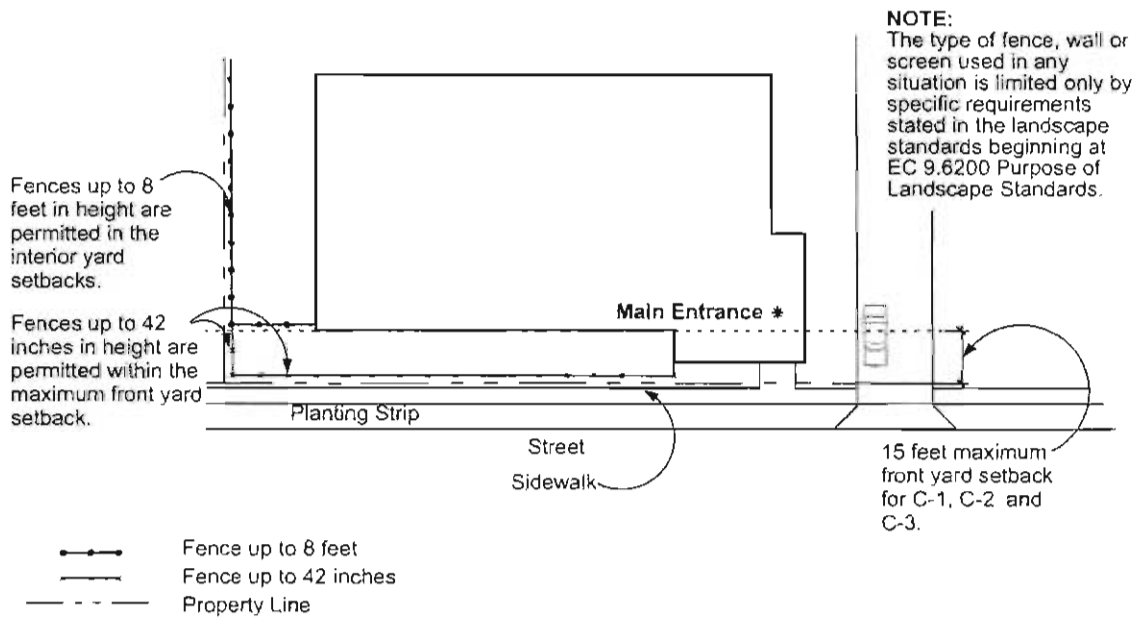


### EXAMPLE:

- 1,000 square feet of hard surface with minimum of 1 amenity per 200 square feet.
- 5 Amenities Required:  
Select among design elements  
i.e. seating area, drinking fountain, public art, planter, kiosk.
- Selected: 2 seating areas  
2 planters  
1 kiosk

Figure  
9.2170(6)

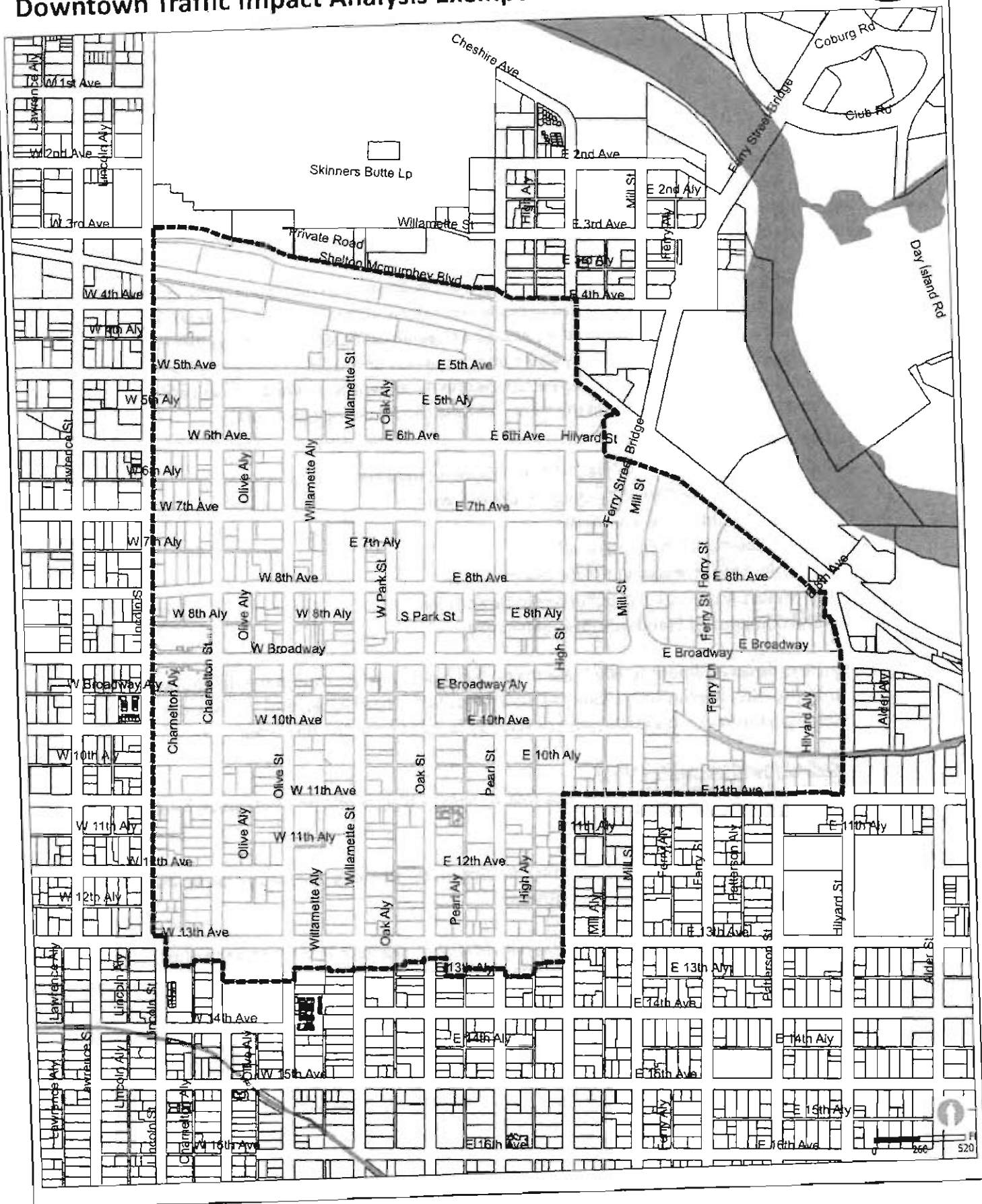
## Fencing Standards in Commercial Zones





Map 9.8670

# Downtown Traffic Impact Analysis Exempt Area





## Preliminary Findings

### Downtown/Mixed Use Land Use Code and Metro Plan/TransPlan Amendments (City Files CA 13-1 and MA 13-1)

#### Overview

This package of code and plan amendments is intended to facilitate desired mixed use development for downtown, along transit corridors and in commercial areas. Consistent with several strategies in the Envision Eugene proposal, the purpose of these amendments is to facilitate compact urban development by changing land use regulations to better align with Envision Eugene.

These amendments are also necessary as part of the city's strategy to accommodate the city's 20 year need for commercial and multi-family housing inside the current urban growth boundary (UGB). Specifically, these amendments are part of a package of land use efficiency strategies the city is relying on to accommodate approximately 400 commercial jobs and 1,600 multi-family homes inside the UGB by increasing the likelihood of redevelopment in the downtown, along transit corridors and in core commercial areas. The code amendments address the following topic areas:

- Housing in Commercial Zones
- Surface Parking Limitation in the C-3 Major Commercial Zone
- Large Commercial Facilities Standards in Downtown
- Commercial Landscaping Standards
- Nodal Development (/ND) Overlay Zone
- Transit Oriented Development (/TD) Overlay Zone
- Traffic Impact Analysis/Level of Service in Downtown
- General Commercial Standards (housekeeping)

Related to the code amendment to eliminate the traffic impact analysis within the downtown area, a concurrent Metro Plan Amendment would revise a policy in the Metro Plan and TransPlan to reduce the acceptable performance standard (level of service) for the corresponding area.

#### Land Use Code Amendments (CA 13-1)

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

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

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

The City has acknowledged provisions for citizen involvement which insure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The amendments do not amend the citizen involvement program. The process for adopting these amendments complied with Goal 1 because it is consistent with the citizen

## Exhibit E

involvement provisions.

Prior to the formal adoption process, community stakeholders with experience and expertise in downtown and mixed use development gave feedback on the concepts and code language. These stakeholders included property owners, neighborhood advocates, developers, commercial brokers, architects, and the Chamber of Commerce. The Planning Commission public hearing on the proposal was duly noticed to all neighborhood organizations, community groups and individuals who have requested notice, as well as to the City of Springfield and Lane County. In addition, notice of the public hearing was also published in the Register Guard. The City Council will hold 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 proposed ordinance is consistent with Statewide Planning Goal 1.

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

The Eugene land use code specifies the procedure and criteria that were used in considering these amendments. The record shows that there is an adequate factual base for the amendments. The Goal 2 coordination requirement is met when the City engages in an exchange, or invites such an exchange, between the City and any affected governmental unit and when the City uses the information obtained in the exchange to balance the needs of the citizens. To comply with the Goal 2 coordination requirement, the City engaged in an exchange about the subject of these amendments with all of the affected governmental units. Specifically, the City provided notice of the proposed action and opportunity to comment to Lane County, Springfield and the Department of Land Conservation and Development. There are no exceptions to Statewide Planning Goal 2 required for these amendments. Therefore, the amendments are consistent with Statewide Planning Goal 2.

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

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

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

The amendments are for property located within the urban growth boundary and do not affect any land designated for forest use. Therefore, Statewide Planning Goal 4 does not apply.

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

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

## Exhibit E

- (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 on acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.*

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

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

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

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

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

*Goal 8 - Recreational Needs.* *To satisfy the recreational needs of the citizens of the state and visitors, and where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

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

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

## Exhibit E

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 Lands Study (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 services 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. Findings addressing the relevant policies of the Eugene Commercial Lands Study are provided below under EC 9.8065 (2), and are incorporated herein by reference.

The amendments are specifically intended to facilitate downtown and mixed use development and redevelopment. 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 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.*

Goal 10 requires that communities plan for and maintain an inventory of buildable residential land for needed housing units. Several of the amendments increase the possibility for development or redevelopment of properties downtown or within the C-2 Community Commercial zone for residential uses. However, the amendments do not impact the supply or availability of residential lands included in the documented supply of "buildable land" that is available for residential development as inventoried in the acknowledged 1999 Residential Lands Study. Therefore, the amendments are consistent with Statewide Planning Goal 10.

Goal 11- Public Facilities and Services. *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

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

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

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

- (1) *If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*

## Exhibit E

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
- (b) Change standards implementing a functional classification system; or*
- (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
  - (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
  - (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
  - (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

The proposed amendments do not change the functional classification of a transportation facility or change the standards implementing a functional classification system. Therefore, the amendments do not have a significant effect under (a) or (b). In regards to (c), the level of residential and commercial development currently permitted through existing code and zoning regulations will remain the same as a result of these amendments. Therefore, the amendments do not significantly affect any existing or future transportation facilities.

Regarding the code amendment to eliminate the traffic impact analysis requirement within the downtown plan area, with the exception of the properties in the EWEB Master Plan, and the concurrent plan amendment to reduce the allowable level of service to F for the corresponding area, removal of this local mechanism to evaluate mobility within a limited geographic area, and the policy decision to accept potentially increased levels of congestion within this area do not allow for an increase in traffic generation or the degradation of any transportation facilities. Rather, these amendments recognize that due to the unique characteristics of this area, the traffic impact analysis tool has limited to no benefit. These unique characteristics include an established gridded street pattern; multiple lower and higher order streets that enter and exit the area; numerous options for distribution and assignments of projected trips; lower speeds; ample facilities for alternative modes; unlikelihood that new intersections, new street alignments or widths would be proposed; development is primarily redevelopment of existing properties with minimal to zero setbacks; and existing access management standards to control new driveway locations. Additionally, the Transportation Planning Rule provides for this tool (change in performance standard) as a policy choice for cities to consider in transportation/land use planning. As such, the reduction itself does not create an impact on the transportation system under this criterion.

Further details regarding the changes to the policy language of the Metro Plan and TransPlan to

## Exhibit E

amend the relevant level of service are provided under the findings related to consistency with the Metro Plan and applicable adopted plans at EC 9.8065(2) and under the findings related to the Metro Plan and TransPlan amendment at EC 9.7730(3)

Based on the above findings, the amendment is consistent with Statewide Planning Goal 12.

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

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

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

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

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

The amendments do not contain any changes that affect the Willamette River Greenway regulations, therefore, Statewide Planning Goal 15 does not apply.

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

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

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

### **Applicable Metro Plan Policies**

The following policies from the *Metro Plan* (identified below in *italics*) are applicable to these amendments. To the extent that the following policies constitute mandatory approval criteria, based on the findings provided below, the amendments are consistent with and supported by the applicable provisions of the *Metro Plan*.

### Residential Land Use and Housing Element

#### *Residential Density Policies:*

A.13 *Increase overall residential density in the metropolitan area by creating more*

## Exhibit E

*opportunities for effectively designed in-fill, redevelopment, and mixed use while considering impacts of increased residential density on historic, existing and future neighborhoods.*

- 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.*

To the extent this policy applies to commercial lands, this package of amendments creates opportunities for, and removes barriers to, higher density housing and mixed use opportunities by allowing housing on the ground floor in the C-2 Community Commercial zone, and one and two residential units in commercial buildings within the C-3 Major Commercial zone, consistent with these policies. The city's multi-family development standards will continue to apply to buildings that are entirely residential, thus ensuring that building and site design are considerations.

### *Housing Type and Tenure Policies*

- A.19 Encourage residential developments in or near downtown core areas in both cities.*

Consistent with this policy, the amendments provide for more opportunities for residential development in and near the downtown core area of Eugene, by allowing housing on the ground floor in the C-2 Community Commercial zone, and by allowing one and two residential units in commercial buildings within the C-3 Major Commercial zone.

### *Design and Mixed Use Policies*

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

The purpose of these amendments is to facilitate desired mixed use development for downtown, along transit corridors and in commercial areas, including allowing more opportunities for housing in commercial areas, consistent with this policy.

- A.23 Reduce impacts of higher density residential and mixed-use development on surrounding uses by considering site, landscape, and architectural design standards or guidelines in local zoning and development regulations.*

To the extent this policy applies, the amendments are consistent as the existing applicable site, landscape and design standards will remain. Furthermore, these amendments do not allow for increased density or intensity of development, and are intended to apply within more urban settings, thereby minimizing impacts on surrounding neighborhoods.

### Economic Element

- B.14 Continue efforts to keep the Eugene and Springfield central business districts as vital centers of the metropolitan area.*



## Exhibit E

Several of the amendments apply specifically to the Downtown Plan area. The amendments will encourage economic activities by increasing the flexibility of the /ND Nodal Development and /TD Transit Oriented Development Overlay Zones, as well as better align the commercial development standards with desired downtown development.

### Transportation Element

#### *Land Use Policies*

- F.2 Support application of the nodal development strategy in designated areas through information, technical assistance, or incentives.*

Consistent with this policy, the amendments to provide flexibility and clarity to the /ND Nodal Development Overlay Zone and the amendments that apply within the downtown (which is designated nodal development) help to encourage and incentivize nodal development, thereby supporting the concept.

- F.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 development 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 purpose of these amendments is to facilitate desired mixed use development for downtown, along transit corridors and in commercial areas, consistent with this policy. By increasing flexibility and clarity in the /ND Nodal Development Overlay Zone and the /TD Transit Oriented Development Overlay Zone, the amendment will allow for increased development opportunities and economic activity within downtown and designated nodal areas. Increased commercial development in downtown and along key transit corridors supports a transit-supportive land use pattern because of the location of the existing and planned transit routes within these areas.

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

To the extent this policy applies, the amendments are consistent with this policy in that the existing land use code standards related to improvements for transit, bicycles and pedestrians are not being changed as a result of the amendments. Given that the purpose of these amendments is to facilitate downtown and mixed use development, which emphasizes alternative modes of travel, the amendments support this policy.

#### *Transportation System Improvements: Roadways*

- F.15 Motor vehicle level of service policy:*
- a. Use motor vehicle level of service standards to maintain acceptable and reliable performance on the roadway system. These standards shall be used for:*

## Exhibit E

- (1) Identifying capacity deficiencies on the roadway system.*
- (2) Evaluating the impacts on roadways of amendments to transportation plans, acknowledged comprehensive plans and land-use regulations, pursuant to the TPR (OAR 660-012-0060).*
- (3) Evaluating development applications for consistency with the land-use regulations of the applicable local government jurisdiction.*
- b. Acceptable and reliable performance is defined by the following levels of service under peak hour traffic conditions: LOS E within Eugene's Central Area Transportation Study (CATS) area, and LOS D elsewhere.*
- c. Performance standards from the OHP shall be applied on state facilities in the Eugene-Springfield metropolitan area.*

*In some cases, the level of service on a facility may be substandard. The local government jurisdiction may find that transportation system improvements to bring performance up to standard within the planning horizon may not be feasible, and safety will not be compromised, and broader community goals would be better served by allowing a substandard level of service. The limitation on the feasibility of a transportation system improvement may arise from severe constraints, including but not limited to environmental conditions, lack of public agency financial resources, or land use constraint factors. It is not the intent of TSI Roadway Policy #2: Motor Vehicle Level of Service to require deferral of development in such cases. The intent is to defer motor vehicle capacity increasing transportation system improvements until existing constraints can be overcome or develop an alternative mix of strategies (such as: land use measures, TDM, short-term safety improvements) to address the problem.*

Concurrent with the land use code amendment to eliminate the requirement for a traffic impact analysis within the downtown is an amendment to this Metro Plan and identical TransPlan policy to reduce the acceptable performance standard (from Level of Service E to F) for the corresponding area. As amended, the amendments are consistent with this policy.

- F.17 Manage the roadway system to preserve safety and operational efficiency by adopting regulations to manage access to roadways and applying these regulations to decisions related to approving new or modified access to the roadway system.*

Consistent with this policy, the City of Eugene adopted access management standards in 2010 that regulate the location of new and modified accesses to streets. These amendments do not modify or change the applicability of these standards.

### *Finance*

- F.36 Require that new development pay for its capacity impact on the transportation system.*

Consistent with this policy, developments will continue to be subject to transportation system

## Exhibit E

development charges (SDCs). These amendments do not modify or change the applicability of SDCs.

### **Applicable Refinement Plans**

Given the broad applicability of these amendments (some apply downtown, some apply within the C-2 Community Commercial zone, which is found city wide, and some apply within the /ND Nodal Development and the /TD Transit Oriented Development overlay zones), all adopted refinement plans were reviewed for consistency.

No relevant policies were found in the following adopted refinement plans:

- Bethel-Danebo Refinement Plan (1982)
- Bethel-Danebo Refinement Plan Phase II (1977)
- Comprehensive Stormwater Management Plan (1993)
- Laurel Hill Neighborhood Plan (1982)
- Fairmount/U of O Special Area Study (1982)
- 19th and Agate Special Area Study (1988)
- Riverfront Park Study (1985)
- River Road-Santa Clara Urban Facilities Plan (1987)
- South Hills Study (1974)
- South Willamette Subarea Study (1987)
- Walnut Station Specific Area Plan (2010)
- Westside Neighborhood Plan (1987)
- Whiteaker Plan (1994)
- Willow Creek Special Area Study (1982)
- Resolution No. 3862 Adopting the West 11th Commercial Land Use Policy and Refining the Eugene-Springfield Metropolitan Area General Plan (1984)
- Resolution No. 3885 Establishing Areas for the Application of C-4 Commercial-Industrial District Zoning, and Amending Resolution No. 3862 (1984)

Findings addressing relevant provisions of applicable refinement plans are provided below.

### **Central Area Transportation Study (2004)**

1. *Promote the development of a transportation system within the downtown area that supports the goals of the Downtown Plan, enhances the livability of downtown, preserves the livability and economic vitality of areas within and directly adjacent to the CATS boundary, and provides for the safe and efficient movement of motor vehicles, pedestrians, bicycles and transit vehicles.*

To the extent that this policy constitutes mandatory approval criteria, the City of Eugene has undertaken a number of actions to promote a transportation system within downtown that is consistent with this policy. These actions include transportation system plan updates, new access management standards, improved parking lot standards, parking exempt areas, transportation demand programs, support for transit and alternative modes, revised parking minimums and maximums, and continued emphasis on compact urban development through a variety of planning

## Exhibit E

efforts. The implementation strategies associated with this policy are geared at actions that the city, not individual project developers, could take to implement these policies, including converting one way streets to two ways, making changes in the courthouse district, studying a north-south arterial, and studying the feasibility of a fixed rail trolley.

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.*

To the extent that this policy constitutes mandatory approval criteria, the City of Eugene has undertaken several actions to balance parking supply with demand, including establishing and maintaining parking exempt areas, floor area ratio requirements and city parking programs. Additionally, the city has provided incentives to developers to redevelop sites throughout downtown, including several former surface parking lots.

### **Eugene Commercial Lands Study (1992)**

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

To the extent that this policy constitute mandatory approval criteria, the amendments are consistent in that the amendments assist private developers to invest in the downtown and other commercial areas by removing impediments in the land use code

- 12.0 *Concentrate development in existing commercial areas to minimize traffic impacts on the rest of the city.*

- 15.0 *Improve the quality of planning for commercial traffic impacts.*

These policies apply to the siting of new commercial areas (see Page III-9 of the Eugene Commercial Lands Study). As no lands are being re-designated to commercial as part of these amendments, these policies are not applicable.

- 26.0 *Encourage parking lot design that is attractive, does not exceed a reasonable ratio or parking spaces per building areas, and support compact growth.*

To the extent that this policy constitutes mandatory approval criteria, the amendments are consistent in that the amendments do not revise or otherwise modify the parking lot landscape or design standards. The City of Eugene has addressed and completed a number of the implementation strategies suggested to implement this policy, including increased parking lot landscape requirements, height limits on light fixtures, establishing parking exempt areas and requiring site improvements to support alternative transportation.

## Exhibit E

### **Eugene Downtown Plan (2004)**

The Downtown Plan contains numerous policies supporting mixed use and density in downtown. The Downtown Plan states that, “[w]ith the exception of Policy IV 3, relating to EWEB’s riverfront property, the policies in the Downtown Plan are aspirational, and cannot be the basis for denial of public or private proposals regarding change in the downtown.” Even though the policies are not mandatory, it is worth noting that the proposal is consistent with the following policies:

- I.2. 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 facilitate desired dense, mixed-use downtown development by better aligning the land use code with desired outcomes. The code amendments address these policies by providing additional flexibility for housing and downtown projects while still achieving an equivalent or higher quality urban environment.

### **Jefferson Far West Refinement Plan (1983)**

Although there are no policies in this refinement plan that directly address the amendments or constitute mandatory approval criteria, the following policy in the Neighborhood Economic Development Element of the plan lends general support for the amendments:

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

Additionally, the following policies in the Commercial/Industrial Element lend general support for the amendments:

- 1.0 Promote a mix of mutually supportive land uses which will help stimulate neighborhood-based economics.*
- 2.0 Encourage both public and private actions which will improve the overall appearance of commercial areas and the condition of non-residential structures.*

### **TransPlan (2002)**

The applicable policies from TransPlan are addressed above, under the Metro Plan, as these plans contain identical transportation policies. Those findings are incorporated herein by reference.

### **West University Refinement Plan (1982)**

## Exhibit E

### *Transportation and Parking Policy:*

1. *The adverse effects of motor vehicle movement and parking shall be mitigated as much as possible.*

A portion of the Downtown Plan falls within the boundaries of the West University Refinement Plan. This area has unique characteristics that lessen the need to mitigate motor vehicle movement through a traffic impact analysis. These unique characteristics include lower adopted mobility standards than all other areas in the city; an established grid pattern of interconnected streets; multiple lower and higher order streets that enter and exit the downtown core; numerous options for distribution and assignments of projected trips; generally lower speeds; ample transit facilities; infrastructure to support alternate modes of travel; access management standards to control new driveway locations; and the unlikeliness that new intersections, new street alignments or widths or additional lanes would be proposed or exacted given the existing development patterns. The traffic impact analysis will remain applicable to all other areas within the West University Refinement Plan.

### *Land Use, Housing and Commerce Policy:*

9. *The City will encourage residential uses in all parts of the plan area. The intent of this policy is to provide housing opportunities in all zoning districts in the plan area, but not to the exclusion of other uses in non-residential areas.*

To the extent that this policy constitutes mandatory approval criteria, the code amendments are consistent in that the amendments allow for, but do not mandate, additional housing opportunities in the C-2 Community Commercial zone.

### **Willakenzie Area Plan (1992)**

Although there are no policies in this refinement plan that directly address the amendments or constitute mandatory approval criteria, the following land use policy lends general support for the amendments:

7. *Mixed use developments that combine living, working and shopping opportunities shall be encouraged in the study area.*

Based on the above findings, the proposal is consistent with and supported by the applicable provisions of these adopted plans.

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

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

## Exhibit E

### **Metro Plan and TransPlan Amendment (City File MA 13-1)**

Concurrent with the land use code amendment to eliminate the requirement for a traffic impact analysis within the Downtown Plan area, with the exception of the EWEB Master Plan properties, is an amendment to the Metro Plan and TransPlan policies (Transportation System Improvements: Roadway Policy F.15 of Metro Plan and Transportation System Improvements: Roadway Policy 2 in TransPlan) to reduce the acceptable performance standard (from Level of Service E to F) for the corresponding area

The policy (which is identical in both plans) with the amendment showing in **bold underline italics** is provided below:

*Motor vehicle level of service policy:*

- (a) *Use motor vehicle level of service standards to maintain acceptable and reliable performance on the roadway system. These standards shall be used for:*
  - 1. *Identifying capacity deficiencies on the roadway system.*
  - 2. *Evaluating the impacts on roadways of amendments to transportation plans, acknowledged comprehensive plans and land-use regulations, pursuant to the TPR (OAR 660-12-0060).*
  - 3. *Evaluating development applications for consistency with the land-use regulations of the applicable local government jurisdiction.*
- (b) *Acceptable and reliable performance is defined by the following levels of service under peak hour traffic conditions:*
  - 1. **Level of Service F within Eugene's Downtown Traffic Impact Analysis Exempt Area;**
  - 2. **Level of Service E within the portion of Eugene's Central Area Transportation Study (CATS) area that is not within Eugene's Downtown Traffic Impact Analysis Exempt Area; and**
  - 3. **Level of Service D elsewhere.**
- (c) *Performance standards from the OHP shall be applied on state facilities in the Eugene-Springfield metropolitan area.*

*In some cases, the level of service on a facility may be substandard. The local government jurisdiction may find that transportation system improvements to bring performance up to standard within the planning horizon may not be feasible, and safety will not be compromised, and broader community goals would be better served by allowing a substandard level of service. The limitation on the feasibility of a transportation system improvement may arise from severe constraints including but not limit to environmental conditions, lack of public agency financial resources, or land use constraint factors. It is not the intent of Policy F-15: Motor Vehicle Level of Service to require deferral of development in such cases. The intent is to defer motor vehicle capacity increasing transportation system improvements until existing constraints can be overcome or develop an alternative mix of strategies (such as: land use measures, TDM, short-term safety improvements) to address the problem.*

Eugene Code Section 9.7730(3) requires that the following approval criteria (in ***bold italics***) be



Exhibit E

applied to a Metro Plan/TransPlan amendment:

***(3) Criteria for Approval of Plan Amendment. The following criteria shall be applied by the city council in approving or denying a Metro Plan amendment application:***

***(a) The amendment must be consistent with the relevant Statewide Planning Goals adopted by the Land Conservation and Development Commission; and***

Findings addressing the relevant Statewide Planning Goals are addressed above under EC 9.8065(1), and are incorporated herein by reference as demonstration of consistency with this criterion.

***(b) Adoption of the amendment must not make the Metro Plan internally inconsistent.***

The Metro Plan and TransPlan text amendment to reduce to level of service within the Downtown Plan Area (with the exception of the EWEB properties) from level of service E to F will not create an internal conflict with the remainder of the Metro Plan. No other text changes and no diagram changes are necessary to ensure internal consistency with the proposed text amendments; adoption of this amendment will not make the Metro Plan internally inconsistent. The findings addressing the relevant policies of the Metro Plan and TransPlan are addressed above under EC 9.8065(2) and are incorporated herein by reference as demonstration of consistency with this criterion.



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