

# Clear & Objective Update

## Draft Land Use Code Language

For background information on the proposed language, refer to the [Preferred Concepts Report](http://www.eugene-or.gov/3947/Clear-Objective) available on the project website at: [www.eugene-or.gov/3947/Clear-Objective](http://www.eugene-or.gov/3947/Clear-Objective)

Proposed text in ***bold italic***  
Proposed deletions in ~~bracketed strike-out~~  
Explanatory text in alternate font

### Definitions

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

***Pedestrian. Any person afoot or using any type of wheelchair.***

This change implements the recommendation for COS-20 (Pedestrian Definition), to add a definition for the term ‘pedestrian’ based on the Oregon Revised Statutes (ORS) definition with a minor modification. ORS defines pedestrian as “any person afoot or *confined in a wheelchair.*” [Emphasis added] The minor modification is to replace “confined to a wheelchair” with “using any type of wheelchair.”

### Commercial Zones

**9.2181** **Special Standards for Table 9.2180.**

(1) Lot area, frontage, and width minimums may be adjusted in accordance with the provisions of EC 9.8030(1). Modifications may be approved through a planned unit development. (For planned unit development procedures refer to EC 9.7300 General Overview of Type III Application Procedures and for approval criteria refer to EC 9.8320 Tentative Planned Unit Development Approval Criteria - General/Discretionary or EC 9.8325 Tentative Planned Unit Development Approval Criteria – Housing/Clear and Objective.)

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General and Needed Housing tracks. The General track is proposed to be called “General/Discretionary” and the Needed Housing track is proposed to be called “Housing/Clear and Objective.”

### Employment and Industrial Zones

**9.2471** **Special Standards for Table 9.2470.**

(1) Lot area, frontage, and width minimums may be adjusted pursuant to the provisions of EC 9.8030(1) of this land use code. Modifications may be approved through a site review or planned unit development. (For planned unit development procedures refer to EC 9.7300 General Overview of Type III Application Procedures and for

approval criteria refer to EC 9.8320 Tentative Planned Unit Development Approval Criteria – General/*Discretionary*.)

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General track. The General track is proposed to be called “General/Discretionary.”

## Natural Resource Zone

**9.2520** **Natural Resource Zone Land Use and Permit Requirements.** The provisions of the NR zone do not exempt a person or property from state or federal laws and regulations that protect water quality, wetlands, or other natural areas. In cases where the NR zone overlaps with the *W*B wetland buffer overlay zone or the *W*P waterside protection overlay zone, only the provisions of the NR zone are applied.

\* \* \*

- (2) Uses Subject to a Conditional Use Permit.** The following uses are permitted conditionally in the NR zone:
- (a) Nature interpretive centers and wetland research facilities, when such centers or facilities are specified in or consistent with adopted plans or policies.
  - (b) Maintenance facilities for storage of equipment and materials used exclusively for maintenance of wetlands and other natural resource areas.
- Conditional use permit approval shall be based upon conformance with EC 9.2530 Natural Resource Zone Development Standards (2) through (19), in addition to EC 9.8090 Conditional Use Permit Approval Criteria -General/*Discretionary*.

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General track. The General track is proposed to be called “General/Discretionary.”

## Public Land Zone

**9.2687** **Special Standards for Table 9.2686.**

- (1)** Lot area, frontage, and width minimums may be adjusted pursuant to the provisions of EC 9.8030(1) of this land use code. Modifications may be approved through a planned unit development. (For planned unit development procedures refer to EC 9.7300 General Overview of Type III Application Procedures and for approval criteria refer to EC 9.8320 Tentative Planned Unit Development Approval Criteria - General/*Discretionary* or EC 9.8325 Tentative Planned Unit Development Approval Criteria – Housing/*Clear and Objective*.)

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General and Needed Housing tracks. The General track is proposed to be called “General/Discretionary” and the Needed Housing track is proposed to be called “Housing/Clear and Objective.”

## Residential Zones

**9.2751** **Special Development Standards for Table 9.2750.**

\* \* \*

- (2) Maximum building height, minimum building setbacks, and maximum building dimensions may be modified with an approved planned unit development permit. (For planned unit development procedures refer to EC 9.7300 General Overview of Type III Application Procedures and for approval criteria refer to EC 9.8320 Tentative Planned Unit Development Approval Criteria - General/Discretionary or EC 9.8325 Tentative Planned Unit Development Approval Criteria – Housing/Clear and Objective.)

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General and Needed Housing tracks. The General track is proposed to be called “General/Discretionary” and the Needed Housing track is proposed to be called “Housing/Clear and Objective.”

**9.2761 Special Standards for Table 9.2760.**

**(1) Lot Standards.**

\* \* \*

- (c) Lot area, frontage, and width minimums may be modified with an approved cluster subdivision in R-1 or Planned Unit Development (PUD) in any zone, **or adjustments may be made if consistent with the criteria in EC 9.8030(1) and reviewed and approved concurrently with a planned unit development in any zone, except that for applications proposing housing to be reviewed with clear and objective approval criteria these standards may not be adjusted within 50 feet of any property line that abuts property zoned R-1.**

This change is related to COM-05 (Planned Unit Development Adjustment/Modification) and COS-01 (Clear & Objective Compatibility). The change is needed to retain the ability to adjust these standards under a discretionary adjustment review option as the existing PUD allowance to modify them by showing consistency with the purpose of PUD (EC 9.8300) is proposed to be removed. In addition, the exception to the adjustment allowance within 50 feet of a property line that abuts a property zoned R-1 is to ensure a compatible transition between existing single family development in R-1 and proposed PUD developments by requiring proposed lots abutting existing development to meet lot standards.

**Downtown Westside Special Area Zone**

**9.3216 Special Development Standards for Table 9.3215.**

- (1) Maximum building height, minimum building setbacks, and maximum building dimensions may be modified with an approved planned unit development permit. (For planned unit development procedures refer to EC 9.7300 General Overview of Type III Application Procedures and for approval criteria refer to EC 9.8320 Tentative Planned Unit Development Approval Criteria - General/Discretionary or EC 9.8325 Tentative Planned Unit Development Approval Criteria – Housing/Clear and Objective.)

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General and Needed Housing tracks. The General track is proposed to be called “General/Discretionary” and the Needed Housing track is proposed to be called “Housing/Clear and Objective.”

**9.3221 Special Standards for Table 9.3220.**

- (1) Lot area, frontage, and width minimums may be modified with an approved planned

unit development permit. (For planned unit development procedures refer to EC 9.7300 General Overview of Type III Application Procedures and for approval criteria refer to EC 9.8320 Tentative Planned Unit Development Approval Criteria - General/Discretionary or EC 9.8325 Tentative Planned Unit Development Approval Criteria – Housing/Clear and Objective.)

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General and Needed Housing tracks. The General track is proposed to be called “General/Discretionary” and the Needed Housing track is proposed to be called “Housing/Clear and Objective.”

### Jefferson Westside Special Area Zone

**9.3626 Special Development Standards for Table 9.3625.**  
\* \* \*

- (9) Maximum building height and minimum building setbacks may be modified with an approved planned unit development permit. (For planned unit development procedures refer to EC 9.7300 General Overview of Type III Application Procedures and for approval criteria refer to EC 9.8320 Tentative Planned Unit Development Approval Criteria - General/Discretionary or EC 9.8325 Tentative Planned Unit Development Approval Criteria – Housing/Clear and Objective.)

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General and Needed Housing tracks. The General track is proposed to be called “General/Discretionary” and the Needed Housing track is proposed to be called “Housing/Clear and Objective.”

### Riverfront Park Special Area Zone

**9.3725 S-RP Riverfront Park Special Area Zone Review Procedures.** The master site plan for developments proposed within the S-RP zone shall be reviewed through the conditional use permit process provided in this land use code. For the purpose of this review, the following criteria shall be applied in lieu of the criteria provided in EC 9.8090 Conditional Use Permit Approval Criteria - General/Discretionary.

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General track. The General track is proposed to be called “General/Discretionary.”

### Wetland Buffer Overlay Zone

**9.4830 WB Wetland Buffer Overlay Zone Land Use and Permit Requirements.** Within the /WB overlay zone, there are 2 categories of uses: those allowed by the base zone or special area zone outside of the /WB area, and a more restrictive list of uses allowed within the /WB area.

\* \* \*

**(2) Within /WB Areas:**

\* \* \*

- (c) Uses Permitted Conditionally. The following uses are permitted conditionally in the /WB overlay zone:
1. Nature interpretive centers, when specified in or consistent with adopted

- plans or policies.
2. Maintenance facilities for storage of equipment and materials used exclusively for maintenance and management of wetlands and natural areas.

Conditional use permit approval shall be based upon conformance with EC 9.2530 Natural Resource Zone Development Standards (2) through (19) in addition to the conditional use criteria contained in EC 9.8090 Conditional Use Permit Approval Criteria – General/Discretionary.

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General track. The General track is proposed to be called “General/Discretionary.”

## Telecommunication Facilities

### 9.5750 Telecommunication Devices-Siting Requirements and Procedures.

\* \* \*

- (2) **Siting Restricted.** No telecommunication facility, as defined in this land use code, may be constructed, modified to increase its height, installed or otherwise located within the city except as provided in this section. Depending on the type and location of the telecommunication facility, the telecommunication facility shall be either an outright permitted use, subject to site review procedures, or require a conditional use permit.

\* \* \*

- (b) Site Review. A telecommunication facility which, pursuant to subsections (3) through (5) of this section, is subject to site review shall be processed in accordance with the site review procedures of this land use code. The criteria contained in this section, as well as the criteria contained in EC 9.8440 Site Review Approval Criteria – General/Discretionary, shall govern approval or denial of the site review application. In the event of a conflict in criteria, the criteria contained in this section shall govern. No development permit shall be issued prior to completion of the site review process, including any local appeal.
- (c) Conditional Use Permit. A telecommunication facility which, pursuant to subsections (4) or (5) of this section, requires a conditional use permit shall be processed in accordance with the conditional use permit procedures of this land use code, except that the variance provisions shall not apply. The criteria contained in EC 9.8090 Conditional Use Permit Approval Criteria –General/Discretionary and subsections (6) and (7) of this section shall govern approval or denial of the conditional use permit application. In the event of a conflict in criteria, the criteria contained in subsections (6) and (7) of this section shall govern. No development permit shall be issued prior to completion of the conditional use permit process, including any local appeal.

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General track. The General track is proposed to be called “General/Discretionary.”

## Special Development Standards for Certain Uses

### 9.5860 Transition Standards for Housing/Clear and Objective Applications.

- (1) **Applicability of Transition Standards.** *The transition standards at EC 9.5860(2) shall apply to land use applications proposing housing to be reviewed with clear and objective approval criteria under EC 9.8100 Conditional Use Permit Approval Criteria – Housing/Clear and Objective, EC 9.8325 Tentative Planned Unit Development Approval Criteria – Housing/Clear and Objective, or EC 9.8445 Site Review Approval Criteria – Housing/Clear and Objective. The transition standards at EC 9.5860(2) apply to all new buildings and any building additions that increase the square footage of livable floor area by 20 percent or more for any of the following:*
- (a) **Multiple-family development on property abutting or directly across a public alley from land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR except where the multiple-family development consists of:**
    - 1. a single tri-plex on one lot.
    - 2. a single four-plex on one lot.
    - 3. structures that are less than 30 feet in height.
  - (b) **Assisted care, boarding and rooming house, campus living organization, university or college dormitory, or single room occupancy (SRO), proposed on property abutting or directly across a public alley from land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR.**  
*In cases where the standards in subsection (2) apply to building additions, they shall be applicable between the addition and any property line abutting or directly across a public alley from land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR.*
- (2) **Standards.** *The following standards apply to new buildings and building additions identified in subsection (1) and must be applied along the portion of any property line that abuts or is directly across a public alley from land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR:*
- (a) **Height and Setback Options.** *The proposed development must comply with one of the following four options:*
    - 1. **Option 1.** *The maximum building height of a new building or building addition shall be limited to 35 feet. In addition, at least one of the following must be provided along the entire portion of any property line that abuts or is directly across a public alley from land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR:*
      - a. A 6-foot high, 100 percent sight-obscuring wooden fence or masonry wall.
      - b. Landscaping with a minimum plant bed width of 7 feet meeting EC 9.6210(3) High Screen Landscape Standard (L-3).  
*Driveways off an alley may intersect the required screening within 30 degrees of perpendicular, as measured from the centerline of the driveway to the centerline of the alley right-of-way, and are limited to a maximum width of 15 feet for one-way access or 28 feet for two-way access.*
    - 2. **Option 2.** *The minimum interior yard setback shall be 10 feet from the portion of any property line that abuts or is directly across a public alley from land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR. In addition:*
      - a. *At a point that is 25 feet above grade, the interior yard setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from that property line until a point 50 feet away from the property line.*
      - b. *For new buildings or building additions within 30 feet of R-1, R-1.5, S-C/R-1, or S-RN/LDR zoned property, trees growing to a mature height of at least 20 feet shall be planted at a minimum interval of 15 feet, parallel to the property line, between buildings and any property line that abuts or is directly across a public alley*

**from land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR. In addition, one of the following shall be provided along the portion of any property line that abuts or is directly across a public alley from land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR:**

- (1) A 6-foot high, 100 percent sight-obscuring wooden fence or masonry wall.**
  - (2) Landscaping with a minimum plant bed width of 7 feet meeting EC 9.6210(3) High Screen Landscape Standard (L-3). Driveways off an alley may intersect the required screening within 30 degrees of perpendicular, as measured from the centerline of the driveway to the centerline of the alley right-of-way, and are limited to a maximum width of 15 feet for one-way access or 28 feet for two-way access.**
- 3. Option 3. A minimum 30-foot setback shall be provided between a new building or building addition and the portion of any property line that abuts or is directly across a public alley from land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR. The 30-foot setback area may be used for open space, vehicle use area, pedestrian circulation, bicycle parking, stormwater quality facilities, or landscaping and must contain trees growing to a mature height of at least 20 feet, spaced at a minimum interval of 25 feet, parallel to and within five feet of the property line, in the setback area.**
  - 4. Option 4. A new building or building addition shall be set back at least 50 feet or a setback equal to the height of the tallest building on the development site, whichever is less, from the portion of any property line that abuts or is directly across a public alley from land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR. The 50-foot setback area may be used for open space, vehicle use area, pedestrian circulation, bicycle parking, stormwater quality facilities, or landscaping.**
- (b) Allowed intrusions into setbacks. In lieu of the permitted setback intrusions provided at EC 9.6745(3) the following intrusions are allowed within the interior yard setback area described in EC 9.5860(2)(a)2 through 4:**
- 1. Eaves and chimneys may intrude a maximum of 2 feet into the vertical plane of the interior yard sloped setback area. No other intrusions are allowed into the vertical plane of the setback.**
  - 2. Dormers may intrude into the sloped portion of the interior yard sloped setback area provided each dormer is no more than 10 feet wide and the total width of all dormers on a given wall does not exceed 30 percent of the linear length of the building wall.**
  - 3. Architectural screens or arbors serving an upper floor balcony may protrude a maximum of 6 feet into the sloped portion of the interior yard sloped setback area.**
- (c) Balconies, decks and other outdoor spaces located above the ground floor shall be setback at least 20 feet from any property line that abuts land zoned R-1, R-1.5, S-C/R-1, or S-RN/LDR.**
- (d) Tree Exception. An exception to the tree planting required by subsections (a)(2) and (3) is allowed if the applicant provides a signed and notarized letter from the abutting property owner stating that the abutting property owner does not desire the trees required by this section. This exception does not apply to trees required by other applicable standards. Future development proposals subject to the standards in this section will need to obtain a separate exception from the tree planting requirements of this section.**

family development in the R-1 Low-Density Residential zone). The proposed code language provides four options for providing a transition buffer where required.

## General Standards for All Development

### 9.6010 Applications Proposing [Needed] Housing.

- (1) As used in EC chapter 9.6000, the term “applications proposing [needed] housing **to be reviewed with clear and objective approval criteria**” includes:
- (a) Applications that are proceeding (or have proceeded) under EC 9.8100, 9.8220, 9.8325, 9.8445, or 9.8520; or
  - (b) Applications for **housing** developments [permits] for **residential** uses permitted outright in the subject zone that are **entitled to clear and objective standards pursuant to state statutes** [proposed housing is needed housing as defined by state statutes].

The changes listed above are related to COM-12 (Review Track Renaming). The changes revise and clarify references in the general standards contained in EC chapter 9.6000 that only apply to proposals reviewed under the clear and objective approval criteria.

### 9.6710 Geological and Geotechnical Analysis.

\* \* \*

- (6) **[Needed] Clear and Objective Housing.** Unless exempt under 9.6710(3)[(a)-(f)], in lieu of compliance with subsections (2), (4), and (5) of this section, applications proposing [needed]housing **to be reviewed with clear and objective approval criteria** shall include a certification from an Oregon licensed Engineering Geologist, **an Oregon licensed Geotechnical Engineer**, or an Oregon licensed Civil Engineer with geological experience, **prepared within five years of the date of application, that includes the following information**[stating]:
- (a) **Identification of any portion of the proposed development site that is located in an area of moderate or high landslide susceptibility as shown on the city’s adopted Eugene Landslide Hazard Map.**
  - (ab) **A statement** [that] the proposed development [activity] will not be impacted by existing or potential stability problems or any of the following site conditions: **slopes 20 percent or greater**, springs or seeps, depth of soil bedrock, **soil types**, variations in soil types, **open drainage ways, fill**, or a combination of these conditions.
  - (bc) If proposed development [activity] **will be located in an area identified as moderately or highly susceptible to landslides pursuant to (a), or** will be impacted by **existing or potential stability problems or** any of the **site** conditions listed in (ab), the **certification must also include:**
    - 1. **A review of the suitability of the proposed lot layout, street locations, and proposed locations for utilities, driveways, parking areas, and buildings given the landslide hazards, stability problems, and/or site conditions identified in the certification;**
    - 2. **Any recommended modifications to the proposed lot layout, street locations, and proposed locations for utilities, driveways, parking areas, and buildings that in the engineer’s opinion, would mitigate the landslide hazards, stability problems, and/or site conditions identified in the certification;**
    - 3. **Methods for safely addressing the landslide hazards and/or site conditions identified in (a) and (b)[.]; and,**



4. **Recommendations, if any, for additional geotechnical analysis for future buildings or improvements on the development site.**
5. **Recommendations, if any, for additional geotechnical analysis for future buildings or improvements on proposed lots or parcels.**

If [a statement] **certification** is submitted under (6)(b)(c), the application shall include the applicant's statement that it will develop in accordance with the Engineer's [statement] **certification**.

This change implements COS-13 (Geotechnical Requirement). The revised code language adds additional risk factors to be considered and clarifies specific items the professional certification must address. A new Eugene Landslide Hazard Map—based on the recently released Department of Geology and Mineral Industries (DOGAMI) landslide hazard maps—will be adopted as part of the proposed code amendments. Changes to this section also relate to COS-03 (20 Percent Slope Grading Prohibition) and the recommendation to remove the prohibition on grading and instead rely on the geotechnical review. The proposed change includes adding 20 percent or greater slopes as an indicator of potential stability problems and specifically requires review and recommendations of the proposed lot layout and street locations.

#### 9.6810 **Block Length.**

- (1) **Except as provided in subsections (2) and (3) of this section, block length for local streets shall not exceed 600 feet.**
- (2) **Applications not proposing housing to be reviewed with clear and objective approval criteria, [unless an exception is] may be exempt from the block length requirements in subsection (1) [granted] based on one or more of the following:**
  - (2a) Physical conditions preclude a block length 600 feet or less. Such conditions may include, but are not limited to, topography or the existence of natural resource areas such as wetlands, ponds, streams, channels, rivers, lakes or upland wildlife habitat area, or a resource on the National Wetland Inventory or under protection by state or federal law.
  - (2b) Buildings or other existing development on adjacent lands, including previously subdivided but vacant lots or parcels, physically preclude a block length 600 feet or less, considering the potential for redevelopment.
  - (2c) An existing public street or streets terminating at the boundary of the development site have a block length exceeding 600 feet, or are situated such that the extension of the street(s) into the development site would create a block length exceeding 600 feet. In such cases, the block length shall be as close to 600 feet as practicable.
  - (2d) As part of a Type II or Type III process, the developer demonstrates that a strict application of the 600-foot requirement would result in a street network that is no more beneficial to vehicular, pedestrian or bicycle traffic than the proposed street network and that the proposed street network will accommodate necessary emergency access.
- (2) **Applications proposing housing to be reviewed with clear and objective approval criteria, must comply with the block length requirements in subsection (1) unless existing slopes would result in a street grade that exceeds the grade allowed under current adopted street design standards when measured along the centerline of the proposed streets to the existing grade of the subdivision boundary or abutting property under separate ownership.**
- (4) **Block length may be adjusted in accordance with EC 9.8030(37) for applications proposing housing to be reviewed with clear and objective approval criteria.**

This change relates to COS-19 (Street Modifications). The proposed changes add new language to clarify the available exceptions to block length, street connectivity, and cul-de-sac or emergency turnarounds for Clear & Objective applications. An option to seek a discretionary adjustment review is also proposed.

**9.6815**     **Connectivity for Streets.**

\* \* \*

**(2) Street Connectivity Standards.**

\* \* \*

- (e) Except for applications proposing [needed] housing **to be reviewed with clear and objective approval criteria**, all applicants shall show that the proposed street alignment shall minimize excavation and embankment and avoid impacts to natural resources, including water-related features.

\* \* \*

- (g) ***Except for applications proposing housing to be reviewed with clear and objective approval criteria, [h]in the context of a Type II or Type III land use decision, the city shall grant an exception to the standards in subsections (2)(b), (c) or (d) if the applicant demonstrates that any proposed exceptions are consistent with either subsection 1. or 2. below:***

\* \* \*

- (h) ***For applications proposing housing to be reviewed with clear and objective approval criteria, exceptions to street connectivity standards may be granted if one of the following conditions exists:***
  - 1. ***Existing buildings on land abutting the development site and under separate ownership obstruct the extension of the planned street;***
  - 2. ***Existing slopes would result in a street grade exceeding current adopted street design standards when measured along the centerline of the proposed streets to the existing grade of the subdivision boundary or abutting property under separate ownership;***
  - 3. ***Provision of an intersecting street would require dedication of 25 percent or more of the total development site area.***
  - 4. ***Abutting residential land cannot be further divided under current development standards.***
- (i) ***Street connectivity standards may be adjusted in accordance with EC 9.8030(37) for applications proposing housing to be reviewed with clear and objective approval criteria.***

This change relates to COS-19 (Street Modifications). The proposed changes add new language to clarify the available exceptions to block length, street connectivity, and cul-de-sac or emergency turnarounds for Clear & Objective applications. An option to seek a discretionary adjustment review is also proposed.

**9.6820**     **Cul-de-Sacs or Emergency Vehicle Turnarounds.**

\* \* \*

- (5)** As part of a Type II or Type III process, an exception may be granted to the requirements of (1), (3) and (4) of this section. ***For applications proposing housing to be reviewed with clear and objective approval criteria, exceptions may only be granted as provided in subparagraph (c). For all other applications, exceptions may be granted*** because of the existence of one or more of the following conditions:

\* \* \*

- (c) ***For applications proposing housing to be reviewed with clear and objective approval criteria, an exception to the requirements of***

*subsections (1) through (4) may be granted if the applicant provides certification from an Oregon licensed civil engineer stating that a cul-de-sac or emergency vehicle turnaround cannot be constructed to meet current standards according to the adopted Design Standards and Guidelines for Eugene Streets, Sidewalk, Bikeways and Accessways;*

- (6) *Cul-de-sacs or emergency vehicle turnarounds standards may be adjusted in accordance with EC 9.8030(37) for applications proposing housing to be reviewed with clear and objective approval criteria.*

This change relates to COS-19 (Street Modifications). The proposed changes add new language to clarify the available exceptions to block length, street connectivity, and cul-de-sac or emergency turnarounds for Clear & Objective applications. An option to seek a discretionary adjustment review is also proposed.

**9.6845** **Special Safety Requirements.** Except for applications proposing [needed] housing **to be reviewed with clear and objective approval criteria**, where necessary to insure safety, reduce traffic hazards and promote the welfare of the general public, pedestrians, bicyclists and residents of the subject area, the planning director or public works director may require that local streets and alleys be designed to discourage their use by non-local motor vehicle traffic and encourage their use by local motor vehicle traffic, pedestrians, bicyclists, and residents of the area.

**9.6865** **Transit Facilities.**

- (1) Except for applications proposing [needed] housing **to be reviewed with clear and objective approval criteria**, the city manager may require provisions, including easements, for transit facilities where future transit routes are required on streets extending through or adjacent to the area of the development, and where a need for bus stops, bus pullouts or other transit facilities within the development has been identified, provided the city makes findings to demonstrate consistency with constitutional requirements.
- (2) Except for applications proposing [needed] housing **to be reviewed with clear and objective approval criteria**, where the provision of transit stops, bus pullouts or other facilities along a public street requires a right-of-way or paving width greater than that listed in Table 9.6870 Right-of-Way and Paving Widths and where a need for transit service within the development has been identified, the planning director or public works director, depending upon the type of application being processed, may require that additional right-of-way or paving be provided.

The changes listed above are related to COM-12 (Review Track Renaming). The changes revise and clarify references in the general standards contained in EC 9.6000 that only apply to proposals reviewed under the clear and objective approval criteria.

**9.6885** **Tree Preservation and Removal Standards.**

\* \* \*

- (2) **Tree Preservation and Removal Standards.** ~~[No permit for a development activity subject to this section shall be approved until the applicant submits plans or information, including a written report by a certified arborist or licensed landscape architect, that demonstrates compliance with the following standards:~~
- ~~(a) The materials submitted shall reflect that consideration has been given to preservation in accordance with the following priority:]~~
- ~~[1. Significant trees located adjacent to or within waterways or wetlands designated by the city for protection, and areas having slopes greater than 25%;~~

- ~~2. Significant trees within a stand of trees; and~~
- ~~3. Individual significant trees.]~~

**(a) Definitions. For the purposes of this subsection (2), the following definitions apply:**

1. **Significant Tree.** A living, standing tree having a trunk with a minimum diameter breast height of 8 inches, or, when there are multiple trunks, having a minimum cumulative diameter breast height of 8 inches, considering the 2 largest trunks measured at 4.5 feet above mean ground level at the base of the trunk or trunks. Invasive species listed in Table 9.6885(2)(d)4. are not significant trees.
2. **Significant Tree Cluster.** A group of five or more significant trees where each tree in the group shares overlapping branches with at least one other tree in the group.
3. **South Hills Area:** All properties located within the City's adopted Urban Growth Boundary, above an elevation of 500 feet, and:
  - a. South of 18th Avenue,
  - b. South of Franklin Boulevard and East of the intersection of 18th Avenue and Agate Street, or
  - c. If 18th Avenue were extended from the intersection of 18th Avenue and Willow Creek Road directly west to the Urban Growth Boundary, the area south of that extension of 18th Avenue.
4. **Tree Preservation and Removal Plan.** A written report and site plan prepared by a certified arborist or licensed landscape architect that includes all significant trees on the development site and their critical root zones (CRZ). This plan shall specify trees to be preserved, trees to be removed, and trees to be mitigated according to 9.6885(2)(d)5. This plan shall include proposed lot or parcel boundaries. For development sites within the South Hills Area, this plan shall delineate areas between 500 and 700 feet elevation, between 700 and 900 feet elevation, and areas above 900 feet elevation.

**(b) Exemptions. A proposed development shall be exempt from the requirements of EC 9.6885(2) if either of the following apply:**

1. The development site is 13,500 square feet or less and not located in the South Hills Area.
2. There are fewer than four significant trees on the development site.
3. The development site is in the R-1.5 Rowhouse zone.

**(c) Tree Preservation and Removal Plan. An applicant must submit a Tree Preservation and Removal Plan, prepared by a certified arborist or licensed landscape architect, that includes all of the following:**

1. Locations of all significant trees on the development site. For each tree to be preserved, include the critical root zone (CRZ), protective fencing location, and a percentage calculation of impacts to the CRZ. For a tree to be counted as a preservation tree, CRZ impacts of more than 30 percent are not allowed.
2. The location of all public and private utility easements, driveways, and areas of grading or excavation on the development site.
3. All proposed development on the site and proposed lot or parcel boundaries.
4. Identification of trees to be preserved, removed, or mitigated according to 9.6885(2)(d)3.
5. For development sites within the South Hills Area, delineate areas between 500 and 700 feet elevation, between 700 and 900 feet elevation, and areas above 900 feet elevation.
6. A table with the Diameter Breast Height (d.b.h.), genus, species, location factor, size factor, key species factor, and tree rating score

for all significant trees on the development site. The table shall be organized by Location/Zone category according to Table 9.6885(2)(d)3.

- a. **Location Factor.** Each significant tree shall be assigned a numeric location factor according to Table 9.6885(2)(c)6.a. If more than one listed location applies, then the highest rating must be used.

Tree Location	Rating
Front yard setback of proposed lot or parcel	1
Interior yard setback of proposed lot or parcel	2
Significant tree cluster	3
Front yard setback of development site (for land divisions, this means prior to the proposed land division)	4
Interior yard setback of development site (for land divisions, this means prior to the proposed land division)	5
In an area with slope greater than 25 percent	5

- b. **Size Factor.** Trees shall be assigned a numeric size factor based on genus, species, and Diameter Breast Height (d.b.h.) in accordance with Table 9.6885(2)(c)6.b.

Genus and Species	Common Name	8-11" d.b.h.	12-15" d.b.h.	16-19" d.b.h.	20-23" d.b.h.	24-30" d.b.h.	31-42" d.b.h.	>43" d.b.h.
<i>Pseudotsuga menziesii</i>	Douglas Fir	0	0	0	1	2	3	4
<i>Calocedrus decurrens</i>	Incense Cedar	0	1	1	2	2	3	4
<i>Thuja plicata</i>	Western Red Cedar	0	1	1	2	2	3	4
<i>Abies Grandis</i>	Grand Fir	1	1	2	2	3	4	5
<i>Acer macrophyllum</i>	Bigleaf Maple	1	1	2	2	3	4	5
<i>Alnus rhombifolia</i>	White Alder	1	1	2	2	3	4	5
<i>Alnus rubra</i>	Red Alder	1	1	2	2	3	4	5
<i>Fraxinus latifolia</i>	Oregon Ash	1	1	2	2	3	4	5
<i>Pinus ponderosa</i>	Ponderosa Pine	1	1	2	2	3	4	5
<i>Pinus contorta</i>	Lodgepole Pine	1	1	2	2	3	4	5
<i>Salix lucida ssp. Lasiandra</i>	Pacific Willow	1	1	2	2	3	4	5
<i>Salix scouleriana</i>	Scouler's Willow	1	1	2	2	3	4	5
<i>Tsuga heterophylla</i>	Western Hemlock	1	1	2	2	3	4	5
<i>Acer circinatum</i>	Vine Maple	1	2	3	4	5	5	5
<i>Cornus nuttallii</i>	Pacific Dogwood	1	2	3	4	5	5	5
<i>Quercus garryana</i>	Oregon White Oak	1	2	3	4	5	5	5
<i>Quercus kelloggii</i>	California Black Oak	1	2	3	4	5	5	5

<i>Arbutus menziesii</i>	<i>Madrone</i>	2	3	4	5	5	5	5
<i>Taxus brevifolia</i>	<i>Pacific Yew</i>	2	3	4	5	5	5	5
<b>Other Significant Tree</b>	<b>Other Significant Tree</b>	0	0	1	1	2	3	4

- c. **Key Species Factor.** Significant trees listed by species name in Table 9.6885(2)(c)6.b. shall be assigned a key species factor of 3. Trees that fall within the category of “Other Significant Tree” shall not be assigned a key species factor.
  - d. **Tree Rating Score.** Each significant tree shall be assigned a tree rating score that is the sum of location factor, size factor, and key species factor.
- (d) **Tree Preservation Requirement.**
1. Except as provided in EC 9.6885(2)(d)5, significant trees must be protected and preserved in accordance with the requirements of Table 9.6855(2)(d)3.
  2. The overall tree rating score referenced in Table 9.6885(2)(d)3. is the sum of the tree rating scores for all significant trees located within the development site or, if the development site is located in more than one of the Location or Zone categories listed in Table 9.6885(2)(d)3., the overall tree rating score is the sum of the tree rating scores for all significant trees located within each Location or Zone category.
  3. If a development site is located in more than one Location or Zone categories listed in Table 9.6885(2)(d)3., the Tree Preservation and Removal plan must address each Location or Zone category separately.

<b>Location</b>	<b>Zone</b>	<b>Minimum Preservation</b>
<b>Outside the South Hills Area</b>	<b>All zones except R-1 Low-Density Residential</b>	<b>At least 25 percent of the overall tree rating score</b>
	<b>R-1 Low-Density Residential</b>	<b>At least 35 percent of the overall tree rating score</b>
<b>Within the South Hills Area, located above 500 feet and below 700 feet elevation</b>	<b>All zones</b>	<b>At least 35 percent of the overall tree rating score</b>
<b>Within the South Hills Area, located at or above 700 feet and below 900 feet elevation</b>	<b>All zones</b>	<b>At least 40 percent of the overall tree rating score</b>
<b>Within the South Hills Area, located at or above 900 feet elevation</b>	<b>All zones</b>	<b>At least 50 percent of the overall tree rating score</b>

4. **Tree Preservation Exceptions.**
  - a. **Trees that are not significant can be removed.**

- b. *Trees not counted toward meeting the minimum preservation requirements in Table 9.6885(2)(d)3. can be removed.*
- c. *Invasive species listed in the following table can be removed:*

<b>Table 9.6885(2)(d)4. Invasive Species</b>	
<b>Genus and Species</b>	<b>Common Name</b>
<i>Acer plantanoides</i>	<i>Norway Maple</i>
<i>Aesculus hippocastanum</i>	<i>Horsechestnut</i>
<i>Ailanthus altissima</i>	<i>Tree-Of-Heaven</i>
<i>Betula pendula</i>	<i>European Birch</i>
<i>Betula pubesc</i>	<i>European Birch</i>
<i>Buddleia alternifolia</i>	<i>Fountain Butterfly Bush</i>
<i>Buddleia davidii</i>	<i>Fountain Butterfly Bush</i>
<i>Crataegus monogyna</i>	<i>English Hawthorn</i>
<i>Ilex aquifolium</i>	<i>English Holly</i>
<i>Juniperus virginiana</i>	<i>Eastern Redcedar</i>
<i>Ligustrum vulgare</i>	<i>Common Privet</i>
<i>Populus alba</i>	<i>White Poplar</i>
<i>Prunus avium</i>	<i>Sweet Cherry</i>
<i>Prunus cerasifera</i>	<i>Thundercloud Plum</i>
<i>Prunus domestica</i>	<i>Plum</i>
<i>Prunus laurocerasus</i>	<i>English Laurel</i>
<i>Prunus lusitanica</i>	<i>Portugal Laurel</i>
<i>Prunus mahaleb</i>	<i>Mahaleb Cherry</i>
<i>Pyrus communis</i>	<i>Pear</i>
<i>Robinia pseudoacacia</i>	<i>Black locust</i>
<i>Sorbus aucuparia</i>	<i>European mountain-ash</i>

**5. Mitigation.**

- a. *An applicant may elect to mitigate significant trees on the development site as provided below:*
  - b. *An applicant may mitigate significant trees with a collective tree rating score of up to 50 percent of the overall tree rating score applicable to the development site or portion of the development site, as provided in EC 9.8865(2)(d)2-3 and Table 9.6885(2)(d)3.*
  - c. *Each tree to be mitigated must be replaced with one tree selected from the named species listed in Table 9.6885(2)(c)6.b. At the time of planting, deciduous trees used for mitigation must have a minimum diameter of 2 inches as measured by American Association of Nurserymen Standards and evergreen trees used for mitigation must be a minimum of 6 feet in height.*
  - d. *Mitigation is not available for trees located on portions of the development site at or above 900 feet in elevation.*
- 6. Tree Preservation Area Alternative. A Tree Preservation and Removal Plan according to EC 9.6885(2)(c) is not required if the applicant chooses to preserve 30 percent of the existing number of significant trees on the development site within one or more tree preservation areas and the following conditions are met:**
- a. *Applicant must provide certification from a certified arborist or licensed landscape architect stating that the area(s) designated for*

*tree preservation includes 30 percent of the existing number of significant trees on the development site.*

- b. Tree preservation area(s) must be delineated and individual trees to be preserved must be shown on the final plan set submitted for approval by the City.*
- 7. Protection Standards. The following notes must be included on the final plan set submitted for approval by the City and shall apply at the time of development:**
  - a. “Protective fencing for trees identified to be preserved shall be installed by the applicant and inspected by the City prior to beginning any development activities. All protective tree fencing must remain in place until completion of all construction activities; any relocation, removal, or modification of the protective fencing shall only occur under the direction of a certified arborist and a written explanation of the reason for the relocation, removal, or modification of the protective fencing from the certified arborist must be provided to the City.”*
  - b. “At the time of building permit, a site plan in compliance with the approved tree preservation and removal plan is required.”*
  - c. “No excavation, grading, material storage, staging, vehicle parking or other construction activity shall take place within protective tree fencing areas.”*
  - d. “The removal of trees not designated as ‘to be preserved’ is not required; removal may occur at the applicant or future owners’ discretion.”*
  - e. “In the event a tree designated to be preserved must be removed because it is dead, diseased, or hazardous, documentation by a certified arborist must be provided to the City prior to tree removal. The tree(s) must be replaced with trees selected from the named species listed in Table 9.6885(2)(c)7.b., and two replacement trees must be planted for every one tree removed. At the time of planting, replacement deciduous trees must have a minimum diameter of 2 inches as measured by American Association of Nurserymen Standards, and replacement evergreen trees must be a minimum of 6 feet in height.”*

**(b)e) Street Tree Removal.** If the proposal includes removal of any street tree(s), removal of those street trees has been approved, or approved with conditions according to the process at EC 6.305 Tree Felling Prohibition.

- (3) Adjustment to Standards.** Except for applications being processed under EC 9.8100 Conditional Use Permit Approval Criteria - [Needed] Housing/Clear and Objective, EC 9.8325 Tentative Planned Unit Development Approval Criteria - [Needed] Housing /Clear and Objective, EC 9.8445 Site Review Approval Criteria – [Needed] Housing /Clear and Objective, or EC 9.8520 Subdivision, Tentative Plan Approval Criteria - [Needed] Housing /Clear and Objective, adjustments to these standards may be made, subject to compliance with the criteria for adjustment in EC 9.8030(13) Tree Preservation and Removal Standards Adjustment.

This change implements COS-11 (Tree Preservation Consideration). The new language establishes a clear and objective tree rating system and sets minimum tree preservation requirements, mitigation allowances, and exemptions. The changes also relate to COS-05 (Limitation Over 900 Feet for PUDs) as they impose a higher tree preservation requirement and do not allow mitigation in areas above 900 foot elevation. Changes in subsection (3) are related to COM-12 (Review Track Renaming) and revise code references to the currently named General and Needed Housing tracks. The General track is proposed to be called “General/Discretionary” and the Needed Housing track is proposed to be called “Housing/Clear and Objective.”



## Application Procedures

### 9.7007 Neighborhood/Applicant Meetings.

(1) This section applies to the following types of applications:

- (a) Type II: 3-lot partitions, tentative subdivisions, tentative cluster subdivisions and design reviews, ***except for 3-lot partitions and tentative subdivisions that implement an approved tentative planned unit development,***

This change is related to COM-14 (Duplicate Neighborhood/Applicant Meeting) and would provide an exception for subdivisions and partitions when processed in conjunction with a planned unit development.

## Application Requirements and Criteria

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.

\* \* \*

(37) ***Street Standards Adjustment. Where this land use code provides that street standards may be adjusted, the standards may be adjusted upon a demonstration by the applicant that the requested adjustment is consistent with the following:***

- (a) ***The applicant has submitted a report prepared by an Oregon licensed civil engineer that demonstrates it is not technically or financially feasible to construct the street in accordance with adopted plans and policies, and adopted "Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways, and Accessways."***
- (b) ***The adjustment is necessary due to at least one of the following conditions:***
1. ***Existing on-site or off-site geologic or topographic conditions, or existing wetlands designated for protection by the City of Eugene; or***
  2. ***Existing development on lands abutting the development site.***

This change relates to COS-19 (Street Modifications). The proposed new language provides discretionary approval criteria for a new adjustment review option for Clear & Objective applications. If the clear and objective exception to the standards cannot be met, applicants would have the option to apply for a discretionary adjustment to the standards.

9.8045 Applicability of Cluster Subdivisions. Cluster subdivision provisions shall be applied when requested by the property owner and when the proposed subdivision meets the definition of cluster subdivision in section 9.0500 of this land use code. A subdivision application proposing [~~needed housing, as defined in state statutes,~~] ***housing to be reviewed with clear and objective approval criteria*** shall be processed pursuant to EC 9.8520 Subdivision, Tentative Plan Approval Criteria – [~~Needed] Housing/Clear and Objective.~~ No development permit shall be issued by the city prior to approval of the cluster subdivision.

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General and Needed Housing tracks. The General track is proposed to be called "General/Discretionary" and the Needed Housing track is proposed to be called "Housing/Clear and Objective."

- 9.8055 Cluster Subdivision- Approval Criteria – General/Discretionary.** The planning director shall approve, approve with conditions, or deny a proposed cluster subdivision. Approval or approval with conditions shall be based on the following:
- (1) The proposed subdivision complies with:
    - (a) EC 9.8515 Subdivision, Tentative Plan Approval Criteria- General/Discretionary except for the standards related to EC 9.2760 Residential Zone Lot Standards; and

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General tracks. The General track is proposed to be called “General/Discretionary.”

**9.8085 Conditional Use Permit Application Requirements.**  
\* \* \*

- (3) If the proposal includes ~~[needed housing, as defined by state law]~~ **housing**, the written statement submitted with the conditional use permit application shall clearly state whether the applicant is electing to use the ~~[general]~~ **discretionary** approval criteria in EC 9.8090 Conditional Use Permit Approval Criteria – General/Discretionary instead of the approval criteria found in EC 9.8100 Conditional Use Permit Approval Criteria – [Needed] Housing/Clear and Objective.

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General and Needed Housing tracks. The General track is proposed to be called “General/Discretionary” and the Needed Housing track is proposed to be called “Housing/Clear and Objective.” It also revises subsection (3) consistent with state law requirement that proposals including housing, not just “needed housing,” are entitled to clear and objective approval criteria.

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

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General track. The General track is proposed to be called “General/Discretionary.”

**9.8100 Conditional Use Permit Approval Criteria- [Needed] Housing/Clear and Objective.**  
The hearings official shall approve, conditionally approve, or deny the conditional use permit application. Unless the applicant elects to use the ~~[general]~~ **discretionary** criteria contained in EC 9.8090 Conditional Use Permit Approval Criteria – General/Discretionary, where the applicant proposes ~~[needed housing, as defined by the State statutes]~~ **housing**, the hearings official shall approve or approve with conditions a conditional use based on compliance with the following criteria:

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General and Needed Housing tracks. The General track is proposed to be called “General/Discretionary” and the Needed Housing track is proposed to be called “Housing/Clear and Objective.” This change also clarifies that this section is only applicable to “housing applications entitled to clear and objective review pursuant to state statute.”

- (1) ~~[The applicant has demonstrated that the proposed housing is needed housing as defined by State statutes.]~~ **The proposal complies with EC 9.5860 Transition Standards.**

This change implements COS-01 (Clear & Objective Compatibility). The replacement text points to proposed new transition standards. For ease of use and code efficiency (as the standards will apply to three application types), the new transition standards are proposed to be located under EC 9.5860 Transition Standards for Housing/Clear and Objective Applications. Applicability is clear as the approval criteria for each of the three application types will include a criterion requiring compliance with the transition standards. In addition, the transition standards start with an applicability statement that identifies the three application types and proposed uses subject to the standards.

- (3) For areas not included on the city's acknowledged Goal 5 inventory, the proposal will preserve existing natural resources by compliance with ~~[all of the following:~~
- ~~(a) The proposal complies with] **the provisions of EC 9.6880 to EC 9.6885 Tree Preservation and Removal Standards.**~~
  - ~~[(b) Natural resource areas designated on the comprehensive plan diagram as "Natural Resource" are protected. Protection shall include the area of the resource and a minimum 50 foot buffer around the perimeter of the natural resource area.]~~

This change is related to COM-09 (Natural Resource Protection Requirement). The proposed change revises the criterion to remove subsection (b) per the recommendation outlined in the Draft Preferred Concepts Report.

- (4) The proposal complies with ~~[all applicable standards, including, but not limited to:~~
- (a) **EC 9.2000 through EC 9.4170 regarding lot dimensions and density requirements for the subject zone and overlay zone.**
  - (b) **EC 9.6500 through EC 9.6505 Public Improvement Standards.**  
*\*Renumber remaining subsections\**  
*\* \* \**
  - (i) **EC 9.6800 through EC 9.6875 Standards for Streets, Alleys, and Other Public Ways.**
  - (j) **All other applicable development standards for features explicitly included in the application.**
  - (ik) An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.

This change to subsection (a) is related to COM-02 (Applicable Standards Reference for CUPs) and would add clarity around which development standards apply; and COM-04 (Overlay Zone Standards) as it would extend the range of the referenced code sections to include all overlay zones.

The changes to subsections (b), (i), and (j) are related to COM-02 (Applicable Standards Reference for CUPs) and would require compliance with additional development standards.

- (5) Public improvements as required by this land use code or as a condition of ~~[tentative plan]~~ approval **will be** ~~[have been]~~ completed **prior to issuance of a development permit**, or:
- (a) A performance bond or suitable substitute as agreed upon by the city has been filed with the city finance officer in an amount sufficient to assure the completion of all required public improvements; or
  - (b) A petition for public improvements and for the assessment of the real property for the improvements has been signed by the property owner seeking the conditional use permit, and the petition has been accepted by the city engineer.

This change is related to COM-03 (Bonding Requirement). The proposed change revises the timing of the requirement for completion or bonding of public improvements to prior to issuance of a development permit.

- (6) ***If the standards addressed under EC 9.8100(4) require a public street, or if the applicant proposes the creation of a public street, the proposal will provide pedestrian and bicycle circulation to adjacent residential areas, transit stops, neighborhood activity centers, parks, schools, commercial centers, office parks, and industrial parks located within ¼ mile radius of the development site, provided the city makes findings to demonstrate consistency with constitutional requirements.***

This change is related to COM-16 (Off-Site Bike/Ped Connections). The proposed change adds a requirement that already applies to partitions, subdivisions, and planned unit developments. Minor revision to add clarity to the requirement is also proposed.

- (7) ***The applicant has submitted a letter from the Eugene/Springfield Fire Marshal's office stating that the proposed development complies with the applicable Eugene Fire Code (2014) requirements regarding fire apparatus access roads and fire protection water supply, or will comply subject to conditions of approval that are specified in the letter.***

This change is related to COS-08 (Emergency Response). The proposed criterion would require a letter from the Fire Marshal's office to address Emergency Response concerns regarding fire apparatus access and fire protection water supply.

#### **9.8105 Conditional Use Permits within the NR Natural Resource Zone or /WB Wetland Buffer Overlay Zone.**

\* \* \*

- (2) **Criteria for Hearings Official Approval.** Applications for conditional use permits within the NR natural resource zone or /WB wetland buffer overlay zone shall be processed and scheduled for public hearings in the same manner as other conditional use permit applications, except that NR standards (2) through (19) listed in EC 9.2530 Natural Resource Zone Development Standards shall be considered as additional criteria along with the criteria listed in EC 9.8090 Conditional Use Permit Approval Criteria – General/Discretionary.

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General track. The General track is proposed to be called "General/Discretionary."

#### **9.8205 Applicability of Partition, Tentative Plan Applications.**

\* \* \*

- (2) A ***tentative plan application to partition land*** [application that also involves a PUD request] ***may be submitted and reviewed concurrently with the*** [not be submitted until a decision on the] ***tentative PUD application following a Type III application procedure*** [approval is final]. ***If a partition application that also involves a PUD request is not submitted concurrently with the tentative PUD, the partition application may not be submitted until a tentative PUD is approved.*** (Refer to EC 9.8305 Applicability.)

- (3) If the partition tentative plan application is not reviewed concurrently with the tentative PUD, No development permit shall be issued by the city prior to approval of the tentative partition application., If the tentative partition is reviewed concurrently with the tentative PUD application, no development permit shall be issued by the city prior to approval of the final PUD application.**

This change is related to COM-11 (PUD/Subdivision Concurrent Review). The proposed revisions would allow concurrent review of tentative partition applications when the proposal also involves a PUD.

**9.8210 Partition, Tentative Plan Application Requirements.** In addition to the provisions in EC 9.7010 Application Filing, the following specific requirements apply to partition tentative plan applications:

\* \* \*

- (4)** If the proposal includes ~~[needed housing, as defined by State statutes]~~ **housing**, the written statement submitted with the partition application shall clearly state whether the applicant is electing to use the ~~[general]~~ **discretionary** approval criteria in EC 9.8215 Partition, Tentative Plan Approval Criteria- General/Discretionary instead of the approval criteria found in EC 9.8220 Partition, Tentative Plan Approval Criteria- ~~[Needed] Housing/Clear and Objective.~~

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General and Needed Housing tracks. The General track is proposed to be called “General/Discretionary” and the Needed Housing track is proposed to be called “Housing/Clear and Objective.” It also replaces the term “needed housing” with “housing,” consistent with the state law requirement that proposals including housing, not just “needed housing,” are entitled to clear and objective approval criteria.

**9.8215 Partition, Tentative Plan Approval Criteria- General/Discretionary.** The planning director shall approve, approve with conditions, or deny a partition, with findings and conclusions. Approval, or approval with conditions, shall be based on compliance with the following criteria:

**9.8220 Partition, Tentative Plan Approval Criteria- ~~[Needed] Housing/Clear and Objective. Unless the applicant elects to use the discretionary criteria contained in EC 9.8215 Partition, Tentative Plan Approval Criteria- General/Discretionary, for housing applications entitled to clear and objective review pursuant to state statute,~~** ~~the~~ planning director shall approve, conditionally approve, or deny the partition application. ~~[Unless the applicant elects to use the general criteria contained in EC 9.8215 Partition, Tentative Plan Approval Criteria- General, where the applicant proposes needed housing, as defined by State statutes, the planning director shall approve or approve with conditions a partition]~~ based on compliance with the following criteria:  
~~[(1) The applicant has demonstrated that the proposed housing is needed housing as defined by State statutes.] \*Renumber remaining subsections.\*~~

These changes are related to COM-12 (Review Track Renaming) and revise code references to the currently named General and Needed Housing tracks. The General track is proposed to be called “General/Discretionary” and the Needed Housing track is proposed to be called “Housing/Clear and Objective.” This change also clarifies that this section is only applicable to “housing applications entitled to clear and objective review pursuant to state statute.”

The changes to EC 9.8220 also relate to COM-01 (Needed Housing Criterion) as they remove subsection (1), the requirement to demonstrate that housing is ‘needed housing,’ consistent with the state law requirement that proposals including housing, not just “needed housing,” are entitled to clear and objective approval criteria.

- (21) The proposed partition complies with all of the following:
- (a) ~~[Lot standards of]~~ EC 9.2000 through ~~[9.3980]~~ **9.4170** regarding applicable parcel dimensions and density requirements **for the subject zone and overlay zone**. Within the WR Water Resources Conservation Overlay Zone or WQ Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:  
\* \* \*
  - (k) ~~[EC 9.6880 through EC 9.6885 Tree Preservation and Removal Standards.]~~  
*\*Renumber remaining subsection\**  
*\*Renumber remaining subsections\**

The change to subsection (a) is related to COM-04 (Overlay Zone Standards) as it would extend the range of the referenced code sections to include all overlay zones.

The change to subsection (k) is related to COS-10 (Partition Tree Preservation) and proposes removal of the criterion.

- ~~(4) Partitions abutting collector and arterial streets comply with access management guidelines of the agency having jurisdiction over the street.] \*Renumber remaining subsections\*~~

This removal of subsection (4) is related to COM-07 (Access Management Requirement) and would eliminate the criterion (this criterion is redundant and unnecessary as other jurisdictional agencies already have authority to require compliance with their guidelines).

- (53) If the provisions of EC 9.8220(2) require a public street, or if the applicant proposes the creation of a public street, the following criteria also apply:  
\* \* \*
- ~~[(c) The street layout of the proposed partition shall disperse motor vehicle traffic onto more than one public local street when the sum of proposed partition parcels and the existing lots utilizing a local street as the single means of ingress and egress exceeds 19.]~~
- (4) **The applicant has submitted a letter from the Eugene/Springfield Fire Marshal's office stating that the proposed partition complies with the applicable Eugene Fire Code (2014) requirements regarding fire apparatus access roads and fire protection water supply, or will comply subject to conditions of approval that are specified in the letter.**

The changes above are related to COS-14 (19 Lot Rule— Motor Vehicle Dispersal) and COS-08 (Emergency Response). The proposed replacement of subsection (c), with the new criterion at subsection (4) that would require a letter from the Fire Marshal's office, is necessary as the Land Use Board of Appeals determined that subsection (c) is not clear and objective.

## 9.8310 Tentative Planned Unit Development General Application Requirements.

- (5) **[Needed] Housing.** If the proposal includes ~~[needed housing, as defined by State statutes]~~ **housing**, the written statement submitted with the PUD application shall clearly state whether the applicant is **proceeding under: (a)**~~[electing to use]~~ the ~~[general]~~ approval criteria in EC 9.8320 Tentative Planned Unit Development Approval Criteria- General**Discretionary; or (b)** ~~[instead of]~~ the approval criteria

~~[found]~~ in EC 9.8325 Tentative Planned Unit Development Approval Criteria-  
[Needed] Housing/Clear and Objective.

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General and Needed Housing tracks. The General track is proposed to be called "General/Discretionary" and the Needed Housing track is proposed to be called "Housing/Clear and Objective." It also replaces the term "needed housing" with "housing," consistent with the state law requirement that proposals including housing, not just "needed housing," are entitled to clear and objective approval criteria.

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

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General track. The General track is proposed to be called "General/Discretionary."

**9.8325 Tentative Planned Unit Development Approval Criteria – [Needed] Housing/Clear and Objective. Unless the applicant elects to use the discretionary criteria contained in EC 9.8320 Tentative Planned Unit Development Approval Criteria- General/Discretionary, for housing applications entitled to clear and objective review pursuant to state statute,** ~~the hearings official shall approve, conditionally approve, or deny the PUD application [with findings and conclusions. Unless the applicant elects to use the general criteria contained in EC 9.8320 Tentative Planned Unit Development Approval Criteria – General, where the applicant proposes needed housing, as defined by the State statutes, the hearings official shall approve or approve with conditions, a PUD]~~ based on compliance with the following criteria:

These changes are related to COM-12 (Review Track Renaming) and revise code references to the currently named General and Needed Housing tracks. The General track is proposed to be called "General/Discretionary" and the Needed Housing track is proposed to be called "Housing/Clear and Objective." This change also clarifies that this section is only applicable to "housing applications entitled to clear and objective review pursuant to state statute."

- ~~(1) The applicant has demonstrated that the proposed housing is needed housing as defined by state statutes.]~~ **The proposal complies with EC 9.5860 Transition Standards.**

This change implements COS-01 (Clear & Objective Compatibility). The replacement text points to proposed new transition standards. For ease of use and code efficiency (as the standards will apply to three application types), the new transition standards are proposed to be located under EC 9.5860 Transition Standards for Housing/Clear and Objective Applications. Applicability is clear as the approval criteria for each of the three application types will include a criterion requiring compliance with the transition standards. In addition, the transition standards start with an applicability statement that identifies the three application types and proposed uses subject to the standards.

- ~~(3) [The PUD provides a buffer area between the proposed development and surrounding properties by providing at least a 30 foot wide landscape area along the perimeter of the PUD according to EC 9.6210(7).]~~

*\*Renumber remaining subsections.\**

The removal of subsection (3) from the Tentative PUD approval criteria implements COS-02 (30-Foot Buffer Requirement for PUDs). The 30-foot buffer criterion is being replaced by the proposed new transition standards under EC 9.5860 Transition Standards for Housing/Clear and Objective Applications. See related issue COS-01 and proposed language at EC 9.5860.

- (43) For areas not included on the city's acknowledged Goal 5 inventory, the PUD preserves existing natural resources by compliance with ~~all of the following:~~
- ~~(a) The provisions of EC 9.6880 to EC 9.6885 Tree Preservation and Removal Standards, [(not subject to modifications set forth in subsection (11) below)].~~
  - ~~[(b) Natural resource areas designated on the comprehensive plan diagram as "Natural Resource" are protected.]~~

This change is related to COM-09 (Natural Resource Protection Requirement). The proposed change revises the criterion to remove subsection (b) per the recommendation outlined in the Draft Preferred Concepts Report.

- ~~(5) [There shall be no proposed grading on portions of the development site that meet or exceed 20% slope.]~~

*\*Renumber remaining subsections.\**

The removal of subsection (5) from the Tentative PUD approval criteria implements COS-03 (20 Percent Slope Grading Prohibition). Slope stability in the context of road layout and lot locations will be addressed under the revised geotechnical requirement (see related issue COS-13 and proposed revisions at EC 9.6710).

- (64) The PUD provides safe and adequate transportation systems through compliance with all of the following:

\* \* \*

- ~~[(c) The street layout of the proposed PUD shall disperse motor vehicle traffic onto more than one public local street when the PUD exceeds 19 lots or when the sum of proposed PUD lots and the existing lots utilizing a local street as the single means of ingress and egress exceeds 19.]~~

This change is related to COS-14 (19 Lot Rule—Motor Vehicle Dispersal) and COS-08 (Emergency Response). The proposed replacement of (c) with the new criterion at subsection (9) below, that would require a letter from the Fire Marshal's office, is necessary as the Land Use Board of Appeals determined that (c) is not clear and objective.

- (75) The PUD complies with all of the following:

- (a) EC 9.2000 through ~~[9.3980]~~ **EC 9.4170** regarding **applicable** lot dimensions and density requirements for the subject zone **and overlay zone**. Within the /WR Water Resources Conservation Overlay Zone or /WQ Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:

\* \* \*

- (k) **All applicable development standards explicitly addressed in the application.**

An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.



The change to subsection (a) is related to COM-04 (Overlay Zone Standards) as it would extend the range of the referenced code sections to include all overlay zones.

The addition of subsection (k) is related to COM-05 (Planned Unit Development Adjustment/Modification). The proposed change would remove the modification allowance currently allowed under existing subsection (11) below (text to be deleted), but retain the ability to use approved adjustments to show compliance with applicable standards.

- (97) ~~[All proposed dwellings within the PUD are within 1/4 mile radius (measured from any point along the perimeter of the development site) of an accessible recreation area or open space that is at least 1 acre in size and will be available to residents.]~~**  
***PUDs proposed on development sites that are two acres or larger must comply with either subsection (a) or subsection (b) below:***
- (a) The PUD is located within 1/2-mile of a public park, public recreation facility, or public school (determined using the shortest distance as measured along a straight line between a point along the perimeter of the development site and a point along a property line of a public park, public recreation facility, or public school); or***
  - (b) Except as provided in EC 9.8325(8)(b)1, the PUD shall provide common open space within the development site equal to a minimum of 10 percent of the development site or 14,500 square feet, whichever is greater.***
    - 1. If the PUD includes lot areas smaller than the minimum lot area allowed in the base zone, then common open space must be provided as follows:***
      - a. If the average lot area is within 10 percent of the minimum lot area of the base zone, then the PUD shall provide common open space within the development site equal to a minimum of 15 percent of the development site or 14,500 square feet, whichever is greater.***
      - b. If the average lot area is more than 10 percent below the minimum lot area of the base zone, then the PUD shall provide common open space within the development site equal to a minimum of 20 percent of the development site or 14,500 square feet, whichever is greater.***
    - 2. Common open space shall be provided in one separate tract of land, except that developments providing more than 29,000 square feet of common open space may include up to three common open space tracts provided no tract is less than 14,500 square feet..***
    - 3. Ownership of the common open space tract(s) must be dedicated to all lot or parcel owners within the development site.***
    - 4. Each common open space tract must include a portion with minimum dimensions of 70 feet by 70 feet.***
    - 5. Common open space tracts must have a minimum of 20 feet of lot frontage along an existing or proposed public way or private street.***
    - 6. Common open space tracts do not have to meet lot standards.***

The above changes to the Tentative PUD approval criteria implement COS-04 (One Acre Assessible Open Space for PUDs). The first change revises the required distance from existing public open space from ¼ mile to ½ mile distance. The remaining revisions implement a scalable on-site open space requirement so that more common open space is required for PUDs proposing to reduce lot area below the minimum base zone standard, and clarify common open space requirements.

~~(108)~~ Lots proposed for development with one-family detached dwellings shall comply with EC 9.2790 Solar Lot Standards [~~these standards may be modified as set forth in subsection (11) below~~].

This change is related to COM-05 (Planned Unit Development Adjustment/Modification). The proposed change removes the modification allowance currently allowed under existing subsection (11) below (text to be deleted). Exceptions and exemptions to these requirements are already allowed per EC 9.2790(3) and (4).

~~(119)~~ ~~The PUD complies with all applicable development standards explicitly addressed in the application except where the applicant has shown that a modification is consistent with the purposes as set out in EC 9.8300 Purpose of Planned Unit Development.~~ **The applicant has submitted a letter from the Eugene/Springfield Fire Marshal's office stating that the proposed development complies with the applicable Eugene Fire Code (2014) requirements regarding fire apparatus access roads and fire protection water supply, or will comply subject to conditions of approval that are specified in the letter.**

This change is related to COS-14 (19 Lot Rule—Motor Vehicle Dispersal) and COS-08 (Emergency Response). The proposed replacement of (6)(c) above with this new criterion at subsection (9), that would require a letter from the Fire Marshal's office, is necessary as the Land Use Board of Appeals determined that subsection (6)(c) is not clear and objective.

~~(1210)~~ For any PUD located within or partially within the boundaries of the South Hills Study, the following additional approval criteria apply:

(a) ~~[No development shall occur on land above an elevation of 900 feet except that one dwelling may be built on any lot in existence as of August 1, 2001.]~~ **Development on any portion of the development site located above 900 feet elevation is limited by the following:**

- 1. The sum of all building area, measured using building footprints, shall not exceed 5,000 square feet on proposed new lots or parcels.**
- 2. Driveways shall not exceed 20 feet in width on proposed new lots or parcels.**

The removal of existing subsection (a) from the Tentative PUD approval criterion implements COS-05 (Limitation Over 900 Feet for PUDs). The change replaces the former limitation of one dwelling with the new density limit under subsection (c)(4) below. The proposed new language adds new limitations to reduce the impacts of development and protect the area above 900 feet elevation from an "intensive level of development" consistent with the South Hills Study.

(b) Development **on any portion of the development site located above 900 feet elevation** shall be setback at least 300 feet from the ridgeline unless there is a determination by the city manager that the area is not needed as a connection to the city's ridgeline trail system. For purposes of this section, the ridgeline ~~[trail]~~ shall be considered as the line indicated as being the urban growth boundary ~~[within the South Hills Study plan area]~~.

This revision implements COS-06 (Ridgeline Setback for PUDs). The change clarifies that the setback will now only apply to portions of the development site located above 900 feet elevation and removes redundant language.

- (e) ~~[Development shall cluster buildings in an arrangement that results in at least 40% of the development site being retained in 3 or fewer contiguous common open space areas. For purposes of this section, the term contiguous open space means open space that is uninterrupted by buildings, structures, streets, or other improvements.]~~  
*\*Renumber remaining subsections.\**

The removal of subsection (c) implements COS-07 (40% Open Space Requirement for PUDs). The intent is to instead rely on other existing regulations for lot coverage and on-site open space provisions.

- (dc) Residential density is limited as follows:
1. In the area west of Friendly Street, the maximum level of new development per gross acre shall be 8 units per acre.
  2. In the area east of Friendly Street, the maximum level of new development per gross acre shall be limited to 5 units per acre.
  3. Housing developed as Controlled Income and Rent Housing shall be exempt from the density limitations in subsections 1 and 2 above, but are subject to the other applicable development standards and review procedures.
  4. ***For any portion of the development site located above 900 feet elevation, the maximum density shall be 2.5 units per gross acre, or one dwelling per legal lot in existence as of August 1, 2001, whichever is greater.***

The addition of subsection 4. implements COS-05 (Limitation Over 900 Feet for PUDs). The change adds a new density restriction for any portion of the development site located above 900 feet elevation.

**9.8360 Planned Unit Development, Final Plan Application Requirements.** In addition to the provisions in EC 9.7010 Application Filing, the following specific requirements apply to PUD final plan applications:

\* \* \*

- ~~[(4) Public improvements as required by this land use code or as a condition of tentative plan approval have been completed, or:~~
- ~~(a) A performance bond or suitable substitute as agreed upon by the city has been filed with the city finance officer in an amount sufficient to assure the completion of all required public improvements; or~~
  - ~~(b) A petition for public improvements and for the assessment of the real property for the improvements has been signed by the property owner seeking the subdivision, and the petition has been accepted by the city engineer.]~~

**9.8365 Final Planned Unit Development Approval Criteria.** The planning director shall approve, approve with conditions, or deny a final PUD application, ***based on compliance with the following criteria:*** ~~Approval shall include a finding that the final PUD plan conforms with the approved tentative PUD plan and all conditions attached thereto.]~~

- (1) The final PUD plan conforms with the approved tentative PUD plan and all conditions attached thereto.***
- (2) For final PUDs not associated with a land division, public improvements as required by this land use code or as a condition of tentative plan approval will be completed prior to issuance of a development permit, or:***
  - (a) A performance bond or suitable substitute as agreed upon by the city has been filed with the city finance officer in an amount sufficient to assure the completion of all required public improvements; or***
  - (b) A petition for public improvements and for the assessment of the real***

***property for the improvements has been signed by the property owner seeking the subdivision, and the petition has been accepted by the city engineer.***

These changes relate to COM-03 (Bonding Requirement). The proposed changes would remove this requirement from application requirements and add the requirement to approval criteria.

**9.8440 Site Review Approval Criteria- General/Discretionary.** The planning director shall approve, conditionally approve, or deny the site review application. Approval or conditional approval shall be based on compliance with the following criteria:

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General approval criteria. The General track is proposed to be called "General/Discretionary."

**9.8445 Site Review Approval Criteria- [Needed] Housing/Clear and Objective. Unless the applicant elects to use the discretionary criteria contained in EC 9.8440 Site Review Approval Criteria- General/Discretionary, for housing applications entitled to clear and objective review pursuant to state statute, [T]the planning director shall approve, conditionally approve, or deny the site review application. [Unless the applicant elects to use the general criteria contained in EC 9.8440 Site Review Approval Criteria – General, where the applicant proposes needed housing, as defined by the State statutes, the planning director shall approve, or approve with conditions, a site review] based on compliance with the following criteria:**

These changes are related to COM-12 (Review Track Renaming) and revise code references to the currently named General and Needed Housing tracks. The General track is proposed to be called "General/Discretionary" and the Needed Housing track is proposed to be called "Housing/Clear and Objective." This change also clarifies that this section is only applicable to "housing applications entitled to clear and objective review pursuant to state statute."

**(1) ~~[The applicant has demonstrated that the proposed housing is needed housing as defined by state statutes.]~~ *The proposal complies with EC 9.5860 Transition Standards.***

This change implements COS-01 (Clear & Objective Compatibility). The replacement text points to proposed new transition standards. For ease of use and code efficiency (as the standards will apply to three application types), the new transition standards are proposed to be located under EC 9.5860 Transition Standards for Housing/Clear and Objective Applications. Applicability is clear as the approval criteria for each of the three application types will include a criterion requiring compliance with the transition standards. In addition, the transition standards start with an applicability statement that identifies the three application types and proposed uses subject to the standards.

**(3) For areas not included on the city's acknowledged Goal 5 inventory, the proposal will preserve existing natural resources by compliance with ~~[all of the following:~~**  
**(a) ~~The proposal complies with]~~ *the provisions of EC 9.6880 through EC 9.6885*  
**Tree Preservation and Removal Standards.**  
**(b) ~~Natural resource areas designated on the comprehensive plan diagram as "Natural Resource" are protected.]~~****

This change is related to COM-09 (Natural Resource Protection Requirement). The proposed change revises the criterion to remove subsection (b) per the recommendation outlined in the Draft Preferred Concepts Report.

- (4) The proposal complies with all of the following [standards]:
- (a) EC 9.2000 through [9.3980] **EC 9.4170** regarding **applicable** lot dimensions and density requirements for the subject zone **and overlay zone**.
  - (b) **EC 9.6800 through EC 9.6875 Standards for Streets, Alleys, and Other Public Ways**.

*\*Renumber remaining subsections\**

The change to subsection (a) is related to COM-04 (Overlay Zone Standards) as it would extend the range of the referenced code sections to include all overlay zones.

The proposed addition of subsection (b) is related to COM-13 (Site Review Street Standards).

- (5) Public improvements as required by this land use code or as a condition of [tentative plan] approval **will be** [have been] completed **prior to issuance of a development permit**, or:
- (a) A performance bond or suitable substitute as agreed upon by the city has been filed with the city finance officer in an amount sufficient to assure the completion of all required public improvements; or
  - (b) A petition for public improvements and for the assessment of the real property for the improvements has been signed by the property owner seeking the subdivision, and the petition has been accepted by the city engineer.

This change is related to COM-03 (Bonding Requirement). The proposed change revises the timing of the requirement for completion or bonding of public improvements to prior to issuance of a development permit.

- (6) ***If the standards addressed under EC 9.8100(4) require a public street, or if the applicant proposes the creation of a public street, the proposal will provide pedestrian and bicycle circulation to adjacent residential areas, transit stops, neighborhood activity centers, parks, schools, commercial centers, office parks, and industrial parks located within ¼ mile radius of the development site, provided the city makes findings to demonstrate consistency with constitutional requirements.***

This change is related to COM-16 (Off-Site Bike/Ped Connections). The proposed change adds a requirement that already applies to partitions, subdivisions, and planned unit developments. Minor revision to add clarity to the requirement has also been proposed.

- (7) ***The applicant has submitted a letter from the Eugene/Springfield Fire Marshal's office stating that the proposed development complies with the applicable Eugene Fire Code (2014) requirements regarding fire apparatus access roads and fire protection water supply, or will comply subject to conditions of approval.***

This change is related to COS-08 (Emergency Response). The proposed criterion would require a letter from the Fire Marshal's office to address Emergency Response concerns regarding fire apparatus access and fire protection water supply.

**9.8505 Applicability of Subdivision, Tentative Plan Applications.**

Requests to create 4 or more lots shall be subject to the subdivision provisions of this land use code under a Type II application process.

- (1) A **tentative plan application to subdivision land may be submitted and reviewed concurrently with the** ~~[application that also involves a PUD request may not be submitted until a decision on the]~~ **tentative PUD application following a Type III application procedure** ~~[approval is final]~~. **If a subdivision application that also involves a PUD request is not submitted concurrently with the tentative PUD, the subdivision application may not be submitted until a tentative PUD is approved.** (Refer to EC 9.8305 Applicability.)
- (2) **If the subdivision tentative plan application is not reviewed concurrently with the tentative PUD, no** development permit shall be issued by the city prior to approval of the **tentative** subdivision ~~tentative plan~~ application. **If the tentative subdivision is reviewed concurrently with a PUD application, no development permit shall be issued by the city prior to approval of the final PUD application.**

This change is related to COM-11 (PUD/Subdivision Concurrent Review). The proposed revisions would allow concurrent review of tentative subdivision applications when the proposal also involves a PUD.

**9.8510 Subdivision, Tentative Plan Application Requirements.** In addition to the provisions in EC 9.7010 Application Filing, the following specific requirements shall apply to tentative subdivision plan applications:

\* \* \*

- (5) If the proposal includes ~~[needed housing, as defined by State statutes]~~ **housing**, the written statement submitted with the subdivision application shall clearly state whether the applicant is electing to use the ~~[general]~~ **discretionary** approval criteria in EC 9.8515 Subdivision, Tentative Plan Approval Criteria- General/Discretionary instead of the approval criteria found in EC 9.8520 Subdivision, Tentative Plan Approval Criteria- [Needed] Housing/Clear and Objective.

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General and Needed Housing tracks. The General track is proposed to be called "General/Discretionary" and the Needed Housing track is proposed to be called "Housing/Clear and Objective." It also replaces the term "needed housing" with "housing," consistent with the state law requirement that proposals including housing, not just "needed housing," are entitled to clear and objective approval criteria.

**9.8515 Subdivision, Tentative Plan Approval Criteria – General/Discretionary.** The planning director shall approve, approve with conditions, or deny a proposed subdivision. Approval, or approval with conditions shall be based on compliance with the following criteria:

\* \* \*

- (2) Approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the development of the remainder or any adjoining land or access thereto, based on the provisions of this land use code. For subdivisions involving phasing, it shall be demonstrated that each sequential phase will maintain consistency with the provisions of EC 9.8515 Tentative Subdivision Approval Criteria – General/Discretionary.

This change is related to COM-12 (Review Track Renaming) and revises code references to the currently named General track. The General track is proposed to be called "General/Discretionary."

- 9.8520** **Subdivision, Tentative Plan Approval Criteria – [Needed] Housing/Clear and Objective. Unless the applicant elects to use the discretionary criteria contained in EC 9.8515 Subdivision, Tentative Plan Approval Criteria- General/Discretionary, for housing applications entitled to clear and objective review pursuant to state statute,** ~~the planning director shall approve, conditionally approve, or deny the subdivision application. [Unless the applicant elects to use the general criteria contained in EC 9.8515 Subdivision, Tentative Plan Approval Criteria- General, where the applicant proposes needed housing, as defined by the State statutes, the planning director shall approve or approve with conditions a subdivision]~~ based on compliance with the following criteria:
- ~~[(1) The applicant has demonstrated that the proposed housing is needed housing as defined by State statutes.]~~ *\*Renumber remaining subsections\**

These changes are related to COM-12 (Review Track Renaming) and revise code references to the currently named General and Needed Housing tracks. The General track is proposed to be called "General/Discretionary" and the Needed Housing track is proposed to be called "Housing/Clear and Objective." This change also clarifies that this section is only applicable to "housing applications entitled to clear and objective review pursuant to state statute."

The changes also relate to COM-01 (Needed Housing Criterion) as they remove subsection (1), the requirement to demonstrate that housing is 'needed housing,' consistent with the state law requirement that proposals including housing, not just "needed housing," are entitled to clear and objective approval criteria.

- (32)** The proposed subdivision complies with all of the following, unless specifically exempt from compliance through a code provision applicable to a special area zone or overlay zone:
- (a) EC 9.2000 through ~~[9.3980]~~ **EC 9.4170** regarding **applicable** lot dimensions and density requirements for the subject zone **and overlay zone**. Within the /WR Water Resources Conservation Overlay Zone or /WQ Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:

The change to subsection (a) is related to COM-04 (Overlay Zone Standards) as it would extend the range of the referenced code sections to include all overlay zones.

- ~~**(5)** [There shall be no proposed grading on portions of the development site that meet or exceed 20% slope.]~~ *\*Renumber remaining subsections.\**

The removal of subsection (5) from the tentative subdivision approval criteria implements COS-03 (20 Percent Slope Grading Prohibition). Slope stability in the context of road layout and lot locations will be addressed under the revised geotechnical requirement (see related issue COS-13 and revisions at EC 9.6710).

- ~~**(64)** The proposed subdivision provides [safe and adequate transportation systems through compliance with the following:]~~ **for the**  
~~[(a) P]~~ **provision of pedestrian, bicycle and transit circulation among buildings located within the development site, as well as to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks, and**

industrial parks, provided the city makes findings to demonstrate consistency with constitutional requirements. “Nearby” means uses within 1/4 mile that can reasonably be expected to be used by pedestrians, and uses within 2 miles that can reasonably be expected to be used by bicyclists.

~~[(b) The street layout of the proposed subdivision shall disperse motor vehicle traffic onto more than one public local street when the subdivision exceeds 19 lots or when the sum of proposed subdivision lots and the existing lots utilizing a local street as the single means of ingress and egress exceeds 19.]~~

This change is related to COS-14 (19 Lot Rule—Motor Vehicle Dispersal) and COS-08 (Emergency Response). The proposed replacement of subsection (b) with the new criterion at subsection (10) below, that would require a letter from the Fire Marshal’s office, is necessary as the Land Use Board of Appeals determined that subsection (b) is not clear and objective.

- (75)** For areas not included on the city’s acknowledged Goal 5 inventory, the subdivision will preserve existing natural resources by compliance with ~~[all of the following:~~
- ~~(a) The proposal complies with]~~ **the provisions of EC 9.6880 through EC 9.6885 Tree Preservation and Removal Standards.**
  - ~~[(b) Natural resource areas designated on the comprehensive plan diagram as “Natural Resource.”]~~

This change is related to COM-09 (Natural Resource Protection Requirement). The proposed change revises the criterion to remove subsection (b) per the recommendation outlined in the Draft Preferred Concepts Report.

- (9) *The applicant has submitted a letter from the Eugene/Springfield Fire Marshal's office stating that the proposed subdivision complies with the applicable Eugene Fire Code (2014) requirements regarding fire apparatus access roads and fire protection water supply, or will comply subject to conditions of approval.***

This change is related to COS-14 (19 Lot Rule—Motor Vehicle Dispersal) and COS-08 (Emergency Response). The proposed replacement of subsection (6)(b) above with this new criterion at subsection (9), that would require a letter from the Fire Marshal’s office, is necessary as the Land Use Board of Appeals determined that (6)(b) is not clear and objective.